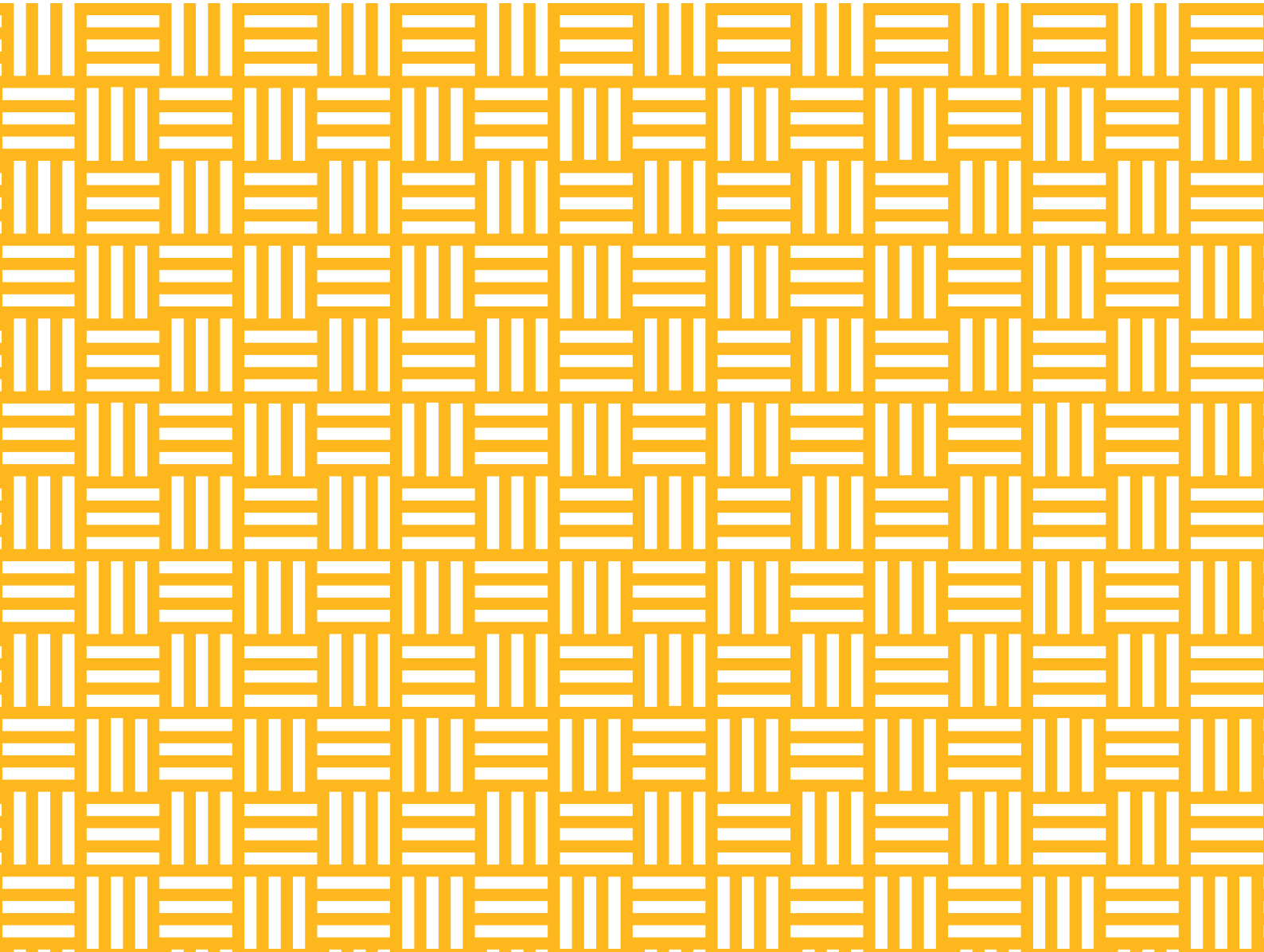




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# **NORTH MACEDONIA**

## **Indicators on the level of media freedom and journalists' safety in 2020**





**NORTH MACEDONIA**  
**Indicators on**  
**the level of**  
**media freedom**  
**and journalists'**  
**safety in 2020**

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# Project Overview and Scope

For the fifth year in a row, journalists' associations from the Western Balkans (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, and Serbia) with the support of the European Commission<sup>1</sup> have been monitoring the development of media freedoms and the safety of journalists in their countries. In 2020, In 2020, the additional two countries made such an assessment Albania and Croatia. The research methodology, developed in 2016,<sup>2</sup> has been refined over the years to standardize the data collection and analysis process, and to adjust the research focus to developments in the traditional and digital media environment in the Western Balkans. Based on these standardized research tools, journalists' associations and trade unions assessed the latest developments in their countries and engaged in various advocacy activities to improve the political, legislative, and institutional environment in which journalists and media operate.

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- <sup>1</sup> In December 2019, the European Commission approved a three-year [Safejournalists.net](#) project, aimed at strengthening national journalism organizations in the Western Balkans to become effective, responsible, and independent actors in advocating for the EU standards in the field of media freedom, with the long-term goal of improving the right of citizens to informed choice. This action represents an improvement of the previous project (Regional Platform for Advocacy for Media Freedom and Safety of Journalists in the Western Balkans) and is based on the knowledge and experience gained in the period 2016-2018. The project is supported through the Civil Society and Media Assistance Program 2018-2019, Support to regional thematic networks of civil society organizations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.
  - <sup>2</sup> The fifth edition of the research methodology, which was adopted for this advocacy research project, was developed by Snezana Trpevska and Igor Micevski, researchers from the RESIS Institute for Social Development Research in Northern Macedonia ([www.resis.mk](http://www.resis.mk)).

# Methodological Note

The research methodology is composed of three groups of indicators structured on the basis of a systematic analysis of various guidelines produced by relevant international organizations<sup>3</sup>. In the course of the past years, the originally developed indicators have been tested and refined to address the distinctive socio-political context in this region and to reflect the specific needs and interests of the journalists in seven countries.

A range of various research methods was applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies, and other documents;
- Qualitative analysis of legal documents;
- Collection and analysis of information published on the websites of public institutions and other organizations and bodies;
- Collection and analysis of press releases, notices, and other information published by professional organizations;
- Secondary data collected by journalists' associations and trade union;
- In-depth-interviews with experts, journalists, and policy makers;
- Focus groups with journalists; and
- Surveys with journalists (in some countries).

At the national level, journalists' associations nominated national researchers to carry out the data collection and draft narrative reports, which were then reviewed by national experts and lead researchers. In North Macedonia the Association of Journalists of Macedonia appointed Milan Spirovski and Verce Todorovska-Kostovska as national researchers and Marina Tuneva as media expert to review the report.

Three groups of indicators used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the Table below.

*Table 1: Indicators of the level of media freedom and journalists' safety*

<b>A. Legal protection</b>	<b>B. Journalists' position in the newsrooms</b>	<b>C. Journalists' safety</b>
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and impunity statistics
A.2 The effect of defamation law on journalists	B.2 Editorial independence in the private media	C.2 State institutions' and political actors' behaviour concerning journalists' protection
A.3 Protection of political pluralism in the media	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A.4 Freedom of journalists' work and association	B.4 Editorial independence in the non-profit media sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Right to access to information	B.6 Economic position of women journalists	

<sup>3</sup> The following documents were taken into consideration while developing the specific research approach for the Western Balkans countries: Council of Europe: *Indicators for Media in a Democracy*; UNESCO: *Media Development Indicators (MDI) and Journalists' Safety Indicators: National level*; USAID – IREX: *Media Sustainability Index*; Freedom House: *Freedom of the Press Survey*; BBC World Service Trust: *African Media Development Initiative*; Committee to Protect Journalists: *Violence against journalists*; Reporters without Borders: *World Press Freedom Index*.





The Constitution of the Republic of North Macedonia is the highest legal act that defines the state as parliamentary democracy with legislative, executive, and judicial power. Freedom, equality, the rule of law and respect for the human rights of all citizens are the highest values in the constitutional order of the country. As a rule, after each parliamentary election, the political parties from the Macedonian and Albanian blocs that won the most votes in the elections form the government. The last census was conducted in 2002, when the total population of the country was 2,022,547 inhabitants, with different ethnicities: Macedonians 65,17%, Albanians 25,17%, Turks 3,85%, Roma 2,66%, Serbs 1,78%, and smaller percentage of members of other ethnic communities (Bosniaks, Vlachs, Bulgarians, Montenegrins, etc.). The COVID-19 pandemic is global shock that has not spared the Western Balkans either. The final damage, in terms of loss of life and the economy, is still difficult to estimate, but early estimates predict a 4 per cent to 6 per cent drop in the region's gross domestic product (GDP). Thousands of citizens are at risk of losing their jobs, and interim government support measures (unemployment benefits, tax deferrals/waivers and social security contributions, etc.) have significant fiscal implications.

The political situation in 2020 was very tense, especially due to corruption scandals involving high-ranking public officials and the early parliamentary elections held in July following the temporary cessation of the COVID-19 pandemic. After the elections, a government was formed led by the Social Democratic Union of Macedonia (SDSM), in coalition with the Democratic Union for Integration (DUI) and other smaller political entities. Tensions between political parties continued after the elections and were clearly reflected in the political polarization of much of the media. The implementation of systemic reforms in the media sector, despite the newly formed parliamentary composi-

tion, was still blocked in the Parliament of the RNM. The year is marked by increasing number of online threats and attacks on journalists and the ineffectiveness of institutions in punishing attackers. AJM recorded 14 attacks and threats, most of them against journalists. Only one of these cases has been resolved in Skopje courts. Due to the economic crisis caused by the pandemic, the media market and the social standard of journalists and media workers have further deteriorated. The average salary of journalists is still lower than the national average, and the salaries of journalists at smaller cities are especially low. Although 2020 was particularly difficult for the media due to declining advertising revenues, the Government and the media regulator to some extent, have mitigated the negative effects of the economic crisis through various forms of direct and indirect subsidies. Additional source of revenue was the means of political advertising during the election campaign, but there is general concern that this undermines the independence of media editorial policy. Journalists and media workers remain economically insecure and there are almost no collective agreements to protect their labour rights. There is lack of official information regarding the total number of employed journalists, but, according to AJM estimates, there are about 1,000 journalists working in the country in all types of media, including the public service.

The media find it difficult to survive in the small but crowded media market. Regulator's analyses indicate that the budgets are shrinking, with a dozen broadcasters shutting down last year. At the beginning of 2020, 121 broadcasters operated in the audio-visual sector, out of which 49 TV and 72 radio stations. Eleven broadcasters broadcast TV programs nationwide (5 terrestrial, 4 cable and 2 satellite televisions), 18 regionally and 19 locally. Within the radio stations, only 4 broadcast programs nationally, 17 at the regional level and over 50 at the local level. In 2019, the printed edition of the daily newspaper *Nezavisen* ceased to function, leaving 5 daily newspapers on the market (3 in Macedonian and 2 in Albanian), and over 170 online media operate in the online sphere, out of which about 140 are members of the Registry of Professional Online Media.

### **A1 Legal guarantees for media and journalists' freedom and their application in practice**

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Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet?  
Are the legal guarantees implemented in practice?

Apart from the Constitution, the basic guarantees for freedom of expression and independence of the media are incorporated in the media and in several other laws. All these laws include the right to access the Internet, i.e., there is no special regulation that regulates only the Internet. The assessment for the application of these guarantees is not positive, primarily because, compared to 2019, the number of registered threats and attacks on journalists and media was four times higher, with more than half being attacks on women journalists.<sup>4</sup> In 2020, the COVID-19 crisis further worsened the financial situation of the media due to declining commercial advertising revenues. The RNM government introduced series of measures to help the media sector, but their effects could not be seen as the pandemic crisis continued until the end of the

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<sup>4</sup> Dragan Sekulovski and Deniz Sulejman, "North Macedonia Indicators of the degree of media freedom and the safety of journalists", Skopje: AJM, 2019, accessed 18.12.2020, <https://safejournalists.net/wp-content/uploads/2020/12/MK-MK-2019.pdf>

year. However, in 2020 the country ranked higher on the Reporters without Borders<sup>5</sup> scale, out of 180 countries it was ranked 92nd, which is three places higher than in 2019.

**Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?**

The Government of RNM, during the state of emergency caused by the covid-19 pandemic, in early April 2020, adopted several amendments to the Law on Audio and Audiovisual Media Services, in insufficiently transparent and inclusive manner. It was initiated after the conflict between the cable and national televisions and after the Assembly of the RNM adopted amendments to the Law a few minutes before the dissolution in February 2020. After the early parliamentary elections on July 15, 2020, the new parliamentary composition did not implement the announced activities for election and appointment of the governing decision-making bodies in MRT and the Agency for Audio and Audiovisual Media Services (AAAVMS). At the end of 2020, AJM was involved in working groups to amend the Law on Civil Liability for Defamation and Insult and was consulted on amendments to the Criminal Code regarding greater protection of journalists and media workers. However, essential remark of AJM is that the process of amending these laws is slow and without a timeframe set for adoption for implementation.<sup>6</sup>

**Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and Internet-based media? Do these requirements go beyond a mere business and tax registration?**

There are no specific requirements for establishment of print or online media in the country, except for the usual procedure for registration of the media as business entity before the competent authorities. Neither print nor online media are subject to media legislation, i.e., the prevailing view in the media community is that they should be subject to self-regulation. In order to strengthen self-regulation in the media, as well as in order to raise the level of professionalism and standards for online journalism, AJM and the Council of Media Ethics of

Macedonia (CMEM) continued with the promotion of the Registry of Online Media,<sup>7</sup> established in December 2019. It was welcomed by the European Federation of Journalists, the OSCE Office in Vienna, and the US Embassy in Skopje and pointed out in the European Commission Report<sup>8</sup> as a good practice. During 2020, the efforts for promotion of the self-regulation of the online media in the country continued. The number of newly registered members in the Registry of Professional Online Media in 2019 was 72, and at the end of 2020, it increased to 138 members.

**Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?**

Same as in the previous year, in 2020 no attempt was registered for blocking or filtering Internet content by the Government or any other state body. The assessment is that citizens, media and other organizations freely use the right to freedom of expression within the Internet space.

**Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?**

In the past year, the Association of Journalists of Macedonia has not noted criticism of the functioning of the Agency for Audio and Audiovisual Media Services (AAAVMS), which were common in recent years. The work of AAAVMS can be assessed as independent and objective without discriminatory attitude towards certain audiovisual media. However, the OSCE and ODIHR Report<sup>9</sup> on the RNM Parliamentary Elections on 15 July 2020 noted, “significant improvements in media freedoms in recent years have not been reinforced by systematic media sector reforms, such as ensuring political neutrality of the public broadcaster and the media regulator.”

5 Reporters Without Borders, “North Macedonia: Reporters Without Borders 2020 Report”, Paris: 2021, accessed 15.04.2021, <https://rsf.org/en/north-macedonia>

6 Although the amendments to the Law on Civil Liability for Defamation and Insult were foreseen in the “Plan 18” of 2018, the working group of the Ministry of Justice, which was established in June 2019, started working only at the end of 2020.

7 Register of Professional Online Media – Promedia, [www.promedia.mk](http://www.promedia.mk)

8 European Commission, “Report from the European Commission for North Macedonia for 2020”, Brussels: 2020, accessed 15.11.2020, <https://www.sep.gov.mk/post/?id=5657#YAGhuthKjIU>

9 OSCE/ODIHR, “The Republic of North Macedonia : Early Parliamentary Elections 15 July 2020 (Final Report)”, Warsaw: 2020, accessed 25.10.2020, <https://www.osce.org/files/f/documents/0/a/471672.pdf>

Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair and non-discriminatory? Do the state institutions regularly publish the data on the amounts allocated to different media?

The issue of state advertising is not regulated in the media laws, and in 2016, the SDSM Government decided on complete moratorium on state advertising at the request of AJM and the non-governmental sector. In past years, this decision was respected, but at the local level, municipalities and public enterprises still allocated funds from budgets for private local media, which undermined their independent position. In 2020, the Government announced the possibility of lifting the ban on advertising with public funds in private media. It was severely criticized by AJM and other journalists' and media organizations, as it could jeopardize the editorial independence of the media, further undermine and the already vulnerable media market and to strengthen clientelism.

*The Association of Journalists of Macedonia (AJM), the Independent Trade Union of Journalists and Media Workers (SSNM), the Macedonian Media Institute (MIM) and the Council of Media Ethics (CMEM) strongly emphasize their opposition to possible amendments to Article 102 of the Law on Audio and Audiovisual Media Services, which would allow advertising of public institutions in the media. AJM, SSNM, MIM and CMEM consider that it is inadmissible for the situation in the media industry to be returned to the level of four years ago, when huge amounts were paid to the media in non-transparent manner without any criteria. This practice, which we opposed, was assessed as bad example of state bribery of the media and contributed to the deterioration of the situation in the media and increased bias in their reporting. This reaction<sup>10</sup> of the four organizations followed the announcement of the Prime Minister Zoran Zaev that "soon a proposal will be given by MISA to repeal Article 102 of the Law on Audio and Audiovisual Media Services, i.e., its change so that we can help the media by reaching agreements with public enterprises, municipalities, etc., in terms of their transparency and implementation of their decisions, such as board meetings, councils, etc."*

If such proposal is accepted, it will not lead to any improvement in the situation in the media and freedom of

<sup>10</sup> AJM, SSNM, CMEM and MIM, "The Law on state advertising in the media must not be allowed", Skopje: 2020, accessed 17.12.2020, <https://znm.org.mk/en/the-law-on-state-advertising-in-the-media-must-not-be-allowed/>

information, but on the contrary, it will further disrupt the already vulnerable media market and strengthen clientelism. At the same time, AJM's position is that it is necessary to help the media, especially when the monetary crisis has increased, but it should be in transparent manner by establishing media fund with clearly defined criteria, where any media could apply for projects of public interest.<sup>11</sup>

Are there any types of media subsidies or funds for production of media content of public interest and how are they implemented in practice?

At the height of the pandemic caused by covid-19, a Program for support of printing and distribution of print media for 2020 was adopted<sup>12</sup> at the 25th regular session of the Government, in the amount of 30 million denars, which is significantly lower than in the past years.<sup>13</sup> The Program<sup>14</sup> is implemented for the third year in a row, in order to support the print media of informative type. The allocation of funds, for which there is no mechanism to check how they are used, is decided by the Commission, which, in addition to representatives of the competent institutions, also includes one representative of the Association for Protection of National Print Media and the Association of Journalists. The Commission made decision based on clearly defined criteria, and the amount of approved support is determined based on the submitted invoices for the 2019 calendar year.

During the pandemic, the Government decided<sup>15</sup> to provide direct subsidies to all media, to pay social security contributions for the salaries of journalists and other media workers. In addition, the Government issued several decrees granting indirect subsidies to the broadcast media: televisions whose programs are transmitted via digital multiplex were exempted from paying the transmission costs for the entire 2020. The radio stations were exempted from paying fee for radio frequencies and for broadcasting the programs through the net-

<sup>11</sup> AJM, "Public media campaigns should be free", Skopje: 2021, accessed 27.02.2021, <https://znm.org.mk/en/public-media-campaigns-should-be-free/>

<sup>12</sup> Government of RNM, "Soopštenie od 25-ta sednica na Vladaata", (Announcement from the 25th session of the Government)", Skopje: 2020, accessed 15.12.2020, <https://vlada.mk/node/23392>

<sup>13</sup> Government of RNM, "Programa za podrška za pechatenje i distribucija na pechateni medijumi za 2018 godina", (Program for support of printing and distribution of print media for 2018), Skopje: 2018, accessed 24.12.2020, [https://vlada.mk/sites/default/files/img/prezentacija\\_-\\_programa\\_za\\_pechateni\\_medijumi.pdf](https://vlada.mk/sites/default/files/img/prezentacija_-_programa_za_pechateni_medijumi.pdf)

<sup>14</sup> Government of RNM, "Programa za podrška za pechatenje i distribucija na pechateni medijum za 2020 godina", (Program for support of printing and distribution of print media for 2020), Skopje: 2020, accessed 30.12.2020, <https://vlada.mk/node/23762>

<sup>15</sup> Decision of the Government of RNM, 02.04.2020, <https://vlada.mk/node/20837>

work of the public enterprise Macedonian Broadcasting. However, the decision-making process for these subsidies was highly controversial. The national televisions negotiated directly with the Government (behind closed doors) with request to receive subsidies only themselves, and then, following the reaction of the regional and local media and radio stations, the decision was amended and applied to all broadcasters. The regulatory body also decided to exempt all private radio and television stations from paying the license fee for 2019 and 2020 and granted financial assistance to the public service broadcaster for 30 million denars.<sup>16</sup>

In April 2020, The Association of Journalists (AJM) and the OSCE Mission to Skopje, provided protection packages for the media in North Macedonia. Each of the packages that were distributed to the media contained protective masks, gloves, glasses, disinfectants etc. Mladen Cadikovski, President of AJM, said that information, especially in conditions of pandemic, is important and that journalists should be protected in order for the real news to reach the citizens.<sup>17</sup>

#### What are the mechanisms for financing media in the languages of national minorities?

Apart from radio and TV programs in the languages of the ethnic communities, within the public service broadcaster, there are no other mechanisms for financing the media in the languages of the different ethnic communities. The media that publish content in the languages of the non-majority communities in RNM are not attractive to advertisers, so they have been facing financial difficulties for years to survive in the market. There is lack of appropriate media policy to solve this problem, which is reflected in the overall pluralistic picture in the media in RNM.

#### Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?

Public service reform was one of the key demands of the non-governmental sector for implementing comprehensive reforms in the media sphere. This reform was partly conditioned by the increase of the budget of this medium, as well as by the election of the new members of the Program Council of the Macedonian Radio and Television (MRT). The financing of MRT was thoroughly changed in 2018, when it was transferred from the broadcasting fee (public fee) to fixed percentage of the Budget of RNM, in order to ensure long-term and stable financing. Nevertheless, MRT is still facing financial problems due to the indebtedness from previous years, and the fact that the Government does not pay MRT in full the funds according to the dynamics provided by law. According to AJM calculations, MRT in 2021, with the reduction of the budget, will have the lowest income in the last three years.

On the other hand, with the amendments to the Law on Audio and Audiovisual Media Services, the Macedonian Radio-Television received greater program obligations. It is obliged to open another 24-hour channel in Albanian language, which will increase the total number of TV channels to 5 and will have additional financial repercussions on its work. In the period of the covid-19 pandemic, the most significant is the opening of the children's channel, which offers more educational program for students.

*The reform of the public broadcasting service is at the early stage and the Assembly of RNM should give it a priority. According to the Law on Audio and Audiovisual Media Services, the amount of public financing of the public broadcasting service is defined as percentage of the state budget, with gradual increase over time (up to 0.8% in 2019; up to 0.9% in 2020; 1% as of 2021). Due to the discretionary powers of the authorities provided by law, the transfer of funds continued to be performed at lower percentage (about 0.6%), despite the fact that additional channels were opened in early April 2020. Therefore, the financial independence and sustainability of the public broadcaster remain in question. It is equally important to find solutions to the old debts of the public service broadcaster to state institutions. Additional efforts are needed to improve the quality of its reporting and to modernize its operating procedures and technical equipment. The programs for children were broadcasted on both national chan-*

16 AAVMS, "Odluka za dodeluvanje finansiska pomos – donacija za spravlvanje so posledicite od koronavirusot COVID-19"; (Decision on granting financial assistance donation to deal with the consequences of the pandemic with covid-19), Skopje: 2020, accessed 15.09.2020, <https://avmu.mk/wp-content/uploads/2020/03/Odluka-za-dodeluvanje-finansiska-pomos-donacija-koronavirus.pdf>

17 AJM, "AJM and OSCE: Protective Equipment Provided for Journalists and Media Workers", Skopje: 2020, accessed 20.09.2020, <https://znm.org.mk/en/ajm-and-osce-protective-equipment-provided-for-journalists-and-media-workers/>

nels, in support and complement of the educational process that was disrupted by the pandemic.<sup>18</sup>

The body that should actually design and implement the reforms in MRT is the Program Council, but the election of new members, as one of the key requirements for raising the level of independence of MRT, did not happen in 2020 either. Instead, the Assembly decided to extend the mandate of the existing members, without conducting new election procedure. This body prepared draft strategy for five-year development of MRT and conducted consultations, in which AJM and other relevant organizations and experts gave their proposals and remarks. It was emphasized in the consultations that it is positive that the Program Council decided to adopt development strategy, but that serious elaboration of this document is needed.

