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Analysis:
**MEDIA FREEDOM AND
JOURNALISTS' SAFETY IN RNM
THROUGH THE PRISM OF
EXISTING LEGAL SOLUTIONS
– How to reach better solutions?**

Skopje, 2021

ANALYSIS:
**Media freedom and journalists' safety in RNM
through the prism of existing legal solutions –
HOW TO REACH BETTER SOLUTIONS?**

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1. INTRODUCTION

This analysis aims to present the existing legal framework on media freedoms and the safety of journalists in North Macedonia, and seeks to identify legal inconsistencies and institutional barriers, as well as good practices, mechanisms and initiatives in relation to these aspects in the media sphere.

In general, the media environment in the Republic of North Macedonia has improved in the last few years, although there is lack of systematic legal solutions that will contribute to effective reform and progress on the media scene ultimately. In 2021, the country is ranked 90th in Reporters without Borders' Media Freedom Index.¹ Although it is small improvement compared to previous year, the Report estimates that the situation with the media has deteriorated with government officials continuing to threaten and insult the media, while online threats and verbal attacks on journalists over social network² have been on the rise since in 2018 and 2019 were registered relatively small number of cases. The report notes that the policy of impunity continued to be practice in 2020³, confirmed by the fact that AJM registered only one case of threat against journalist who has first instance verdict.⁴

In 2020, woman journalists were targeted, and most attacks were noted in the online sphere. Institutions are inert and insufficiently up to date in processing cases and cases involving media professionals. Despite the ban on state advertising, public funds still have large share of the media market, both through the budget money transferred to the media for political-party advertising in election campaigns, and through the funds allocated by municipalities to the media on various grounds. The media community continuously warns of the dangers of violating the independent editorial policy, freedom of the media and freedom of expression of journalists.

¹ Reporters without Borders (2020) Media Freedom Index, <https://rsf.org/en/north-macedonia>.

² Ibid.

³ Ibid.

⁴ 360 stepeni (2020) "Emil Jakimovski got 20 months in prison and compulsory treatment in Bardovci", March 16, 2020, <https://360stepeni.mk/emil-jakimovski-dobi-zatvor-od-20-mesetsi-i-zadolzhitelno-lekuvane-vo-bardovtsi/>.

The state has obligation to provide political, social and media environment that will enable and encourage free media, inclusive debate, and participation in decision-making. In this regard, journalists' and media associations point to the need for amendments of several laws that contain provisions concerning journalists and media workers, which would enable their effective protection in the performance of professional duties. In that manner, the institutions would be given greater competencies, which will enable their greater engagement, promptness, and efficiency in processing cases in which the safety of journalists and media professionals is endangered.

The analysis will consider the provisions of six laws that address the following three aspects: 1) the safety of journalists and media professionals; 2) freedom and independence of the media and freedom of expression of journalists; 3) general provisions in the laws that affect the work of journalists and media professionals and the functioning of the media.

Positive examples from practice will be cited as guidelines for further improvement of the situation about these topics important for the development of the media sphere. The findings of the analysis should be used for representing before the decision makers in advancing legal solutions, which would improve the security of journalists and media freedoms. This would promote dialogue between MPs, institutions, civil society organizations and other key actors in order to improve media freedom and freedom of expression. Journalistic organizations would be enabled to participate substantially in decision-making processes and influence decisions, for the benefit of journalists and media professionals.

The analysis includes desk research of publications, reports of domestic media and civil society organizations, international organizations, as well as secondary data related to the topic. For the purposes of the analysis, six in-depth semi-structured interviews were conducted with representatives of the Ministry of Justice, the Public Prosecutor's Office, media professionals (2) and media experts (2). The research was conducted in the period March-April 2021.

At the beginning of the analysis, the provisions of the Criminal Code will be reviewed, which restrict the institutions to act *ex officio* when the rights of journalists and media professionals are violated, and the

changes proposed by the Ministry of Justice will be presented. The Law on Audio and Audiovisual Media Services, the Electoral Code and the Law on Civil Liability for Defamation and Insult, which contain solutions that may affect the independence of the media and their editorial policy, as well as the freedom of expression of journalists, will be further analysed. Given the fact that the founder of the Media Information Agency-MIA is the Government, the analysis will provide brief overview of the possible impact of institutions on the freedom and independence of the media. The analysis of the laws ends with the Law on Copyright and Related Rights and the Law on Media, which contain provisions regarding other rights and working conditions of journalists and media professionals and the functioning of the media. This is followed by mechanisms, initiatives and positive practices related to the safety of journalists and freedom of the media and the final part contains the conclusions and recommendations of the analysis.

2. CRIMINAL CODE

In recent years, the media community has continuously warned of inconsistencies or inefficient solutions within the Criminal Code that limit the opportunities for protection of journalists and media workers in the professional performance of their duties. Additional problem is the inertia and inaction of the competent institutions in cases where the rights and safety of journalists and media professionals are endangered. International institutions also warn that violence and threats against journalists remain major problem in the country. The State Department, in 2021, stated, "The culture of impunity is ingrained and is obstacle to the safety of journalists still. The number of physical attacks on journalists has decreased, but there is growing tendency for online violence and verbal abuse."⁵

The European Commission, in its 2020 report, states, "the country should ensure the prompt and effective monitoring of all cases of physical and verbal violence against journalists through the application of the law

⁵ US Department of State (2020) "2020 Country Report on Human Rights Practices: North Macedonia", 30.03.2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/north-macedonia/>

and by the judiciary.⁶ According to the EC, better co-ordination between different institutions is needed to act quickly on reported violations, and politicians and officials need to demonstrate higher level of tolerance for criticism and promote freedom of expression.

2.1. Ineffective legal solutions and institutional constraints

AJM registered fourteen more serious threats against journalists and media workers in 2020, mostly sent through social networks, and in 2 cases, there were physical attacks. For comparison, in 2019, AJM registered – four, and in 2018, only three threats and attacks. From 2015 to 2020, AJM has recorded seventy-five cases of attacks on journalists or media workers of various kinds.