## **A2 The effect of defamation laws on journalists**

Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws?

The acts of defamation and insult were decriminalized in 2012, with the adoption of the Law on Civil Liability for Insult and Defamation. In 2020, the Ministry of Justice established working group to amend this Law, in which representatives of AJM also actively participated. Several meetings were held, and in December 2020, new text was prepared to amend the Law in which almost all proposals of AJM were accepted to reduce the amount of non-pecuniary damage due to a fault of journalist and supplement the parts for exclusion from liability for defamation and insult. The purpose of the AJM proposals was to make the provisions of this Law more favourable for journalists, in terms of reducing the penalties, in order not to affect negatively free and critical journalism. In addition, during the discussions in the working group, AJM emphasized the view that care should be taken with the provisions of this Law not to jeopardize the right to freedom of expression on the Internet, especially regarding the risk of excessive regulation of online content portals.

How many lawsuits have been initiated against journalists by state officials and politicians in the past year? To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed?

Defamation and insult lawsuits against journalists and media have dropped dramatically since defamation and insult were decriminalized. Thus, in 2016, there were 40, and next year 39 cases, which is huge difference compared to 2012, when 330 lawsuits were registered.<sup>19</sup> According to the data received from the Basic Civil Court Skopje, the total number of active cases in civil liability lawsuits for insult and defamation in 2020 was 147, out of which in 33 cases the party is journalist or media. This shows that there are less and less cases of defamation and insult against journalists, i.e., that defamation and insult are less and less used as instrument of pressure on journalists and the media.

Do the courts recognize the established self-regulatory mechanism (if any)? Do they accept the validity of a published or disseminated reply, correction or apology?

According to AJM's attorneys representing journalists in court cases of defamation and insult, judges generally take into account the decisions of the Council of Media Ethics (the media self-regulatory body) while conducting court proceedings. In addition, there is a growing practice for lawyers to use CMEM's decisions in court proceedings as additional argument in favour of journalists. In addition, the explanations of judgments, in which at least one of the parties is journalist, often cite cases from the European Court of Human Rights, which is progress compared to the past.

*– According to personal practical experience in representing journalists in civil proceedings to determine liability for insult and/or defamation and compensation for non-pecuniary damage, in general, the practice in recent years with the courts in RNM is positive in terms of protection of freedom of expression and application of the case law of the Strasbourg Court of Human Rights. The practice of the courts in RNM in the last few years is to avoid awarding monetary compensation for non-pecuniary damage caused by mental pain from insult and/or defamation, especially to defendant journalists, which is positive step for the judges themselves. However, we still do not have harmonized*

<sup>18</sup> European Commission, "Report from the European Commission for North Macedonia for 2020", Brussels: 2020, accessed 15.11.2020, <https://www.sep.gov.mk/post/?id=5657#YAGhutKjIU>

<sup>19</sup> AJM, "Analysis: Verdicts for Defamation and Insults in Cases Involving Journalists", Skopje: 2018, accessed 16.09.2020, <https://znm.org.mk/en/analysis-verdicts-on-defamation-and-insults-in-cases-involving-journalists/>

*practice in all appellate areas in RNM, in relation to the submitted psychiatric expertise by the plaintiffs themselves, which determines the intensity and duration of emotional pain caused by insult and/or defamation. Ivan Breskovski, legal expert and lawyer.<sup>20</sup>*

**What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?**

Journalists who were part of the focus groups<sup>21</sup> conducted for the purposes of this analysis believe that defamation and insult lawsuits have been used more as tool to pressure them in the past. However, today there is still pressure on journalists by the financial powers.

*A journalist who participated in the focus groups testified about case of pressure from financial powers:*

*– We were under pressure when we investigated the COVID-19 tests performed by the Sistina Hospital. We had answer to our text, which was not denial at all, but was defamatory text, in which we were called profiteers and non-professionals and, unfortunately, large part of the media reported it. We had answer to this, which was followed by a direct threat; it was even written that he would file criminal charges for that text. We know how the colleagues and the media work, that there are many ads from “Sistina” and they conveyed this reaction, and they did not convey our text, but Kamchev’s reaction.*

### **A3 Protection of political pluralism in the media**

**Is political pluralism in the media regulated by media legislation outside the election processes? What are the obligations of the PSB and what of the private broadcasters concerning political pluralism outside election processes?**

The Law on Audio and Audiovisual Media Services does not explicitly mention “political pluralism” as obligation of providers of audio and audiovisual media services when it is not election campaign time. However, the principles for performing the activity contain provi-

sion,<sup>22</sup> and it is applied to all broadcasters and the regulator uses as basis for monitoring their reporting in the period from the announcement of the elections until the formal start of the election campaign, when the provisions provided in the Electoral Code are applied. The obligations for MRT, in relation to this issue, except in the article on the principles for performing the activity, are also provided in article 110.<sup>23</sup>

**Is the regulatory authority obliged to monitor and protect political pluralism outside election processes?**

Although there is no explicit obligation of the regulator to monitor political pluralism outside the election campaign, the general competencies of the regulator state that it “takes care of the protection and development of the pluralism of audio and audiovisual media services”, which includes this aspect of political pluralism. In recent years, the Regulator has conducted analyses of political pluralism outside the election period and has adopted separate Manual.<sup>24</sup>

*An issue of concern from the point of view of the protection of political pluralism is paid political advertising, which is not explicitly prohibited by law outside the elections. This vacuum in the legislation, in the past, was abused in the form of the so-called advertising the achievements of the ruling party, but with funds from the Budget. The position of AJM is that paid political advertising in the audiovisual media should be abolished at any time, because in that way the owners of the media are “bribed”, the editorial policy of the media is negatively affected, it also “shifts” the balance of opposing views in the public sphere. This is the more so since the political parties have the opportunity to lease the media space with public funds, having in mind that they are now predominantly financed from the Budget of RNM. In order to overcome this practice, interventions are needed in both the Law on Audio and Audiovisual Media Services and the Electoral Code, in order completely to ban paid political advertising in private media at any time.*

<sup>20</sup> Interview with Ivan Breskovski, legal expert and lawyer, conducted on 10.12.2020.

<sup>21</sup> For the needs of this research, two focus groups were conducted with a total of 17 journalists. The first focus group was conducted on 24.12.2020 with journalists from 7 media, and the second on 29.12.2020 with journalists from 6 media.

<sup>22</sup> Article 61 of the Law on Audio and Audiovisual Media Services regulates the principle of “objective and impartial presentation of events with equal treatment of different views and opinions and enabling the free formation of the public opinion on certain events and issues.”

<sup>23</sup> Article 110, *inter alia*, establishes the obligation of the public service: “to provide continuous, truthful, complete, impartial, fair and timely information by creating and broadcasting high quality programs for all important political, economic, social, health, cultural, educational, scientific, religious, environmental, sports and other events and happenings ...”

<sup>24</sup> AAAMVS, “Priracnik za ocenuvanje na mediumskiot pluralizam”, (Handbook for Assessing Media Pluralism), Skopje: 2012, accessed 10.09.2020, [https://aymu.mk/wp-content/uploads/2017/05/Priracnik\\_1\\_Pluralizam\\_finalna.pdf](https://aymu.mk/wp-content/uploads/2017/05/Priracnik_1_Pluralizam_finalna.pdf)



## Do political parties and candidates have fair and equal access to media outside election processes?

As in 2019, so in 2020, neither the regulator nor any other organization has conducted analysis of political pluralism in the news, so it is difficult to answer precisely whether political parties have fair access to audiovisual media outside elections. However, the general assessment of media experts interviewed for the purposes of this analysis is that the situation today has significantly improved compared to the period until 2016, when the most influential audiovisual media constantly reported under the influence of the ruling party. However, although the broadcast media as a whole report on the numerous different current political views, the fact that the daily news shows are still dominated by the “fights” of the leading parties is worrying.<sup>25</sup> The print and online media, on the other hand, have more freedom in choosing political or ideological position, so it is expected that individual political entities will gain greater access there.

## What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The Electoral Code regulates political pluralism during the election campaign, both for the public service and the private media, and the regulatory body is authorized to monitor the coverage of the broadcast media. The provisions of the Electoral Code on the obligations of the Public Broadcasting Service in achieving balance in the daily news programs are extremely complex. Namely, MRT, in addition to the principle of proportionality, according to which all other broadcasters should be guided, must structure the news according to complicated formula: 30 percent articles on daily events from the country and the world, 30 percent on the activities of political parties in power, 30 percent for the activities of the political parties from the parliamentary opposition and 10 percent for the activities of the political parties that are not represented in the Parliament. According to AAAMVS, “this rigid mathematical formula has shown its weaknesses in these elections as well ... and it is excessive burden, forcing the Public Service to

25 In the in-depth interview conducted on 12.12.2020, Dejan Georgiev from the Centre for Media Development emphasizes: “It seems to me that the broadcasters are making great efforts to consult the views of the leading parties on every possible issue. If they have interviewed a leader of a ruling political party, they try to interview the opposition leaders immediately. A good part of the news refers to pseudo-events, i.e., ‘fights’ between political parties by quoting statements from press conferences, in principle, some will come out and accuse, others will deny and return with their accusations, or with reminders who what he was doing when he was in power.”

concentrate on the form counting seconds, and only after that on the essence journalistic reporting.”<sup>26</sup>

## Do political parties and candidates have fair and equal access to media during election campaigns?

With the conducted monitoring of the early parliamentary elections held on July 15, 2020, AAAMVS concluded that the public service broadcaster on the four program services provided balance in the news, fulfilling the double formula for division of time. AAAMVS concludes that none of the commercial televisions has managed fully to implement the principle of reporting in proportion to the number of confirmed candidates’ lists and the intensity of the campaign. Some of the televisions made efforts to cover most of the campaign participants, and some concentrated on few of them.<sup>27</sup> The results of the OSCE/ODIHR monitoring confirm that the public service broadcaster has sought to provide access to both the leading and smaller parliamentary and extra-parliamentary parties. On the other hand, the private media focused on the main political parties and, to lesser extent, on the smaller parliamentary parties, while the visibility of the non-parliamentary parties was very low.<sup>28</sup>

## **A4 Freedom of work and association of journalists**

### Do journalists have to be licensed by the state to work? Were there any attempts in the past year to introduce licenses by the state?

In the Republic of North Macedonia, the journalistic profession is not subject to licensing, but the problem is that the Law on Media still contains definition of the term journalist.<sup>29</sup> AJM and other media organizations, since the adoption of LAAMS in 2013, reacted that this may limit the free practice of the journalistic profession. Determining

26 AAAMVS, “Pregled na povedeni prekrsočni postapki od AVMU za parlamentarnite izbori 2020 godina”, (Review of initiated misdemeanour proceedings by AAAMVS for the parliamentary elections 2020), Skopje: 2020, accessed 11.12.2020, <https://avmu.mk/2020-2/>

27 AAAMVS, “Izvestaj od izbornoto medijsko predstavuvanje (24 Juni –12 Juli 2020)”, (Report on the Election Media Presentation June 24–July 12, 2020), Skopje: 2020, accessed 11.12.2020, <https://avmu.mk/2020-2/>

28 OSCE/ODIHR, “The Republic of North Macedonia: Early Parliamentary Elections 15 July 2020 (Final Report)”, Warsaw: 2020, accessed 25.10.2020, <https://www.osce.org/files/f/documents/0/a/471672.pdf>

29 In Article 2, the term journalist is defined as “a person who collects, analyses, processes or classifies information published in the media and is employed in the media or has a contract with them, or a person who carries out journalistic activities as an independent profession (freelance journalist).”

who is journalist and who can be journalist must not be subject to law, i.e., it is matter of self-regulation.