In addition, eight of the attacks in 2020 were aimed at woman journalists.⁷ Journalists Meri Jordanovska and Iskra Koroveshovska were threatened through social networks by civil servant, also member of political party. This was the only case that had epilogue in 2020, given the fact that the Ministry of Interior (MOI) and the Public Prosecutor's Office (PPO) reacted quickly and within month, the intimidator was sentenced to 20 months in prison. This expediency of the investigating authorities is more the exception than the rule. Out of fourteen cases during 2020, the Public Prosecutor's Office established seven cases, in which a journalist appears as damaged entity or victim as person performing activities of public interest, and three complaints and misdemeanours were under the jurisdiction of the Ministry of Interior.⁸

Journalists' associations have long warned of legal deficiencies in the Criminal Code, as a result of which the competent institutions cannot act ex officio in acts that violate the rights of journalists and media professionals. The Basic and Higher Public Prosecutor's Offices, as well as the Ministry of Interior, have been criticized for being inert or not acting at all on the reports submitted by AJM, by journalists or by a received information.

⁶ European Commission (2020) "North Macedonia 2020 Report", Brussels: EC, 6.10.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf

⁷ Bogdanov, K., Breshkovski, I. and Sekulovski, D. (2020) "Improving the safety of journalists by amending the Criminal Code", Skopje: AJM, <https://bit.ly/3slKLHA>

⁸ BPPO (2020) "Information on established cases in which journalist appears as a damaged entity or victim", 6.10.2020.

Public Prosecutor reasoning for the rejection of the filed criminal charges by journalists was that crime is not prosecuted ex officio, and journalists can file private lawsuit. The prosecution, according to the existing law, can prosecute perpetrators of crimes, which are prosecuted only ex officio. The Public Prosecutor's Office explains that they face objective and subjective problems that reflect the dynamics of the handling of all cases, including those in which journalists appear as damaged.

“For prosecution to act on criminal acts, the journalists must immediately report to the Ministry of Interior, in order to provide evidence from the ‘on the spot’ ... and then the Ministry of Interior can proceed to determine the identity of the perpetrator of the crime ... and with the provided evidence to file criminal charges with the Prosecutor’s Office. The Public Prosecutor’s Office, in accordance with the positive regulations, can open criminal proceedings only against known perpetrator of crime”, reads the letter from the Public Prosecutor Sasho Rajchev sent to AJM.⁹

The same condition applies to crimes committed through social networks, due to which the prosecution must determine the identity of the profile holder, which is not always simple. For example, when there is suspicion for committed crime through Facebook account based in California, USA, the prosecution, through the Ministry of Interior, sends written request to the company to determine the profile owner, which often do not provide response or there is referral to seek data through international legal assistance. Nevertheless, even in those cases, most often, no data is received about the profile holder or negative answer is received, says the information from the Public Prosecutor. However, AJM points to examples when investigations lasted too long, although they could easily be proven. Such is the case with the former president of AJM, Naser Selmani, who received threatening messages on Facebook, and the person that threatened even publicly admitted, but the Public Prosecutor's Office and the Ministry of Interior could not clear up the case¹⁰ for a year and a half.

⁹ BPPO (2021) “Delivery of data regarding the questions sent to the BPPO by AJM”, 05.04.2021.

¹⁰ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3a6NjOK>. p. 25.

A big problem for the Prosecution is the crimes committed through online media, when neither the author of the text nor the editor of the media is known. The prosecution addresses the unit for fight against computer crime and digital forensics of the Ministry of Interior, which should determine where the media outlet is registered, who is the owner and founder, and who is the editor and author of the text. If the media outlet is registered abroad, then international legal assistance is required for which if the journalist does not provide basic data or the Ministry of Interior does not provide them, the Public Prosecutor cannot establish the facts.

The Public Prosecutor's Office in Skopje informs that they actively acted on the cases, in which journalists appeared as damaged party. The dynamics of acting and decision-making is conditioned by other institutions in the country or abroad where it requested data or provided evidence.¹¹ In this context, it is emphasized that despite the several-fold increase in the competencies of the Public Prosecutor, there is lack of systemic support, in terms of the necessary human, material and financial resources.¹²

The impression of media professionals is that the situation is slightly improving when it comes to frequent responses from institutions, but this cannot be said about the outcome of the proceedings.

*“Threats on social networks are still slowly being located, which affects the sense of security in the performance of the journalistic profession. Prosecutors ‘lazily’ prosecute perpetrators of attacks on journalists. The justifications for that are sought at the Ministry of Interior, which does not respond on time to the Prosecutor’s Office for the requests for data collection. The Ministry of the Interior, on the other hand, often unfoundedly waits for confirmation from Facebook to confirm the identity of the perpetrator, which can be done with a basic IP expertise,” commented Vasko Magleshov, a journalist with the Prizma / BIRN newsroom.*¹³

¹¹ BPPO (2021) “Delivery of data regarding the questions sent to the BPPO by AJM”, 05.04.2021.

¹² AJM (2020) “Legal changes announced for greater safety of journalists”, 26.11.2020, <https://bit.ly/3timsqE>.

¹³ Interview with Vasko Magleshov, journalist at the Prizma / BIRN editorial office, conducted by e-mail, 2.04.2021

Due to the inability of the Prosecution to act *ex officio* in cases where the injured party is journalists and media professionals, AJM and SSNM have long sought to introduce special criminal acts for obstructing and attacking journalists while performing their journalistic tasks or supplementing existing provisions, which would introduced harsher punishments for their intimidators and attackers. In the current Criminal Code, journalists are defined as persons performing activities of public interest (Article 122, paragraph 9), but “there is no crime with which they would enjoy special protection.”¹⁴

As a result of the efforts of journalists' organizations, the Ministry of Justice proposed amendments to the Criminal Code according to which journalists and other media workers would be included in the group of professions exposed to attacks and threats due to the nature of their work, and penalties would be increased for offenders.