Have journalists been refused the right to report from certain events on the ground of not having an accreditation?

In 2020, during the press conferences of the Minister of Health related to the pandemic, the presence of some journalists and the media was limited, i.e., there were cases when some journalists were prevented from asking questions. AJM reacted that with this practice of organizing online press conferences, journalists are not completely free to ask questions, nor to comment on the answers given.<sup>30</sup> Later, direct access to the press conferences was allowed only to the media that are part of the Register of AJM and CMEM. The AJM again reacted publicly indicating that the purpose of the Register is to respect journalistic standards and encourage professional journalism and cannot serve as basis for selecting media outlets that will be allowed to report from government press conferences.<sup>31</sup>

*In order to protect against the spread of the coronavirus infection, in March 2020, the Government adopted a decree,<sup>32</sup> which during the curfew gave journalists and media workers freedom of movement after 9 pm, based on permit issued by the Ministry of Information society and administration.*

*On June 7, 2020, at around 7 pm, the journalist Biljana Sekulovska, Editor of the online media Nova ([www.novatv.mk](http://www.novatv.mk)), while performing her professional duties, photographed police patrol that performed checks during curfew. Even though Sekulovska introduced herself to the police and showed permission for freely move during curfew, police officers forbade her to film them and rudely threatened to sue her because, according to them, it was not allowed to film police officers. However, after the complaint sent by AJM, the Internal Control of the Ministry of Interior determined illegal actions of the police officers for obstructing the*

*journalist Biljana Sekulovska in performing her professional duties.<sup>33</sup>*

Are journalists organised in professional associations and if yes, how? Are there pressures on their organisation or on individual members?

Most journalists are organized in professional associations. The largest and oldest association is the Association of Journalists of Macedonia (AJM), founded in 1946 and member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ). The number of AJM regular members in the middle of 2018 was 680, and in October 2019, this number increased to 860 members. As result of the pandemic and the restriction of the movement of citizens and journalists in 2020, there is a slight decline of the regular members of AJM. The number of members at the end of 2020 was 577.

Are journalists organised in trade unions and if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?

Regarding the protection of workers' rights, journalists and media workers are organized within the Independent Trade Union of Journalists and Media Workers-SSNM, which is independent and is not part of any trade union organization at the national level. There is also special union of the public broadcasting service, which is not part of the SSNM. According to SSNM representatives, the most common form of pressure on union members' journalists is when media owners or managers avoid calculating union membership fees from journalists' salaries, causing them to lose their union status.

Is there a Press Council and how is it organised? Are there pressures on the representatives of the Press Council?

The Council of Media Ethics (CMEM) is self-regulatory body, which exists since December 2013 and in which, on voluntary basis, media publishers are members. A condition for membership in CMEM is the adherence to the principles and ethical standards of the Code of Journalists and the acceptance of the Statute of CMEM. The members of CMEM are thus obliged to be active-

30 AJM, "Freedom of expression must be guaranteed even in times of emergency"; Skopje: 2020, accessed 11.10.2020, <https://znm.org.mk/en/ajm-freedom-of-expression-must-be-guaranteed-even-in-times-of-emergency/>

31 AJM, "Announcement: The CMEM and AJM Registry Exists for the Recognition of Professional Media, not for the Issuance of Movement Permits"; Skopje: 2020, accessed 11.10.2020, <https://znm.org.mk/en/the-cmem-and-ajm-registry-exists-for-the-recognition-of-professional-media-not-for-the-issuance-of-movement-permits/>

32 Government of RNM, "MIOA ke obezbeduva dnevni dozvoli za rabota na medijskite rabotnici posle 21 casot", (MISA will provide daily work permits to media workers after 9 pm), Skopje: 2020, accessed 18.11.2020, <https://vlada.mk/node/20652>

33 AJM, "The Ministry of Interior Punished the Police Officers Who Obstructed the Work of the Journalist Sekulovska"; Skopje: 2020, accessed 25.09.2020, <https://znm.org.mk/en/the-ministry-of-interior-punished-the-police-officers-who-obstructed-the-work-of-journalist-biljana-sekulovska/>

ly involved in the mediation process and to publish the decisions of the Complaints Commission of this body. At the end of 2019, criteria for acceptance of the internet portals in the Register of professional online media<sup>34</sup> were adopted, which include transparency of the ownership structure, publication of legal notice, signing of the published articles by the journalists / authors, mandatory registration of the online media as legal entities, etc. In addition to CMEM, the AJM also has Council of Honor, as internal self-regulatory mechanism, which monitors the observance of the Code of Journalism by journalists, members of AJM.

## A5 Protection of journalists' sources

How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations?

The right to protection of the journalists' source in RNM is a constitutional category and it is guaranteed in the Criminal Code, the Law on Civil Liability for Insult and Defamation, the Law on Media and the Law on Audio and Audiovisual Media Services.

Were there any sanctions against journalists who refused to disclose the identity of a source?

In 2020, no case of sanctioning of journalists who refused to disclose the identity of the source of information was registered. The last case of sanctioning journalists who refused to disclose the identity of the source of information was noted in 2019.<sup>35</sup>

Do journalists feel free to seek access to and maintain contacts with sources of information?

In general, when working on investigative articles, journalists feel free to contact sources of information. The

new Law on Whistle-blower Protection<sup>36</sup> regulates the issues of protected reporting, whistle-blower rights, as well as the actions and duties of the institutions regarding the protected reporting and ensuring protection of whistle-blowers. The amendments to this Law from 2018 have been harmonized with the international standards prescribed in this area and it provides greater protection to whistle-blowers. In that regard, journalistic sources are encouraged and institutionally better protected. Additionally, there were no cases of reports in AJM regarding possible violations of this Law during 2020.

## A6 Protection of the right to access to information

What are the legal rules on access to official documents and information which are relevant for journalists?

In May 2019, the Assembly of the RNM adopted new Law on Free Access to Public Information, according to which the former Commission for Protection of the Right to Access Public Information was transformed into Agency, whose director and deputy received greater powers in resolving on complaints and grievances from citizens. The most important change for the journalists is the reduction of the deadline for responding to the request, i.e., for deciding from 30 to 20 days, with the possibility of extension for another 10 days.

Do the journalists use these rules? Do the authorities follow the rules without delays?

In its first quarterly report, the Agency for Protection of Free Access to Public Information informed that 109 complaints were submitted by information seekers, out of which dozen were from journalists, and the rest from civil society organizations and individuals. Journalists engaged in investigative journalism complain about the silence of the institutions, but they also emphasize that communication with the Agency's officials has been improved, who understand their problems and assist them in using the Law.<sup>37</sup> According to the experiences of jour-

34 The rules for membership in the internet portals in the Register are available at: <https://semm.mk/en/membership/rules-for-admission>

35 It is about the accusation filed against a journalist on the portal Infomax for publishing a report of an active case in the Prosecutor's Office, in connection with which AJM reacted, emphasizing that "The Prosecutor's Office should not prosecute those who published the documents, but the person who had access to official secrets and she took them out and gave them to the media ... because such court prosecutions can additionally create a negative effect on the freedom of speech and encourage self-censorship among journalists ..."

36 Law on Whistle-blower Protection (2016), accessed 15.02.2020, [https://mioa.gov.mk/sites/default/files/pbl\\_files/documents/Upatstvo\\_ukazuvachi.pdf](https://mioa.gov.mk/sites/default/files/pbl_files/documents/Upatstvo_ukazuvachi.pdf)

37 Metamorphosis Foundation, "Finalen – sumaren izveštaj od nabljuduvanjetu na ispolnuvanjeto na reformskite prioriteti od oblast ana mediumite (2019-2020)", (Final Summary Report on the Monitoring of the Fulfillment of the Reform Priorities in the Field of Media 2019-2020); Skopje: 2020, accessed 25.12.2020, [https://mediaobservatorium.mk/wp-content/uploads/2020/12/OMR-finalen-011119-15.12.20.pdf?fbclid=IwAR2T-XkP-i6visJUyu8m1a\\_awidmBv8zMmo9bY80M3JUO](https://mediaobservatorium.mk/wp-content/uploads/2020/12/OMR-finalen-011119-15.12.20.pdf?fbclid=IwAR2T-XkP-i6visJUyu8m1a_awidmBv8zMmo9bY80M3JUO)

nalists who submitted requests for information to institutions,<sup>38</sup> the deadline for appeal further complicates the process, and the practice of holders of public information is usually to respond on the last day of the deadline.

**Are state authorities in general transparent? Do they employ open, non-discriminatory and fair media relations or tend to work in secrecy? Do state institutions treat preferentially politically friendly media?**

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The general assessment of numerous experts, journalists and organizations is that the situation with the transparency of the institutions has improved, but also that the state still cannot boast on full openness and accountability of the institutions. The analysis prepared by the Centre for Civil Communications,<sup>39</sup> in the context of respecting the deadline for response by the institutions, shows that out of total of 460 requests addressed by the Centre for Civil Communications to the Agency for Protection of the Right to Free Access to Public Information, within the maximum legal deadline of 20 days, only 51 percent of the requests were answered (234 requests). 48 percent of the requests (221 requests) were answered within the legal deadline, while for 1 percent of the requests (5 requests), the institutions did not respond even after the decision of the Agency.

**How open to the public are the Government and the respective ministries?**

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The journalists point out that in the conditions of pandemic, most of the institutions were with “limited” transparency, to the extent that suits those who run the institution. Most ministries were late with their announcements, and the public relations services often sought to impose their interest or perspective with their reporting. It is not common for incumbents to be even more transparent than their public relations services, which have been fairly closed.<sup>40</sup> However, in general, it is estimated that transparency in 2020 was higher than in previous years. It is estimated that the Government of RNM has increased transparency in relation to other state institutions.

**Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?**

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The courts in Skopje, according to journalists, have significantly greater transparency compared to the courts in the interior of the country. The courts from the interior of the country often do not have public relations service and skilfully avoid local journalists, and when it comes to questions from journalists from the larger media in Skopje, they are more open to providing information. Several journalists, on the other hand, submitted complaints to AJM for obstructing their reporting by proceedings conducted in the Basic Civil Court in Skopje. After the reaction of AJM, the President of the court stated that some of the journalists were not allowed to be physically present in the courtrooms, because they did not submit request for that purpose on time, according to the Rules of Court. However, the question arises why this was not problem before and why there are no such restrictions in the Criminal Court in Skopje, for which there were no complaints from journalists. When it comes to the Public Prosecutor’s Office, the experience of journalists is that it “... has no practice of providing detailed and timely information.”<sup>41</sup>

**Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?**

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There is general opinion that the Assembly of RNM is more transparent, although it often happens that the submission of the requested answers is delayed. AJM has sent letters to the Parliament several times in the last year to submit information, but, despite the reactions and urgencies by the end of 2020, it has not yet received response. On the other hand, the local self-government during 2020, showed a lower degree of transparency, mostly using the pandemic and limited resources as an excuse.

In order to improve the access of journalists to public information, in 2020 AJM started to establish cooperation with certain public institutions. Memorandum of Understanding has been signed with the State Audit Office (SAO) and the Energy and Water Services Regulatory Commission. This AJM initiative is important, both for the promotion of transparency and accountability of the institutions, and for the improvement of the journalists’ access to professional materials in the preparation of journalistic analyses and research.<sup>42</sup>

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38 Focus groups with journalists from 12 media, organized on 24.12.2020 and 29.12.2020.

39 Centre for Civil Communications, “Analiza na sproveduvanje na noviot Zakon za sloboden pristap na informacii od javen karakter”, (Analysis of the implementation of the new Law on Free Access to Public Information), Skopje: 2020, accessed 25.11.2020, <https://www.ccc.org.mk/images/stories/aspmk.pdf>

40 Focus groups with journalists from 12 media, organized on 24.12.2020 and 29.12.2020.

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41 Statement of journalist in the focus group organized on 24.12.2020.