*“The first intervention is in the definition in Article 122, in which the list of professions that professionally perform work of public interest includes journalists. Several members are given qualified form of the crime, which means more severe punishments,” explains Nikola Prokopenko, state counsellor at the Ministry of Justice.*¹⁵

The proposal implies that the attacks on journalists and media workers to be prosecuted *ex officio*, and not as before in private lawsuit (Article 14 of the proposed amendments to Article 144 of the Criminal Code).¹⁶ Even for BPP0, this will be mitigating circumstance when it comes to criminal-legal protection of journalists, because it will be able to prosecute the perpetrators *ex officio*, given that journalists will be included as possible damaged party together with other officials.¹⁷ This is especially important as journalists rarely decide to sue if there is physical assault or threat to their lives, for fear of appearing as plaintiffs instead of

¹⁴ Ivanov, Z. and Markovski, I. (2019) “Chronicle of (un) safety of journalists”, Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/04/web-MK-hronika-za-ne-bezbednostana-novinarite.pdf>. p. 37

¹⁵ Interview with Nikola Prokopenko, State Adviser at the Ministry of Justice, conducted on March 29, 2021, online.

¹⁶ Ministry of Justice (2020) Draft-law Amending the Criminal Code, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=61439.

¹⁷ BPP0, “Submission of data on questions sent by AJM”, 5.04.2021.

the Public Prosecutor, for fear of repercussions from intimidators and offenders they face during the procedure, as well as due to the high financial costs of conducting the procedure.¹⁸

A qualified form of the offenses with increased fines will be introduced in the offence “murder” (art. 123), “coercion” (art. 139), “endangering security” (art. 144), “preventing official from performing official action” (Art. 382, para. 3), which apply to both journalists and media workers if the crime was committed against them while performing their duties professionally.¹⁹ Article 144, which refers to endangering security, also intervenes in relation to hate speech, which, in fact, is a general act and does not apply only to journalists. The amendments provide, not only through the information system as it has been so far, but also if someone publicly threatens to commit a crime (punishable by five years in prison or more severe sentence) against person of racial, national, gender, sexual orientation, religious, religious or any other grounds, shall be punished by imprisonment of one to five years.²⁰

AJM and SSNM also requested interventions in the article on the dissemination of racist and xenophobic material through computer system (394-d), for which the sentence is one to five years in prison. AJM believes that the BPPO, but also the Ministry of Interior, by amending the Law on Criminal Procedure, should have the authority to act ex officio in cases where there are explicit threats through social networks to journalists or media workers while performing their duties professionally. The reason for the request is justified by the increase in the number of attacks and threats against journalists through social networks, but also other forms of telephone or computer communication. The reports indicate that the Sector for Computer Crime and Digital Forensics at the Ministry of Interior has filed several criminal charges with the Public Prosecutor’s Office due to reasonable suspicion of committing crimes punishable under Article 394-d of the Criminal Code.²¹ Some of these

¹⁸ Bogdanov, K., Breshkovski, I. and Sekulovski, D. (2020) “Improving the safety of journalists by amending the Criminal Code”, Skopje: AJM, <https://bit.ly/3slkLHA>. P. 41-42.

¹⁹ Ministry of Justice (2020) Draft-law Amending the Criminal Code, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=61439,

²⁰ Ibid.

²¹ AJM submitted questions to the Ministry of Interior, but no answer was received until the moment of publishing the analysis.

reports were submitted to the Ministry of Interior by AJM on behalf of the damaged journalists.²² AJM and SSNM demand introduction of new criminal acts in the Criminal Code "Prevention of journalists in the performance of professional duties" and "Attack on journalists while performing professional duties" that are related to the criminal acts "Aggravated murder" and "Serious bodily injury", which in future could deter perpetrators of attacks.²³

The Ministry of Justice says that the article "Dissemination of racist and xenophobic material through computer system" is a "general act" and does not apply only to journalists, but to all citizens. The Prosecution points out that this crime is "complex" and evidence should be provided for it, such as determining the identity of the perpetrator, most often from social networks. International legal assistance is often needed, which is long process; the answers are often negative, which prevents the Prosecution from acting.

"Evidence for spreading hatred should be explicit, care should be taken not to violate the constitutional provisions on freedom of thought and expression, as well as the standards of the European Court of Human Rights, which are the source of law in the RNM," it is indicated in the letter from PPO.

From October 2020 to March 2021, there was no case in which a journalist was injured.²⁴

There are cases in the online media when hate speech is produced and spread²⁵, but in North Macedonia, there is no single court verdict for hate speech. There is only one court case under Article 394-d of the Criminal Code opened in the Basic Court 1, for spreading racist and xenophobic material through computer system, but the verdict at the end of 2020 was not final and the case was pending.²⁶

²² Bogdanov, K., Breshkovski, I. and Sekulovski, D. (2020) "Improving the safety of journalists by amending the Criminal Code", Skopje: AJM, <https://bit.ly/3sIkLHA>. p. 47.

²³ Ibid. p. 48.

²⁴ BPPO, Delivery of data on questions sent by AJM, 5.04.2021.

²⁵ Nikodinovska, V. (2020) "Political and Economic Basis of Media and Communication Models That Spread Misinformation and Hate Speech", Skopje: MIM, <https://mim.org.mk/attachments/article/1230/Mediumski%20i%20komunikaciski%20modeli%20koi%20shirat%20dezinformacii%20i%20govor%20na%20omraza.pdf>

²⁶ Ibid. p. 9.

The analyses conclude that in the inter-institutional connection of the Public Prosecutor's Office, the Ministry of Interior, and the judiciary, one of the institutions regularly evades.²⁷ Although the Public Prosecutor is most often criticized, by rejecting the lawsuits of journalists related to the events in the Parliament on April 27, 2017, the media community assessed that the court rulings endangered freedom of speech, discredited the journalistic profession and the role of the media in a democratic society.²⁸

During the intrusion in the Parliament on April 27, 2017, several journalists and media professionals who reported on the parliamentary session were injured or their equipment was damaged.²⁹ At the end of 2020, the Basic Court Skopje 2 rejected the lawsuit of the journalists Dushica Mrdja and Natasha Stojanovska, who sued the state for violating the right to freedom of expression for the events in the Parliament. The reasoning of the Court was that the journalists did not submit evidence from which it can be established that public protests took place in front of the Parliament on that day, nor did it admit that they had experienced mental pain, fear and trauma. In April 2021, the lawsuit was rejected by the journalist Goran Trpenoski, with the explanation that "he was not journalist because he worked in the online media Sakamdakazam (Sdk.mk), which, according to the Law on Media, is not considered as medium."

"All hopes for justice and the Europeanization of judges have been dashed by the verdicts handed down following the April 27 journalists' lawsuits. Despite international reports, the ECtHR recommendation in Strasbourg and the state's decision to pay damages on December 24 (Black Monday), these rulings were made without considering the recommendations of European law," commented Hristina Belovska, a journalist at the Research Reporting Laboratory.³⁰

²⁷ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3a6NjOK>. p. 24.

²⁸ AJM (2021) "Another shameful verdict for journalists for the events of April 27", 14.04. 2021, Skopje: AJM, <https://bit.ly/2QgWaqD>

²⁹ Mrdja, D., Murtezi, E. and Belovska, H. (2019) "Attacks on journalists and media workers on April 27, 2017", Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Napadi-27-april.pdf>

³⁰ Interview with Hristina Belovska, journalist at the Investigative Reporting Laboratory, conducted by e-mail, April 2, 2021.

Impunity for perpetrators remains high and 5-10 percent of cases in which the rights of journalists were violated, registered by AJM from 2014 to 2019.³¹ The policy of impunity, which is highlighted as chronic problem in all domestic and international reports, sends message of institutional “tolerance” of attacks on journalists and media workers.

3. MEDIA REGULATION – FREEDOM AND INDEPENDENCE OF AUDIOVISUAL MEDIA

The Law on Audio and Audiovisual Media Services and the Law on Media constitute the regulatory framework, which refers to the media in North Macedonia. After the change of government during 2017, the political parties agreed on changes in the media legislation, which were to lead to substantial reforms in the field of media. This was necessary due to the “political dominance of the ruling party VMRO-DPMNE in the entire media sphere”, which enabled it to “completely abuse the regulation” from 2011 to 2016.³² Both laws need to be revised into several segments because they are dysfunctional or outdated. Thus, the Law on AVMS requires changes in the area of transparency and concentration of the media, allocation of resources or improvement of public service provisions, and implementation of the revised EU Audiovisual Media Services Directive.

However, regarding the freedom and independence of the audiovisual media, and thus of the journalists and media professionals working in them, the analysis in the Law on AVMS will focus on several provisions, which refer to the ban on state advertising and the financing of the public service Macedonian Radio-Television.

3.1. Law on AVMS – state advertising threat to editorial policy

As a result of the negotiations between the political parties, at the end of 2018, the legal amendments were adopted, which changed the manner of nomination and election of the members of the Council of the Agency for Audio and Audiovisual Media Services (AAAMS) and the Program Council

³¹ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3dgU4Qc>. p. 23.

³² Trpevska, S. and Micevski, I. (2015) Why is the integrity of the media important, Skopje: MIM, https://mim.org.mk/attachments/article/824/zosto_e_vazen_integritetot_na_mediumite_MK_v2.pdf. p. 68.

of PBS MTV, with aim to ensure greater independence of these bodies. The independence of the AAAMS Council members from various political and business centres of power is key precondition for the independence of all audiovisual media, and the independence of the MRT Council members is important for the overall independence of the public service and its connection with the citizens. However, by April 2021, the two bodies were not constituted due to party disagreements in Parliament.

One of the essential reform interventions was the abolition of the possibility of advertising in the commercial media and in the press with funds from the state budget with Government Decision in 2017. Until 2016, the government used this mechanism to create political-clientelistic relations with the media. The legal amendments adopted at the end of 2018 provided that “state bodies, state administration bodies, public enterprises, local self-government units, public institutions and institutions, as well as legal entities with public authorizations and companies in full state ownership should not to provide means for informing and introducing the public with their services or activities through private broadcasters” (Article 102 of the Law on AAAMS). Despite the ban, the problem with the advertising of institutions and public enterprises from budget funds continues to linger, given the data that the municipalities in 2019 spent approximately 500.000 euros for various purposes in the media.³³ The media community has warned that public funds from municipalities or public enterprises in the local media may influence media content and undermine independent editorial policy.³⁴

At the beginning of 2021, the government announced changes in the media regulations regarding the ban on advertising by the central and local government in the media, i.e., the repeal of Article 102 of the Law in order to help the media that were affected by the crisis caused by the covid-19 pandemic through the possibility of “reaching agreements with public enterprises, municipalities in terms of their transparency and implementation of their decisions ...”³⁵

³³ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3a6NjOK>, p. 10.

³⁴ Ibid.

³⁵ Mitevska, M., “Let no state bribery of the media happen again”, Radio Free Europe, <https://bit.ly/2OKafvJ>; <https://irl.mk/kako-zaev-na-golema-vrata-protnuva-gruevistichki-retsept-zamediumski-potkup/>.