42 AJM, “ZNM i Regulatornata komisija potpisaa Memorandum za sorabotka”, (AJM and the Regulatory Commission signed a Memorandum of Cooperation), Skopje: 2020, accessed 20.09.2020, <https://znm.org.mk/11697-2/>

## B1 Economic restrictions on journalistic work

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How many journalists have signed employment contracts? Do they have adequate social security? How high are the journalists' salaries? Are they paid regularly?

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There is no precise data on how many journalists have employment contracts, but the general assessment is that many journalists in the private media mainly have fixed term or part-time contracts. The already difficult socio-economic situation of journalists was further aggravated by the pandemic caused by the coronavirus. Since the beginning of the pandemic, most media have cut the salaries of journalists and media workers, and many journalists have complained that as in previous years, they have not been paid their pension and social security benefits.<sup>43</sup> Low incomes, as well as the complete disrespect of the Labour Law by employers, are the most common problems faced by the media for years. Most of the journalists have monthly incomes far below the average salary in the country, which in April 2020 amounted to 25,830 denars. Most journalists and media workers receive salary of 15,000 to 20,000 denars. This is confirmed by the survey of the Independent Trade Union of Journalists and Media Workers (SSNM), conducted on 150 respondents.<sup>44</sup> The situation in the public service is slightly better, where

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<sup>43</sup> Statement of journalists-participants in the focus group organized on 24.12.2020.

<sup>44</sup> SSNM, "Novinarite i medijarske radnike plata daleku pod prosecnata", (Journalists and media workers with a salary far below the average), Skopje: 2020, accessed 10.08.2020, <https://bit.ly/3tttjpkd>

the average salary of journalists in 2020 was 38,120 denars, although it is considered that the salaries of journalists, especially those who are not beginners, are lower than the salaries of journalists on national private television.<sup>45</sup>

### In what state are journalists' working conditions? What are the biggest problems they face in the workplace?

Journalists continue to work unpaid overtime, and work without compensation even on holidays and weekends. A feature of this year was that part of the journalists, due to the pandemic, worked from home, and those from the larger newsrooms, such as the national televisions, worked in shifts. For some journalists, working during pandemic made it even more difficult for them to perform their professional duties, especially those who were exposed to stressful situations when reporting from health facilities and hospitals. The Independent Trade Union of Journalists and Media Workers (SSNM) is signatory to the Charter of the European Federation of Journalists on the working conditions of journalists. The Association of Journalists of Macedonia, the Council of Media Ethics of Macedonia, Onlimit Media and the digital media Vidi vaka, signed the charter, as well as statement in support of the draft employment contracts. The European Federation of Journalists drafted the Charter on Working Conditions for Journalists<sup>46</sup> and addresses working conditions for journalists and media workers, as well as professional and ethical standards. It contains 10 articles: freedom of association, right to written contract, right to collective bargaining, non-discrimination in employment, right to rest and exclusion, right to protection of journalistic sources, right not to sign certain content, security and protection, good governance and ethical standards and decent working conditions.

## **B2 Editorial independence in private media**

Have private media outlets adopted organisational documents according to which the newsrooms are kept separate and independent from managers and marketing departments? Do private media outlets have other rules adopted to safeguard editorial independence from media owners and managing bodies? Are those rules respected?

There are no published data or reviews from which it can be determined how many private media have internal organizational acts or rules, according to which the editorial board is formally separated from the media management. From the information available to AJM and from the answers obtained through conversations with journalists, it can be concluded that such acts rarely exist. In the larger media, it is common for newsrooms to be separated from management structures, but it often happens that directors put pressure on newsrooms in terms of having to work in manner that will provide more revenue from sponsorships or advertising. When it comes to the smaller local media, the situation is even more complicated, i.e., the pressures are expressed in different manner and more often come from the local powerful person. Journalists even complain "... there is tacit agreement to avoid certain topics."<sup>47</sup>

Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?

The only code that applies to all professional journalists is the Code of Journalists of Macedonia adopted in 2001, according to which the Honorary Council of AJM and the Press Complaints Commission of the Council of Media Ethics of Macedonia act. There is no evidence that private media have their own specific codes of ethics or rules. The Council of Media Ethics of Macedonia (CMEM) recently developed Guidelines for ethical reporting of online media,<sup>48</sup> i.e., Guidelines for the application of the Code of Journalists in the online sphere.

45 Particularly endangered category of journalists are the correspondents of MRT, who are fewer in number and have mainly temporary engagement contracts, which can be easily terminated. In November 2019, announcement was made for freelance engagement of ten correspondents, which is progress for MRT, although AJM advocates for a different model, which would systematically and permanently solve the situation of this category of journalists. See more: AJM, "Dokument za javni politiki: status i potreba na dopisnicite vo RSM"; Public Policy Document: Status and Need of the Correspondents in the Republic of North Macedonia", Skopje: 2019, accessed 16.12.2020, <https://bit.ly/3elOYNd>

46 European Federation of Journalists, "Charter on the working conditions of journalists", accessed 20.08.2020, <https://bit.ly/3yaHk5S>

47 Statement of a journalist who was a participant in the focus group organized on 24.12.2020.

48 CMEM, "Guidelines for Ethical Reporting of Online Media Application of the Code of Journalists in the Online Sphere"; Skopje: 2020, accessed 16.12.2020, <https://sem.mk/attachments/01-02-2021/Guidelines%20for%20Ethical%20Reporting%20for%20Online%20Media.pdf>

What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists? What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year?

There are specific reports of management pressure on journalists, but journalists rarely report them. The pressures are usually not expressed as direct threats but are subtle and little visible. Journalists continue to sue editors and media owners when their rights are violated. For example, last year there was no open court case where journalist sued mobbing manager, and there was no final verdict in this case. On the other hand, the relation between the owners of individual media and the centre of power is often to the detriment of journalists working in these media. Although the media regulator has not indicated such affiliation or covert media concentration in recent years, it has often been reported that some national broadcast media have only a formal owner with power centres linked to the business elite and political parties.

*In 2020, AJM has no recorded cases of dismissal of journalists, but the possibility is not ruled out that they were not reported due to fear. The journalists-participants in the focus groups organize for the needs of this research pointed to such examples:*

*– Two new colleagues were hired in the new local television, one ... experienced colleague with the hope that she will work great. After a while, the editor reacted that she was doing only few texts, that she should have done the texts differently, that she did not deserve even 6.000 denars for her work. Moreover, the cooperation was terminated. From the same television, another colleague, after 45 days of work in the television, no payment of salary, only empty promises. In addition, pressure for topics that should not be covered. In the local media, things are so mixed even as if there is tacit agreement not to cover certain topics. That is why there is such reaction to public money in the media. There are local media that are very dependent on that money. The journalist does not even think to write about those things. The government tried to be transparent, bombarded with information, and puts the brake on when you ask them for something.<sup>49</sup>*

<sup>49</sup> Statement of a journalist who was participant in the focus group organized on 29.12.2020.

### **B3 Editorial independence in the public service broadcaster**

Does the PSB have an adopted code of journalists' conduct and editorial independence? Do journalists comply with this code?

In 2017, after several years of announcements, the public service broadcaster adopted Code of Ethics for journalists, creative staff and all MRT employees.<sup>50</sup> This Code, which has been in force for almost four years, has been criticized from the beginning by the journalistic community for the content of the document, but also for the lack of transparency in its drafting. The biggest shortcoming of the Code is the interference of journalistic ethics with the work discipline and the rights and obligations of journalists arising from labour relations. The Ethics Commission at MRT, which is responsible for receiving complaints about possible violations of the Code, is not functioning.<sup>51</sup> AJM reacted and requested change in the MRT Code of ethics, establishment of ethics commission, as well as establishing procedures for its work and for submitting complaints that will be published on the MRT website. In addition to the Code of Ethics, working group within the project supported by the British Embassy in Skopje, prepared ethical and professional principles Guideline for MRT for media coverage of election processes.<sup>52</sup> Some journalists in the public service emphasize the fact that the most important thing at this moment is move away the political party influence over the public service. "The work and editorial policy in the public service must be autonomous and independent."<sup>53</sup>

<sup>50</sup> MRT, "Eticki kodeks na MRT za novinarite, kreativnite kadri i za site vraboteni vo MRT"; (MRT Code of Ethics for journalists, creative staff and all MRT employees), Skopje: 2017, accessed 12.12.2020, [http://www.mrt.com.mk/sites/default/files/Етчки%20кодекс%20на%20МРТ\\_0.pdf](http://www.mrt.com.mk/sites/default/files/Етчки%20кодекс%20на%20МРТ_0.pdf)

<sup>51</sup> The Commission has so far decided on only one case of suspension of journalist and one disciplinary procedure and there is no information whether there were other cases.

<sup>52</sup> MRT, "Ethical and professional principles of MRT for media coverage of election processes", Skopje: 2016, accessed 12.09.2020, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/495694/Macedonia\\_Ethical\\_and\\_Professional\\_12\\_01\\_2\\_doc.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/495694/Macedonia_Ethical_and_Professional_12_01_2_doc.pdf)

<sup>53</sup> Statement of a journalist who was a participant in the focus group organized on 29.12.2020.



**Do the PSBs bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?**

The public service broadcaster has adopted its own internal organizational acts, according to which the newsrooms are formally separated from the management structures. However, information on the rules in the internal organizational set-up cannot be found on the website of the Macedonian Radio-Television. Same as for the previous years, for 2020 can be said that the expected fundamental changes in the internal structure of the public service that were supposed to be part of the media reform process have not been made.

**What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?**

It cannot be said that MRT or the journalists in its newsrooms have been under direct influence of the Government in the past few years. It is known to the public that the current leadership of MRT was elected in the period when the opposition political party VMRO-DPMNE was in power, and when the pressures on the public broadcasting service were much more pronounced. Hence, in the requests for media reforms, it was repeatedly emphasized that the department of the public service is needed, i.e., the election of new Program Council and new management bodies. However, as indirect form of pressure can be treated that the budget distributed to the public service was reduced to about 0.5%, although the funds necessary for its efficient operation are estimated at about 1%. It undermines both the stability and the editorial independence of MRT from the Government.

#### **B4 Editorial independence in the non-profit media sector**

**Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do journalists comply with this code?**

Predominantly or fully funded by donors online media that engage in investigative journalism, as well as radio stations that frequently broadcast youth content online belong to the group of non-profit media. In addition, the student radios which currently operate within the two state universities, the University "Cyril and Methodius" in Skopje and the University "Goce Delcev" in Stip are

considered as non-profit broadcasting media. The editorial offices of these media outlets are small and include several journalists, who work on daily basis, and the funding is unstable and unsustainable, given that these media outlets depend on foreign donations and grants. Some of the informative non-profit online media are registered as citizens' associations and so far, no detailed analysis of their work and the status and independence of journalists in them have been conducted.

There is no specific code of conduct for journalists in the non-profit sector, but in December 2020, the Council of Media Ethics (CMEM) adopted Guidelines for Ethical Reporting of Online Media, which, in fact, elaborates on the application of the basic ethical principles of the Code of Journalism in the online sphere. In addition, CMEM and AJM have established a Register of Professional Online Media, which already includes number of online news outlets, including non-profit ones.

**What are the most common forms of pressure over the non-profit media outlets? What was the most illustrative example of the pressure exerted over the non-profit media?**

Pressure on non-profit media, some of which cover investigative journalism, has decreased compared to the period until 2016 when journalists and editors at these media were often publicly discredited and used hate speech because of critical texts for the authorities and powerful people. Most of these media have accepted or acted following the Code of Ethics and the Guidelines for ethical reporting in the online media, the implementation of which is taken care of by CMEM.

However, there are still many examples of threats against journalists or civil society activists on social networks and some of them have been reported to the Ministry of Interior (MOI). Specifically, the reports were submitted to the Cybercrime and Digital Forensics Department of the Central Police Services, requesting action, but almost no case received court ruling, although in some cases there were explicit threats. For some of cases, the Ministry of Interior informed AJM that it is incompetent to act with legal advice to sue the injured parties privately for endangering personal safety.

*The Association of Journalists of Macedonia (AJM) and the Independent Trade Union of Journalists and Media Workers (SSNM) reacted to the inappropriate communication of the clinic "Acibadem Sistina" to journalism from the editorial office of the investigative journalism platform IRL ([irl.mk](http://irl.mk)) on the occasion of their story about COVID-19 entitled "Pandemic Profiteering or Community Care: The Other Side of the COVID-19 Tests", published on March 28, 2020. As affected party in the text, "Acibadem Sistina" sent reaction to the IRL*



*editorial office, which is their legitimate right, but still problematic in their request is that they brazenly slander and insult the journalists who worked on that investigative story, and without sufficient arguments in their reaction, they demand apology and withdrawal of the text of the IRL. AJM and SSNM assessed that the approach of "Acibadem Sistina" is inadmissible. With this manner of communication, they directly penetrate the credibility of the journalists and try to discredit them, and not to argue the criticism directed at them.*

## **B5 Freedom of journalists in the news production process**

How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized? How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?

According to the statements of the interlocutors in the interviews and in the focus groups, the journalists during 2020 had more freedom in choosing the topics they will report on.<sup>54</sup> However, the choice of topics for reporting in the regional and local media is bigger problem for journalists due to the small environment in which these media operate, as well as the established clientelist ties of the owners with mayors and other local authorities, as well as the deteriorating financial situation in which these media are located. The influence of some of the editors on the journalists is also openly talked about, in the sense that the influence on the daily work is not so visible, i.e., that there is more self-censorship than direct pressures.

What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence? How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks?

The interviewed journalists say that the biggest problem is that it is not basic business for the media owners. Most

<sup>54</sup> The statement of one of the participants in the focus groups was remarkable: "I can say that I tolerate the low salary, precisely because of the freedom I have to choose topics, to write about everything that interests me. We have complete freedom, no censorship. It helps me a lot to build myself as a journalist." (Focus group organized on 24.12.2020).

often, there are other companies in the background of the media, which, in turn, are tied to tenders with ministries and institutions and from that aspect; there are taboo topics for media. This is especially expressed in the local media, and as illustration of this, one of the participants in the focus group pointed to the example according to which "in Ohrid there was a councillor involved in the illegal construction around Lake Ohrid for which Ohrid media are afraid to write."<sup>55</sup>

## **B6 Economic position of women journalists**

Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men?

The general assessment is that the position of women journalists in the newsrooms does not differ much from the position of the journalists. There is no data on how many journalists have signed employment contracts, but employers are considered to respect the basic rights prescribed to women by law, such as the payment of wages, when it comes to women journalists working indefinitely, maternity leave and paid leave. However, there are media in which both journalists are not paid for holidays, weekend work and overtime.

Do women tend to hold leading editorial positions in the newsrooms, as much as men?

According to the statements of the journalists themselves, men and women in general, the opportunities for women to develop as professional journalists and to advance in their careers are not much smaller compared to the opportunities of their fellow journalists.<sup>56</sup> Available data on the audiovisual sector confirm this conclusion: in television newsrooms, women are even more numerous than their fellow journalists are. Thus, at the end of 2018, there were total of 540 women journalists in the broadcasting media and 370 journalists,<sup>57</sup>

<sup>55</sup> Statement of a journalist-participant in the focus group organized on 29.12.2020.

<sup>56</sup> Sanja Trajkovska Dimitrova, "The Structural Position of Female Journalists in the Media in Macedonia", Skopje: MIM, 2018, p. 6, accessed 09.03.2020, <https://www.mim.org.mk/en/research/1139-analysis-the-structural-position-of-female-journalists-in-the-macedonian-media>

<sup>57</sup> AAAMVS, "Struktura na vrabotenite vo audio i audiovizuelnat medijska industrija vo 2018". (Structure of the employees in the audio and audiovisual media industry in 2018), Skopje: 2019, accessed 09.03.2020, <https://avmu.mk/wp-content/uploads/2019/09/Структура-на-вработените-во-аудио-и-аудиовизуелна-медијска-индустрија-во-2018-година.pdf>

and the number of men and women editors was almost equal 105 women and 108 men in editorial positions. However, when it comes to managerial positions in the media, the dominance remains with men.

*In general, the working conditions are the same, at least in the newsrooms where I have been working (Makfax, Sloboden pecat, Nezavisen ...). What is important is that there are obviously more women journalists, and there are more men in editorial positions. That makes a difference in status. Regarding the tendency for women journalists to occupy leading editorial positions as much as men, I think that the number of women editors has recently increased (TV 24, Fokus, Sitel ...), but a balance has not yet been reached.*

*Statement by Slobodanka Jovanovska, Editor of the newspaper Nezavisen.*

**How high are their salaries in comparison to men's? Are they subject to specific gender-based pressures?**

Journalists' salaries vary depending on the position of the journalist, and it does not matter whether they are male or female journalists. According to the analysis and research of SSNM,<sup>58</sup> the average net salary of journalists is 350 Euros in the past two years. There is no exact data on the average salary of editors. The data show that in 2020, most journalists and media workers receive salary of 15,000 to 20,000 denars (35.3 percent receive salary between or 244-325 Euros); while 30.6 percent of respondents said they receive monthly salary between 20 and 25 thousand denars (325-405 Euros). About 5 percent of respondents said that their income is below 15,000 denars per month (under 244 Euros). This means that 70 percent of journalists in Macedonia receive monthly salary below the average. According to the data of the State Statistical Office for April 2020, the average salary was 25.830 denars or (419 euros).

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58 SSNM, "Novinarite i mediumskite rabotnici so plata daleku pod prosecnata", (Journalists and media workers with a salary far below the average), Skopje: 2020, accessed 10.08.2020, <https://bit.ly/3tttPKd>

### **C1 Safety and impunity statistics**

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According to AJM statistics, since the beginning of 2020, a total of 14 attacks and harsh threats against journalists have been reported, of which more than half are against women journalists. In comparison, last year there were only four such incidents, which means that this year the attacks and threats are three times more numerous. Although the number of physical attacks has decreased, the fact that more and more threats are being made to the lives of journalists on social networks is worrying. In that direction, the Ministry of Interior (Mol) should make additional efforts to sanction the perpetrators, and for more serious cases to request the Basic Public Prosecutor's Office (PPO) to initiate criminal proceedings.

Otherwise, in the period from 2018 to 2020, a total of 21 attacks on journalists and media workers were registered in the AJM register, out of which three attacks were recorded in 2018, in 2019 four were registered, and in 2020, 14 attacks on journalists and media workers. Characteristically, the number of verbal and online attacks has increased: out of 14 threats registered in 2020, as many as eight were sent online. For the past 15 years, authorities have not formally investigated any murder of journalist or media worker in the country.

The first category of attacks includes the two cases of verbal attack on the editor of Alfa TV, Iskra Korovesovska and on the journalist and deputy editor of the A1on portal, Meri Jordanovska, by Emil Jakimovski, former employee of the Central Registry of Macedonia and member of VMRO– DPMNE. In both cases, there are threats that

Table 2. Number of reported attacks on journalists in 2020

Categories	Number	Description
<p><b>Threats and harassment that do not relate to the physical safety of journalists</b></p> <p>This category of threats and harassment includes:</p> <ul style="list-style-type: none"> <li>– surveillance or monitoring;</li> <li>– disturbing telephone calls;</li> <li>– arbitrary judicial or administrative harassment;</li> <li>– aggressive statements by public officials;</li> <li>– other forms of pressure that may endanger the safety of journalists in the course of their work;</li> </ul> <p>These types of threats do not include mobbing and workplace violence.</p>	7	<ul style="list-style-type: none"> <li>– Threats and insults addressed to the journalist of Aton, Meri Jordanovska by Emil Jakimovski;</li> <li>– Threats and insults addressed to the Editor of TV Alfa, Iskra Korovesovska by Emil Jakimovski;</li> <li>– After the interviews with the leaders of VMRO-DPMNE and SDSM, Boban Petrovski sent threatening message to the journalist of TV24, Mishko Ivanov;</li> <li>– Police officers from the security of the former Minister of Interior, Nakje Culev, threatened the journalist Furkan Saliu from TV Klan;</li> <li>– The journalist Miroslava Burns received threats through Facebook, due to the text about a wedding in Tetovo during the epidemic of COVID-19;</li> <li>– The journalist Aneta Dodevska from TV24 received several threats through social networks;</li> <li>– The journalist Natasa Stojanovska from Telma TV reported threats and harassment through social networks.</li> </ul>
<p><b>Threats to the life and physical safety of journalists</b></p> <p>These types of threats include:</p> <ul style="list-style-type: none"> <li>– threats to kill journalists, journalists' friends, their family members or sources of information;</li> <li>– threats of physical injury to journalists, friends of journalists, their family members or sources of information.</li> </ul> <p>These threats can be:</p> <ul style="list-style-type: none"> <li>– direct or through third parties;</li> <li>– sent electronically or directly face-to-face;</li> <li>– implicit, but also explicit.</li> </ul>	3	<ul style="list-style-type: none"> <li>– Threats by phone to the journalist of TV21 Almedina Ismajli, addressed by Neshat Ademi, former member of the Alliance for Albanians;</li> <li>– The President of the GROM party, Stevco Jakimovski addressed insults and calls for violence against the journalist of TV 24, Gorazd Chomovski;</li> <li>– Direct threats to life sent through the social network Twitter to the journalist Tanja Milevska, MIA correspondent from Brussels.</li> </ul>
<p><b>Attacks on journalists</b></p> <p>The types of real attacks on journalists can include physical or mental injury, kidnapping, entering a home or office, confiscated equipment, arbitrary detention, a failed assassination attempt, etc.</p>	2	<ul style="list-style-type: none"> <li>– The journalist and Editor of the portal Lider, Ljupco Zlatev, was attacked in a bar in Skopje;</li> <li>– Unknown person attacked journalist Milka Smilevska and camera operator Jorde Angelovikj from Al Jazeera during protest of the political party VMRO-DPMNE in the centre of Skopje.</li> </ul>
<p><b>Murders of journalists</b></p> <p>Murders in crossfire, assassinations, murders with bomb blast, beatings to death, etc.</p>	0	
<p><b>Threats and attacks on media and news organizations</b></p>	2	<ul style="list-style-type: none"> <li>– Following the publication of investigative story related to construction activities in the Taftalidze neighbourhood in Skopje, the IRL editorial team was exposed to verbal pressure and harassment;</li> <li>– Journalists and activists of Civil Media, Xhabir Deralla and Petrit Saracini, were threatened and humiliated through the social network Facebook, by Marjan Kamilovski.</li> </ul>

contain gender discrimination, which is serious attack on both freedom of expression and the dignity of both journalists. Regarding the threatening messages sent through social networks, report was filed with the Basic Public Prosecutor's Office for crime endangering security. In March 2020, the Basic Criminal Court in Skopje sentenced the intimidator to prison with total duration of one year and 8 months. The third case is related to the journalist Miroslava Burns from the daily newspaper Sloboden Pecat, who in July 2020 received a series of threats through her personal Facebook profile for publishing text about wedding in Tetovo, revealing group gatherings, which was not allowed during the pandemic

COVID-19. Such attacks caused fear and anxiety among the journalist. The case was registered by AJM and reported to the Ministry of Interior. The fourth case in this category is the threat against the TV Klan team. After video was taken of large group of emigrants moving in the Vaksince area, a car intercepted journalist Furkan Saliu and TV Klan crew, a man came out and made direct threats to journalists and asked them to delete the footage immediately. The journalists immediately reported the case to the police, and the Association of Journalists of Macedonia requested that the person be identified, as well as that appropriate criminal charge be filed with the Basic Public Prosecutor's Office.