Journalist and media organizations have opposed the announcements because **“the practice of paid public campaigns in the private media has proved extremely harmful in the past, when with citizens’ money was put pressure on the media over their editorial policies.”³⁶ It is considered as opposing to the European practice, where paid political advertising on television and radio is prohibited during and outside elections, and the media, including the public service broadcaster, is expected to be socially responsible and to publish free of charge content, which is of public interest.**³⁷ The position of the media community is that the return of opportunities for state advertising in the media is threat to the independence of the media, as well as to the media market, which already has significant inflow of funds from the Budget.³⁸

3.2. Violated financial independence is violation of the freedom of MRT

Some of the provisions in the Law on AAAMS that refer to the operation of PBS Macedonian Radio and Television and that affect the economic situation of journalists, in practice encounter institutional obstacles. With the changes that were made in the Law, in September 2017, the broadcasting fee was abolished, and the financing of MRT was provided through funds from the state budget.

First, it was envisaged to allocate 0.5 percent of the Budget for financing MRT, AAAMS and MRB, and with the changes from December 2018, between 0.8 and 1 percent of the realized total revenues in the year preceding the fiscal year for which the amount is determined. The changes in the funding model were made in order to ensure stable source of revenue, as well as the political and economic independence of the public service. However, the funds for financing MRT are continuously decreasing from 2017 to 2021³⁹, and the Ministry of Information Society

³⁶ AJM, SSNM, MIM and SSNM (2021) “Public media campaigns should be free”, 23.02.2021, Skopje, <https://bit.ly/2OPMJ0y>.

³⁷ AJM, SSNM, MIM and SSNM (2021) “Public campaigns in the media should be free”, 23.02.2021, Skopje, <https://bit.ly/2OPMJ0y>.

³⁸ Ibid.

³⁹ AVMS (2020) Market analysis of audiovisual media services for 2019, Skopje: AVMS, <https://bit.ly/3aaYbev>. p. 10

and Administration does not respect the obligation to provide the legal minimum for financing PBS. As a result, the public service broadcaster has less resources available than before the legal changes were adopted, although one of the main goals of those changes was to provide sustainable funding.⁴⁰ This causes additional financial difficulties in the functioning of the public service and increase of the debts to the state, especially with the opening of five new program services.

“The financing of MRT must be resolved because the current solution does not provide sufficient funds. A suitable model must be found, and for that, we need a strategic approach. The quality should be offered to the audience, and I expect that, above all, from the public service MRT”, says Dejan Georgievski, President of the Centre for Media Development.⁴¹

Snezhana Trpevska, from the Resis Institute, believes that the model of financing MRT with funds from the Budget provides only “apparent financial stability and independence”, and in fact, it turns out that the government does not pay the funds provided.

“An analysis should be made whether the percentage provided for financing MRT corresponds to the actual costs for production of the contents of the program services that it broadcasts. In Montenegro, for example, amendments have been made to the laws under which agreement is reached between the PBS and the government, with the PBS first developing program plan for what services will offer to citizens and public debate on that plan. The agreement between the PBS and the government states what the PBS will offer to the public and how much money the government will have to spend on it. I think that in our country the government should commit itself in equivalent way to pay the necessary funds for the operation of MRT,” said Trpevska.⁴²

The Association of Journalists of Macedonia reacted that the transfer of less funds than planned “violates the concept of financial independence of MRTV, which is one of the two preconditions for free public services.” MISA shows how “politics directly affects the way

⁴⁰ Ibid.

⁴¹ Interview with Dejan Georgievski, President of the Centre for Media Development, conducted on 24.03.2021, online.

⁴² Interview with Snezhana Trpevska, President of the Resis Institute, conducted on March 23, 2021, online.

the public service works through unjustified reduction of the funds provided by law”⁴³, reacted AJM. The media community continuously strives for consistency in the application of the legal solution that will enable the financing of the public service to take place as provided by the Law in order to ensure its political and financial independence.

The European Union also notes that as a result of the discretion of the government, less funds are transferred to the public service, so that financial independence and sustainability remains open question.⁴⁴

4. ELECTORAL CODE

State and political advertising in the past were the main mechanisms for financing the media. This undermined the democratic role of the media, which instead of serving the public interest and the citizens, were placed in the service of the centres of power. This systemic shortcoming was pointed out in international and domestic expert reports following the political changes in the country in 2016.

State advertising was abolished in 2017, while the issue of political advertising was addressed through several interventions in the Electoral Code from 2016 to 2020, but also in the Law on Referendum and the Law on AVMS. Party-political campaigns are segment of political advertising, for which there is inconsistency in the definitions and rules in the regulation, while for the consistent and related harmonization comprehensive debate should be opened.⁴⁵

Some of the provisions in the Electoral Code will be considered from the aspect of media freedom and freedom of expression of journalists due to the possibility for the media to receive budget funds for the media representation of the parties in election campaigns. The provisions related to the internet media will be analyzed, which affect the aspect of other general provisions that affect the working conditions of journalists and the functioning of the media.

⁴³ Ibid.

⁴⁴ European Commission (2020) North Macedonia 2020 Report, Brussels, 6.10.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf. p. 30.

⁴⁵ Trpevska, S. and Selmani, N. (2018) "Comparative analysis of political advertising in the media", Skopje: KAS and AJM, <https://resis.mk/attach/komparativna-politicko-oglasuvanje.pdf>. p. 38.

4.1. Public funds for party-political campaigns

The expert and media community have been pointing out for long time that should be reconsidered the need and conditions under which the political advertising in the media in Macedonia can take place.

Regarding paid political advertising in the print media, European media policy has liberal position, as it is considered that this should be allowed in this sector with certain restrictions, in terms of volume and content of messages. The online sphere is subject to the least degree of regulation and is usually not subject to media legislation.⁴⁶ In broadcast media, however, media policy differs from country to country in terms of political advertising – measures are more restrictive where public service broadcasting has longer tradition, while in countries where commercial broadcasting is dominant, paid political advertising may be unlimited.

The changes that were made in 2018 opened latest problems related to the rules for political advertising in the media during the elections, especially due to the possibility of reimbursement of expenses from the state budget and introduced additional confusion regarding the status of Internet portals.

The law enables the budget to allocate funds for fulfilling the legal obligations of the broadcasters, print media and internet portals in the part of publishing paid political advertising of the participants in the election campaign (Article 76-e). The Ministry of Finance later reimburses the costs for the published paid political advertising of the media based on the submitted invoice, media plan and report on the realized services to the participants in the election campaign.

The public funds that flow into the media on the legal obligation of the parties for media representation in the pre-election campaign, raised reactions and concerns among the media community. **Reimbursement of the costs of the commercial media for the published political advertising of the parties, directly from the Budget, is a problematic solution as it “calls into question the independence of their editorial policy.”⁴⁷**

⁴⁶ Ibid. p. 18.

⁴⁷ Trpevska, S. and Selmani, N. (2018) “Comparative analysis of political advertising in the media”, Skopje: KAS and AJM, <https://resis.mk/attach/komparativna-politicko-oglasuvanje.pdf>. p. 32

“There is a danger that certain parties will favour the same media and thus influence their editorial policy in the future, and thus continue to live media clientelism to the detriment of citizens,” said Mladen Chadikovski, president of the Association of Journalists of Macedonia.⁴⁸

The news organizations AJM, SSNM and SEMM also criticized the request for submission of media plan based on which the expenses are reimbursed, assessing it as “intrusion into the independence of the editorial policy and program contents of the media during the election campaign, as a program scheme is imposed on them by political parties.”⁴⁹

Otherwise, for the Parliamentary elections in 2020, the political parties had at their disposal 3.6 million euro for political advertising in the media, for the Presidential elections in 2019 the parties spent 3.75 million euro for media campaign, and for the Referendum in 2018 – about 1 million euro for media coverage.⁵⁰

4.2. Criteria for internet portals are missing

The Electoral Code also includes Internet portals as media, where political parties can conduct media representation (Article 75). However, there are no criteria which of them can be registered in the register of the State Election Commission. Thus, in the Parliamentary elections in 2020, 235 internet portals registered in the SEC register, and for the Presidential elections in 2019 – 85 internet portals.

Analyses of the research media showed that the lack of criteria allows registering in the SEC register for portals that do not publish political content (sports, culture, entertainment), informative online media without impressions, portals of unknown ownership (some registered

⁴⁸ Selmani, N. (2020) “New three million euros to pay for party propaganda in the media”, published at the Observatory of Media Reforms, 12.07.2020, https://mediaobservatorium.mk/novi-tri-milioni-evra-za-plakjanje-partiska-propaganda-vo-mediumite/?fbclid=IwAR2afBYIxk5c_P6V5AebEVtqPeDKv1-9lrrl_fAdVxP

⁴⁹ AJM (2018) “Amendments to the Electoral Code endanger the work and freedom of the media”, Skopje: AJM, <https://znm.org.mk/izmenite-na-izborniot-zakonik-gi-zagr/>.

⁵⁰ Media Observatory (2020) “Public money in the media to kill journalistic criticism”, published at the Observatory of Media Reform, 13.02.2020, <https://mediaobservatorium.mk/javnite-pari-vo-mediumite-ja-ubija-novinarskata-kritika-infographic/>

in the USA, Panama, or other unknown companies), portals of citizens' associations, news aggregators, unregistered domains and other non-media portals (Employment Agency or tour guide).⁵¹

*“... Therefore, before the elections, portals can emerge ... with dubious background, without observing the criteria for professional media and for them to be on the same level with the serious online newsrooms and to have access to these funds. This leaves room for serious suspicions of corruption and abuse. The Register of Professional Online Media could be starting point, for example for the SEC, in decision making for awarding financials, when the state is already deaf to appeals that the whole concept is wrong,” said Katerina Sinadinovska, MB chairperson of SEMM for Research reporter laboratory.*⁵²

Clarification of the provisions related to Internet portals is necessary to prevent multiple abuses that have been reported so far, such as reporting multiple portals by the same publisher or advertising parties on those portals that favour them. Additional problem is that the SEC does not have sufficient capacity to verify and select applications for the register.⁵³

Political advertising on social networks is not subsidized and specially regulated, although political parties have used these campaign methods extensively. Regarding the advertising on these platforms, there is not enough transparency for the expenses of the parties.⁵⁴ “Parties are obliged to publish data on where they advertised, but do not provide detailed data on how much they spent on social networks. It is a ‘grey zone’,” said Snezhana Trpevska from the Resis Institute.⁵⁵

⁵¹ Apostolov, V. and Trpkovski, G. (2020) “Portals and money before elections: Crowd before goal”, published on Prizma / BIRN, 07.03.2020, <https://prizma.mk/portallite-i-parite-za-izboriguzhva-pred-gol/>

⁵² Jovanovska, M., and Cvetkovska, S. (2020) “State money for election information wars”, published on IRL.mk, 23.07.2020, <https://irl.mk/drzhavni-pari-za-izborni-informatsiski-voni/>.

⁵³ OSCE / ODIHR, “Special Election Assessment Mission Republic of North Macedonia – Early Parliamentary Elections”, 15 July 2020, <https://www.osce.org/files/f/documents/8/2/457426.pdf>

⁵⁴ Ibid.

⁵⁵ Interview with Snezhana Trpevska, President of the Resis Institute, conducted on March 23, 2021 online.

5. LAW ON CIVIL LIABILITY FOR DEFAMATION AND INSULT

The adoption of the Law on Civil Liability for Defamation and Insult (LCLDI) in 2012 meant the realization of the long-term efforts of the journalistic and media community to decriminalize these two acts and their transfer to civil law. The purpose of decriminalization was to avoid self-censorship of journalists, to reduce the number and amount of compensation for non-pecuniary damage, and to shorten court proceedings.