Journalist Almedina Ismaili was preparing article mentioning Neshat Ademi, former member of the Alliance for Albanians, after posting information on his Facebook profile that he was leaving the party. After the report was broadcasted, the journalist received phone call, in which Ademi made serious threats against her. The case was reported to the police, and the threatening person was called for informative conversation the next day. According to AJM, Ademi received only verbal reprimand from the law enforcement authorities. The President of the GROM party, Stevco Jakimovski addressed insults and calls for violence against the journalist of TV24, Gorazd Comovski. Jakimovski wrote status on his Facebook profile immediately after the publication of part of Comovski's interview with the leader of VMRO-DPMNE, Hristijan Mickoski. He insulted Comovski with abusive words, and even "reprimanded" Mickoski for "not pulling him by the ears and taking him out." Direct threats to life were also addressed to the journalist Tanja Milevska, correspondent of the state agency MIA from Brussels, through the social network Twitter.

A physical attack took place in Skopje bar on the journalist and Editor of the Leader portal, Ljupco Zlatev. Immediately after the incident, he reported the case to the police, after which report was made by the police officers. Journalist Milka Smilevska and camera operator Jorde Angelovic from Al Jazeera were attacked and obstructed in carrying out their professional journalistic duties by unknown person at protest organized by the VMRO-DPMNE political party in downtown Skopje. According to the videos and the statements of the journalist regarding the incident, after asking which media they were from, the person had physical contact with them and pushed the microphone of the journalist.

In addition to the significant number of verbal attacks and threats against journalists, in 2020 were registered several inappropriate public appearances of Government officials,<sup>59</sup> representatives of Parliament,<sup>60</sup> directors of national agencies,<sup>61</sup> institutes,<sup>62</sup> but also representatives

and leaders of political parties,<sup>63</sup> in which they in some way insult or attack journalists. AJM has repeatedly reacted to that, emphasizing that it violates the integrity of the entire journalistic profession and that public officials, especially political party leaders, as well as other public office holders should refrain from statements that can be understood as labelling of journalists and the media, because it undermines the democratic values and freedom of the journalistic profession.

In 2020, a negative practice of public labelling of media and journalists by the MPs in the Assembly of RNM was also noticed, for which AJM reacted publicly several times. This behaviour of the MPs is not only a pressure and a threat to the freedom of journalists in performing their profession, but it is also a violation of the Code of Ethics for MPs.

## **C2 State institutions' and political actors' behaviour concerning journalists' protection**

### **Are there specific provisions in the laws or other mechanisms aimed at supporting journalists' safety, offline and online?**

When it comes to (in) action of the institutions regarding the attacks on journalists, the level of impunity is still very high. In the circle formed of the Ministry of Interior, the Public Prosecutor's Office and the courts at least one of these three institutions almost always evades, but most often it is the Basic Public Prosecutor's Office, because it rarely happens that this competent institution files indictments against the perpetrators before the Criminal Court. In the last two years, unfortunately, this has become increasingly pronounced in the Public Prosecutor's Office, which in several cases of attacks on journalists has not taken any action at all, and in cases when it has launched investigations, it conducts them very slowly and inefficiently.

In 2020, there is again trend of public condemnation of the attacks on journalists and media workers, and in some cases, AJM reacted publicly. AJM condemned the incitement of hatred of the MP Dimitar Apasiev towards the journalist Gabriela Dimkovic from the portal A1on. MP Apasiev on his Facebook page publicly labelled and

59 AJM, "AJM Condemns the Insults and Threats of Stevco Jakimovski against the Journalist Gorazd Comovski", Skopje: 2020, accessed 01.09.2020, <https://znm.org.mk/en/ajm-condemns-the-insults-and-threats-of-stevco-jakimovski-against-the-journalist-gorazd-comovski/>

60 AJM, "MPs Must not Disparage and Label the Journalists of TV Telma", Skopje: 2020, accessed 28.12.2020, <https://znm.org.mk/en/mps-must-not-disparage-and-label-telma-journalists/>

61 AJM, SSNM and CMEM, "Condemnation of threats and discredits against journalists", Skopje: 2020, accessed 29.07.2020, <https://znm.org.mk/en/ajm-itujmw-and-cmem-condemnation-for-threats-and-discredits-of-journalists/>

62 AJM, "Condemnation for the inappropriate attitude of IDKNA towards the newspaper Koha", Skopje: 2020, accessed 02.10.2020, <https://znm.org.mk/en/condemnation-for-the-inappropriate-attitude-of-idkna-towards-the-newspaper-koha/>

63 AJM, "Condemnation for inciting hatred of MP Apasiev towards the journalist Dimkovic from the portal A1on"; "Condemnation of the public labelling of the Alliance for Albanians on TV 21"; "AJM: DUI to stop labelling journalists"; "AJM: Strong condemnation of the threats against the TV21 journalist"; "Condemnation for the insults and threats of Stevco Jakimovski towards the journalist Gorazd Comovski", Skopje: 2020, accessed 20.12.2020, [www.znm.org.mk](http://www.znm.org.mk)

belittled the journalist because of her previous articles regarding the amendments to the Law on Financing of Political Parties.<sup>64</sup>

Are there any mechanisms for monitoring and reporting on threats, harassment and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?

The Ministry of Interior has an internal register of attacks on journalists, but does not publish that data publicly, despite the fact that AJM has instructed them to maintain such register. The Association of Journalists of Macedonia maintains register of attacks and threats against journalists.<sup>65</sup> The register is regularly updated and is publicly available on the AJM website.

**Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?**

So far, the military and police have not adopted internal documents that direct their members on how to treat journalists. These institutions do not have regulations or other documents that prohibit threats, intimidation, or attacks on journalists. However, in 2020, AJM, in cooperation with the International Centre for Prevention and Combating Violent Extremism, launched project in cooperation with the Ministry of Defence and the Ministry of Interior. One of the results of this activity is the creation of protocols and their adoption by institutions and the media in order to provide ethical information on issues related to prevention and combating violent extremism.

**Do state institutions cooperate with journalists' organisations on journalists' safety issues? Do state institutions refrain from approving or promoting threats against journalists?**

*In order to improve the safety of journalists and end the impunity of attacks on journalists, AJM cooperates with almost all relevant institutions in the country. This year, a webinar was held on the topic "Amendments to the Criminal Code: A solution to strengthen the safety of journalists." Thirty participants, including journalists, representatives of the Government of North Macedonia and the Ministry of Justice, the Council of Europe, the*

*Basic Public Prosecutor's Office and lawyers representing journalists before the courts, attended the webinar. Bojan Maricic, the Minister of Justice had video addressing at the webinar, and Patrick Penninckx, Head of the Information Society Sector, Council of Europe spoke in the introductory part. The main conclusion was that only through concrete amendments to the Criminal Code, by giving the prosecution the authority to act ex officio and by increasing the sentences of the attackers, the security, and the policy of impunity for journalists and media workers will be systematically improved.*

In order to intensify the cooperation, on December 30, 2019, a Protocol for cooperation between AJM and the Ministry of Interior (MOI) was signed.<sup>66</sup> The Protocol on Cooperation between AJM and the Ministry of Interior is agreement on cooperation in the process of developing, maintaining and promoting good relations between media workers and police officers. The need for this Protocol is to supplement the already established relations between AJM and the Ministry of Interior, which are noted in the Memorandum of Cooperation of December 27, 2017, as well as in the Manual for Safety of Journalists during High-Risk Events, the Manual of Ethics in Journalism. The manual for professional, safe, and ethical work of the camera operators in the media and the numerous trainings and joint activities realized in the past two years.

**In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?**

Apart from the big wiretapping scandal in 2015, when hundreds of journalists were on the secret police wiretapping list, AJM has no information that in 2020 a journalist was exposed to electronic surveillance by the authorities. It remains unknown at what stage is the litigation on this issue and whether it is being processed at all in order to establish a violation of the rights of journalists who were wiretapped in 2015.

64 [Safejournalists.net](https://www.safejournalists.net/), "ZNM: Osuda za pottiknuvanjeto omraza na praten ikot Apasiev kon novinarkata Dimkovic od AION", (AJM: Condemnation for inciting the hatred of MP Apasiev towards the journalist Dimkovic from AION), Skopje: 2020, accessed 25.12.2020, <https://bit.ly/3TtZGoE>

65 AJM, "Cases of violation of journalists' rights", Skopje: 2019, accessed 17.12.2020, <https://bit.ly/34vImgr>

66 AJM, "Protocol for cooperation between AJM and the Ministry of Interior", Skopje: 2019, accessed 03.01.2020, <https://znm.org.mk/wp-content/uploads/2020/07/Sarabotka-na-ZNM-i-MVR.pdf>

### **C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists**

#### **Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists?**

The Basic Civil and Criminal Court in Skopje, for the fourth year in a row, is not able to provide detailed information about the stage of proceedings for cases in which journalists are victims. Their justification is that the new case management system (AKMIS) is based on codes, not the names and professions of the parties. In 2020, the cooperation of the Basic Civil Court has decreased compared to the previous year. The court only informed that there are total of thirty-three active cases of defamation and insult, in which journalist or media outlet appears as party.

#### **Do the Public Prosecutor's office and Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?**

There are no special procedures for dealing with attacks on journalists in institutions. In the judicial-prosecution system in Macedonia there are no special departments working on investigations into cases of persecution, protection, and compensation of journalists, in order to ensure their safety and prevent the policy of impunity. Special procedures do not apply even in cases when the victims of attacks are journalists. The judiciary and the prosecution have never complained publicly that journalists' cases could not be handled effectively due to lack of human and material resources. On this topic, at press conference held by AJM, President Mladen Cadikovski stressed the request of the Ministry of Justice to make changes in the Criminal Code, which should extend the competence of the prosecution to act ex officio on crimes related to attacks and threats against journalists and increase penalties for attackers.<sup>67</sup> He also demanded that the Basic Public Prosecutor's Office set up special unit to prosecute the attackers.

Traditionally, for the third year in a row, the Association of Journalists of Macedonia organizes event to mark

November 2 International Day to End Impunity for Crimes against Journalists.<sup>68</sup> On that occasion, a press conference was held, addressed by the President of the association, Mladen Cadikovski, as well as the members of the Board of the Association. In their addressing, they sent messages to the public and to political parties that professional journalists should not be attacked while performing their professional duties. They also requested the Basic Public Prosecutor's Office immediately to prosecute all attacks and threats against journalists and media workers and to establish special unit to prosecute the attackers of journalists.

#### **Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?**

This year AJM did not record cases of physical security for journalists by the Ministry of Interior. Although they face fear, journalists do not want to have physical security as it can affect their freelance work and the provision of new information.

#### **Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, impartially and efficiently?**

Regarding the work of the institutions and the clearing of the attacks on the journalists, there is certain lack of coordination and weakness in the inter-institutional communication, and it is most noticeable between the Ministry of Interior and the Public Prosecutor's Office. This affects cases, i.e., investigations that take too long, even when it comes to obvious cases that can be easily proven. Cases in which journalists are attacked are still exceedingly difficult to reach court resolution, and instigators are seldom reached. Impunity for perpetrators remains high and court rulings have been found in less than 10 per cent of registered cases. For example, former AJM President Naser Selmani received threatening messages on Facebook. The person who threatened even publicly admitted that he did it, and the Public Prosecutor's Office and the Ministry of Interior cannot clear up this case even after a year and a half. This out-of-date attitude of the institutions leads to situation where attackers are encouraged to attack journalists because they know that justice will probably never reach them. Therefore, AJM considers that the investigations are insufficiently efficient, and the protection measures are inadequate.

The number of completely cleared cases of attacks on journalists is small and this is very worrying in terms of

<sup>67</sup> AJM, "Dramatic increase in attacks on journalists we seek urgent solutions", Skopje: 2020, accessed 12.11.2020, <https://znm.org.mk/en/ajm-dramatic-increase-in-attacks-on-journalists-we-are-looking-for-urgent-solutions/>

<sup>68</sup> *Ibid.*



impunity of the perpetrators. Between 5 and 10 percent of the registered cases of violations of the rights of journalists who have been on the register of AJM, attacks for the last five years are awaiting the court ruling.

*In December 2020, the Basic Civil Court in Skopje issued judgments rejecting the claims of journalists Natasa Stojanovska and Dusica Mrdja, who sought damages from the state for violating their rights during the events in the Parliament of the Republic of North Macedonia on April 27, 2017. These lawsuits followed previous call from AJM to provide legal assistance to journalists and media workers who were attacked or had their equipment destroyed in Parliament during that unfortunate event. This verdict is another proof that there are double standards for the court when it comes to politicians and journalists. In the case of group of politicians, the Basic Public Prosecutor's Office, ex officio, initiated proceedings and the criminal court sentenced group of citizens to prison terms, and in the case of the journalists, they were left to file private lawsuits themselves. The court explanation states that the journalists did not submit enough evidence to be able to establish that on April 27, 2017, there were public demonstrations in front of the Parliament, although they have submitted videos in the lawsuit, and there are huge numbers of press releases from the critical day of the media.*

In addition, at the meetings with the Ministry of Interior<sup>69</sup> constantly insisted on faster and more efficient investigations of the attacks on journalists, but also on improving the working conditions for journalists and media workers when reporting from the premises in this institution. At the suggestion of AJM, as well as after pointing out to that shortcoming in the international institutions reports, the Ministry of Interior began to keep records of attacks on journalists and media workers. AJM with the Ombudsman in May 2019 signed a Memorandum of Cooperation through which the two institutions committed to work actively in the future on issues related to the safety of journalists.

In the context of condemnations of violence against journalists and calls for faster resolution of those attacks, the European Commission, in its annual report on the progress of RNM in 2020, re-addresses the issue of security and intimidation of journalists and recommends: "Better coordination between different institutions for faster action regarding the reported violations. Politicians and

public officials still need to show higher level of tolerance for criticism and promote freedom of expression."<sup>70</sup>

Do the institutions organize appropriate trainings for police, prosecutors, lawyers and judges in respect to protection of freedom of expression and journalists?  
Do they organise these trainings in cooperation with journalists' associations?

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The Academy for Training of Judges and Public Prosecutors, in cooperation with AJM, will continue to conduct trainings with journalists and representatives of the judiciary in 2020/21, and in addition, topics related to freedom of expression are part of the regular training curriculum of the Academy, intended for judges and prosecutors.

Regarding the cooperation with the institutions, AJM held consultative meetings with almost all institutions that should guarantee the safety of journalists, including the presidents of the Basic Public Prosecutor's Office, the Basic Criminal Court and the Basic Civil Court, the Minister of Justice.<sup>71</sup> In order to reduce the percentage of impunity for attacks on journalists, AJM cooperated and held meetings with the State Public Prosecutor.<sup>72</sup> These meetings raised number of issues related to improving the safety of journalists and media workers and the Basic Public Prosecutor's Office to be more active in prosecuting those who threaten journalists and violate their rights. As well as the need to organize joint trainings and workshops for journalists, judges and prosecutors, in order to improve the reporting of journalists and the conduct of prosecutors in cases related to freedom of speech.

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69 AJM, "Section of cameramen at AJM at a meeting at the Ministry of Interior", Skopje: 2019, accessed 19.12.2020, <https://znm.org.mk/en/cameramans-section-within-ajm-met-with-representatives-of-the-ministry-of-the-interior/>

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70 European Commission, "Report from the European Commission for North Macedonia for 2020", Brussels: 2020, accessed 15.11.2020, <https://www.sep.gov.mk/post/?id=5657#YAGhuthKjIU>

71 AJM, "No for the paid political program from public money", Skopje: 2020, accessed 10.10.2020, <https://znm.org.mk/en/no-for-the-paid-political-program-from-public-money/>

72 AJM, "AJM requests from the Public Prosecutor's Office a special unit for resolving attacks on journalists", Skopje: 2020, accessed 10.10.2020, <https://znm.org.mk/en/ajm-requests-from-the-public-prosecutors-office-special-unit-for-resolving-attacks-on-journalists/>



Table 3. Overview of more serious cases of threats and attacks on journalists in the past 5 years

Case	Year 2016	2017	2018	2019	2020
<p><b>TV 21 journalist crew</b> After the recorded TV report about the complaints of the residents of the municipality of Aracinovo about the poor infrastructure, relatives of the mayor Milikije Halimi sent verbal threats that they would break their camera and demanded to delete the recordings.</p>					<p>The case was not reported to the police, but AJM repeatedly called on the police and the Public Prosecutor's Office to open investigation. However, the Prosecution decided not to act after received information.</p>
<p><b>Naser Selmani</b> The journalist and then President of AJM received death threat message from Bejtula Asani, Bekir Asani's brother who is affiliated with the ruling political party DUI.</p>			<p>The case was reported to the police, and the Prosecutor's Office has opened investigation. So far, Naser Selmani and the threatener have been called to testify.</p>	<p>The case is ongoing before the Basic Public Prosecutor's Office.</p>	
<p><b>Armand Braho</b> Thugs from the Alliance for Albanians party attacked journalist Armand Braho during conference to which he was duly invited.</p>			<p>The case was reported to the police. The court fined the attackers.</p>		
<p><b>A group of journalists</b> Several journalists and media workers were attacked by a mob that forcibly entered the Parliament on 27.04.2017.</p>		<p>The case was reported to the police. The prosecution has not taken any measures.</p>	<p>The prosecution prosecutes those who attacked politicians, but not those who attacked journalists and media workers.</p>	<p>AJM lawyers represent 7 journalists and file 4 lawsuits on their behalf, out of which 3 are individual and one is for a group of 3 journalists.</p>	
<p><b>Vladimir Zhelcheski and Aleksandar Todorov</b> Unknown persons participants in the protest, physically attacked the two journalists, reporting on the large protest "For a Common Macedonia", because they did not belong to pro-government media. They were beaten several times, because of which they suffered bodily injuries, after which they were kept in hospital for 24 hours.</p>		<p>The case has been reported to the police and the Public Prosecutor's Office has opened investigation.</p>	<p>The court sentenced the attackers to 6 months in prison.</p>		

Year	2016	2017	2018	2019	2020
<b>Case</b>					
<b>Meri Jordanovska</b>					
Emil Jakimovski threatened and insulted the journalist and deputy editor of the A1on portal, Meri Jordanovska. According to the messages published by Jordanovska, the threatening person insulted her with abusive words, threatening that “he would create her obituary”.					Indictment for the crime of endangering security, for threatening messages sent through the social network Telegram. Judgment C. No. 212/20 of March 16, 2020, by which he was sentenced to imprisonment for term of 1 year and 8 months. An appeal was lodged against the verdict, but the appeal was rejected and the verdict was upheld by the appellate court.

# Conclusions and Recommendations

In 2020, the Ministry of Justice established working group to amend the Law on Civil Liability for Insult and Defamation, in which representatives of AJM also participate. Almost all the remarks of AJM were accepted in order to reduce the degree of non-pecuniary damage in determining guilt against a journalist, as well as to specify the provisions for exclusion from liability for defamation and insult. The Minister of Justice announced that the law will be adopted in December 2020, but the process was postponed to 2021.

The reform of the public service broadcaster has hardly begun, and the financial independence and sustainability of the public service broadcaster remain open questions. It is especially important to find solutions for the old debts of the public broadcasting service to the state institutions.

An issue of concern from the aspect of the protection of political pluralism is the paid political advertising, which is not explicitly prohibited in the period outside the elections, and during the election campaign is covered by funds from the Budget. The position of AJM is that paid political advertising in the media should be abolished at any time because the owners of the media are “bribed”. This practice has negative impact on the editorial policy of the media, and further “shifts” the balance of opposing views in the public sphere. AJM also opposes possible amendments to the Law on Audio and Audiovisual Media Services, which would allow advertising of public institutions in the audiovisual media. That would bring the situation in the media industry to the level of five years ago, when huge sums were paid to the media in non-transparent manner, state funds without any criteria. If such proposal is accepted, it will not bring any improvement in the situation in the media, but

on the contrary, it will further disrupt the already vulnerable media market and strengthen clientelism.

The general assessment is that in 2020 the socio-economic position of journalists was further deteriorated due to the pandemic, i.e., due to the reduction of advertising revenues in the entire media sector. The employment status of many journalists, especially in the private media, is secured, as journalists generally have fixed-term or part-time contracts, are not paid pension and social security benefits, have low incomes, and are not respected for other work rights. As a result, journalists are much more vulnerable to pressure, both from management structures and from owners and politicians. The pressures are usually subtle and little visible, journalists refrain from speaking openly about these phenomena and rarely report when their fundamental rights are violated. Although it is estimated that journalists in the newsrooms generally have more freedom, there are still many influences on daily work that are not so visible, i.e., there is more self-censorship than direct pressure. The position of journalists in the local and regional media is the worst, because these media are in poor financial condition, and besides, in small areas, local powerful people can put pressure more easily. The job status and position of women journalists in the newsrooms does not differ much from that of their fellow journalists, with the exception that there are fewer women in managerial positions in the media.

In 2020, the number of attacks on journalists was drastically increased, i.e., three times more attacks on journalists were registered compared to 2019. Of particular concern is the fact that journalists and media profession-

als are increasingly subject to threats and harassment on social networks, some of which were serious threats to the physical safety of journalists working to investigate corruption and other negative social phenomena. There were also examples of hate speech and labelling of journalists and media workers by politicians and other public officials. Impunity is still a big problem, as the authorities do not cooperate enough and rarely file charges against the perpetrators of threats or attacks, and in cases where investigations are launched; they are conducted slowly and inefficiently. In addition, the competent institutions and courts still do not keep sufficiently up-to-date records of threats and attacks on journalists, nor do they publish such data. However, it is positive that the competent institutions are open for cooperation with AJM and through joint consultations show readiness to work to improve the safety of journalists and media workers by taking more measures that are prompt and prosecuting the perpetrators of attacks and threats.

## RECOMMENDATIONS

Legal interventions and improvement of the implementation of the laws:

- Implementation of the procedure for election of members of the AAVMS Council and the MRT Program Council by the Assembly of RNM. The procedure should be conducted in transparent manner with public hearing of all candidates, while maintaining the principle of two-thirds majority in the decision-making of the Assembly.

- It is necessary to analyse the provisions of the Law on Audio and Audiovisual Media Services and other relevant laws in terms of improving the financial situation of private media and introducing mechanisms for tax relief and similar benefits for the media.
  - It is necessary to open debate on the possible establishment of fund for the media, especially on the goals and criteria of financial support (encouraging program diversity, improving the status of journalists, etc.), the manner of distribution of funds, independence and objectivity in the implementation of the procedure.
  - Amendments to the Electoral Code are needed to simplify the rules for the media campaign and reduce the possibility of abuse of paid political advertising in the private media.
  - An amendment to the Code of Ethics of journalists in the public service should be initiated to strengthen the internal self-regulation in this medium.
- of journalists and media workers, their safety, as well as explicit hate speech against them.
  - Establishment of special registers for cases of lawsuits against journalists, within the basic civil and criminal courts, including the Public Prosecutor's Office.
  - Continuation of trainings for journalists, lawyers, judges and prosecutors on topics related to the sanctioning of attacks on journalists, and the general interpretation of Article 10 of the ECHR.
  - Improving the cooperation with the newly elected representatives of the Assembly of RNM on topics related to freedom of expression and media policies.
  - Continuation of AJM lobbying for introduction of protocols and improvement of internal procedures in the institutions, in order to prevent violence against journalists and its effective sanctioning.
  - Improving the cooperation with the Ombudsman, in order to increase the engagement of this institution in the protection of the rights of the journalists.

#### Strengthening the security of journalists:

- Amendments to the Criminal Code in two directions: 1) Amendments to the provisions defining hate speech in accordance with the case law of the ECtHR, and 2) Amendments to the powers of the BPPO to act ex officio at attack on journalist and/or media worker, as well as providing for higher penalties for offenders. The procedure has been announced, but it is necessary for the Ministry of Justice to speed up the process.
- Establishment of new department within the Public Prosecutor's Office, which will be in charge only of dealing with cases related to violations of the rights

#### Improving the labour rights of journalists:

- Continuation of the efforts of SSNM, with the support of AJM, in signing new collective agreements with private media.
- Conducting campaigns and trainings, through which journalists and the media would become more familiar with their basic labour rights.
- Provision of legal aid and advisory services to journalists and media workers by trade union journalists' associations.