Since the adoption of the Law, no interventions have been made in it, and Plan 18 of the government from 2018 envisages changes that would correspond to European trends. The provisions in this Law are considered in the analysis from the aspect of the issue of media freedom and freedom of expression of journalists.

5.1. Intended reduction of compensation amount

Prior to the decriminalization of defamation and insult, they were often used as instruments of pressure on journalists by representatives of various centres of power. Prior to the enactment of the Law, the number of disputes involving journalists was around 330, while in the following years, the number gradually decreased. The verdicts did not have heavy fines, except in some exceptions, such as the "Mijalkov v. Focus"⁵⁶ case. Compared to the period before 2017, defamation and insult are less used by the authorities to put pressure on critical journalism. Priebe's September 2017 report on the implementation of urgent reform priorities noted the declining number of defamation and defamation lawsuits and stated that this was not matter of concern.⁵⁷

Over the years, however, there have been exceptions mainly by senior officials, who have sued journalists for defamation: representatives of the DUI political party have sued the Albanian-language media or threats of defamation and insult lawsuits in 2019 by senior party members and government officials targeting journalists⁵⁸, which can be

⁵⁶ AJM (2018) "Analysis: Judgments for defamation and insults in court cases with journalists", Skopje: AJM, <https://znm.org.mk/analiza-presudi-za-kleveti-i-navredi-n/>

⁵⁷ Georgievski, D. (2020) "Insult and defamation as part of media reforms", Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Navredata-i-klevetata-1.pdf>. p. 14.

⁵⁸ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3dgU4Qc>. p. 11.

seen as instrument of intimidation.⁵⁹ According to the AJM information, by the end of 2019 in the Civil Court Skopje there were about 30 active cases of defamation and insult in which a journalist or media outlet appeared as a party.⁶⁰

The implementation of the Law showed certain weaknesses and shortcomings, which were identified through the monitoring of AJM, as well as in the European documents, which focused on the basic priorities. Thus, in the first four years 2013-2016 of the application of the Law, the analysis found that the costs for conducting proceedings before the civil courts were high, which allows those who sue journalists to have high monetary claims from the court due to damages, and some judges showed tendency to protect the honour and reputation of officials.⁶¹

The practice of the Macedonian courts in deciding on defamation and insult lawsuits has long been perceived as the biggest problem faced by journalists and media outlets who appear as defendants in those acts, precisely in terms of the privileged treatment they have shown to politicians' lawsuits.⁶² Nevertheless, over the years, case law has progressed, including assessments of the work of small number of judges who have been trained in the interpretation and application of the Law and the case law of the European Court of Human Rights.⁶³ Namely, three trained judges, who created good practice, tried the cases of defamation and insult until 2019 and as of September 2019, all judges of the Civil Court can try these cases. Therefore, the journalistic community points out the need for additional training of judges on this specific topic in order to maintain the established case law.⁶⁴

The EU recommendations in the field of insult and defamation primarily refer to the reduction of the number of cases of insult and defamation

⁵⁹ Ibid. p. 28

⁶⁰ Nebiu, B., Selmani, N., Sekulovski, D. and Naumovski, N. (2018) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2017, Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Pokazатели-na-stepen-na-sloboda.pdf>. p. 15.

⁶¹ AJM (2018) "Analysis: Judgments for defamation and insults in court cases with journalists", Skopje: AJM, <https://znm.org.mk/analiza-presudi-za-kleveti-i-navredi-n/>

⁶² Georgievski, D. (2020) "Insult and defamation as part of the media reforms", Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Navredata-i-klevetata-1.pdf>. p. 31.

⁶³ Ibid. p. 13.

⁶⁴ AJM (2020) "AJM Principled Requests for Amendments to the Law on Civil Liability for Defamation and Insult (LCLDI) of AJM", November 2020.

lawsuits that will reach the courts, through greater use of mediation, support, and promotion of the use of self-regulatory mechanisms for resolving disputes, as well as political message to public officials to refrain from insult and defamation lawsuits.

According to the recommendations of the EU and foreign experts, the “insult” and related acts should be removed from the LCLDI and remain within the scope of the Law on Obligations, because this act does not fall within the definition of defamation under Article 10 of the European Convention for human rights.⁶⁵ However, after the comparative analysis, this was not acceptable for our judicial system.⁶⁶

Other inconsistencies arising from the practice require minor amendments. The proposed amendments to the 2020 Law address three key issues:

*“The first amendment refers to one of the basic goals of the Law and it specifies that defamation and insult should be brought before third party, i.e., in public as is the case law of the European Court of Human Rights. It is envisaged to reduce the amount of compensation, as well as to further regulate the liability for defamation,” explains Nikola Prokopenko, state counsellor at the Ministry of Justice.*⁶⁷

In the part of compensation for non-pecuniary damage, a tenfold reduction of the amounts is envisaged. Thus, if now for damage caused by insult or defamation by journalist the compensation not exceeding 2.000 euro is provided, for the editor or the person replacing him – compensation not exceeding 10.000 euro and for legal entity – 15.000 euros (Article 18 from LCLDI), these amounts in the future would amount to 200, 1.000 and 1.500 euro, respectively.

The current law stipulates that “if the presentation or transmission of untrue allegations on facts was made through the media, the author of the statement, the editor or the person replacing him in the media and the legal entity may be liable for defamation” (Article 8). With the

⁶⁵ Georgievski, D. (2020) “Insult and defamation as part of the media reforms”, Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Navredata-i-klevetata-1.pdf>. p. 14.

⁶⁶ Interview with Nikola Prokopenko, State Adviser at the Ministry of Justice, conducted on March 29, 2021, online.

⁶⁷ Ibid.

changes, the natural person who owns media outlet will be able to take responsibility. Furthermore, the plaintiff may decide against whom he would file a claim for liability and damages for defamation.

What has appeared as problem from court practice is liability for defamation, especially in cases where courts deny journalists the right to work as journalists for online media. The courts did not have consistent and unified practice regarding online media, so while some basic and appellate courts across the country “recognized” them as journalists and media, Skopje courts rejected cases in which online media journalists appeared as parties.⁶⁸

An additional contradiction is that Article 11 of the LCLDI specifically refers to the responsibility of the “electronic publication” for offensive or defamatory statements in the comments below published texts online. The proposed amendments from 2020 envisage deletion of this article from LCLDI, which is in line with the position of the journalistic community.

In 2018, AJM submitted a written initiative to the Supreme Court of the RNM, requesting to harmonize the case law. As a result, in 2019, the four appellate courts ruled that online media, which as parties appear before civil courts in defamation and defamation proceedings, would be treated equally with traditional media.⁶⁹

6. ORGANIZATIONAL SET-UP OF THE MEDIA INFORMATION AGENCY – MIA

The Media Information Agency – MIA was established by decision of the government in 1998, and in 2006, it was reorganized as Joint Stock Company Macedonian Information Agency – Skopje in state ownership. Given the fact that the founder of the Media Information Agency is the government, it is part of this analysis in terms of possible influence of the institutions on the freedom and independence of the media that they founded and over whose governing bodies they have control.

According to the Statute of MIA, the Management Board manages it,

⁶⁸ Georgievski, D. (2020) “Insult and defamation as part of media reforms”, Skopje: AJM, <https://znm.org.mk/wp-content/uploads/2020/07/Navredata-i-klevetata-1.pdf>.

⁶⁹ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3ahjEIX>. p. 28.

and the Chairman of the Management Board is the General Director and Editor-in-Chief of MIA. The government appoints him. The Supervisory Board elects the members of the Management Board. The Board of Directors is under the control of the Supervisory Board and the government, as assembly of the company. The government appoints the five members of the Supervisory Board.

In the past period, MIA showed greater professionalism and impartiality in reporting: "After the change of government (in 2016) it received new leadership and worked to expand its services by offering video and photography."⁷⁰

However, despite the professional development of MIA over the past years, the organizational and managerial structure, in the selection of which the government has direct influence, remains the problem in terms of the independence of the media from the political centres of power. Thus, the government has discretionary right in the election and re-election of the director, i.e., the editor-in-chief and the members of the Supervisory Board, and thus influence the election of the members of the Management Board. This potentially means that the government could also influence the editorial policy of the media.

The journalists' organizations are of the opinion that the most proper way of organizing MIA is following the example of the public service Macedonian Radio-Television, whose founder and competent institution is accountable to the Parliament. In that regard, legal changes are needed to guarantee that the government will not have an influence on the choice of management in MIA.

7. LAW ON COPYRIGHT AND RELATED RIGHTS

The copyrights of journalists and other media workers are constantly in focus due to their massive violations, especially in the online sphere. Unauthorized downloading of texts, photographs and other content devalues the work of media professionals and affects their economic and social status in society. The provisions of this Law are considered in terms of the impact they may have on the work of journalists and media professionals and the functioning of the media.

⁷⁰ IREX (2019) MSI 2019, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-north-macedonia.pdf>. p. 9

7.1. Protection of journalistic authorial works

Expert analysis of the Law on Copyright and Related Rights (LCRP)⁷¹ conclude that amendments are needed regarding greater protection of journalistic works, collective management of copyright and the need to protect the copyright of digital platforms. An additional problem is the lack of case law in this area and the high amounts of court costs. The Ministry of Culture announced amendments to the Law on its harmonization with European standards, and the draft text should be shared with all stakeholders during 2021.

In the Law, the author is defined as person to whom the copyright over his work belongs from the very creation and he has the exclusive right to allow or prohibit the use of the work or its copies by other persons (Article 26). Written and spoken works, photographs and audiovisual works are considered as authorial works. Not every media product can be considered copyrighted work, such as news and current affairs information. An author's work can be considered only the information in the creation of which the journalist has intellectual contribution, such as research stories or articles / texts, in which the author has independently disclosed information.

According to the expert public, the current law places more emphasis on the violation of the moral and material rights of photographers, and in terms of the content produced by journalists, the regulation is not clear enough.⁷² Lawyers working on this issue point out that authorship is much easier to prove in photographs than in journalistic texts, as they can be drastically altered compared to the original text.⁷³ Therefore, some of the key shortcomings that need to be addressed with the amendments to the Law relate to the recognition of copyrighted journalistic works, which is important in possible court proceedings that journalists would initiate to protect their copyright.⁷⁴

⁷¹ Official Gazette of the Republic of Macedonia, no. 115/10, 140/10, 51/11, 147/13, 154/15 and 27/16

⁷² Pashoski, D. (2021) "How the Law on Copyright Affects the Work of Media Workers", Skopje: AJM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf, p. 4.

⁷³ AJM (2020) "The work of professional media under the influence of plagiarism", Skopje: AJM, <https://bit.ly/3wTQVgT>

⁷⁴ Ibid.

Experts also recommend changes in the article of the Law regarding the copyright work created by an employee while fulfilling his work obligations or under the instruction of the employer (Article 86), according to which, the material rights belong exclusively to the employer for period of five years since its creation. It is recommended to change this decision, which will guarantee, “the material rights of the author for work created in employment while performing work tasks will belong exclusively to the author, unless otherwise specified in the employment contract.”⁷⁵ This issue has been updated in the country, especially in the case of the photojournalist Arbnora Mehmeti, who defended the copyright for her photo taken while she was employed in organization, which, according to her, were violated by other legal entities.⁷⁶

This solution is also present in the Croatian Copyright Law, where the author is the focus of this provision and he keeps the copyright over the work.⁷⁷ This is especially important when copying other's content, when the author of the work should be mentioned, which protects moral rights. In this way, the author can later cede the material rights for proper compensation.⁷⁸

7.2. Collective copyright management

Experts also point out the importance of the provisions concerning the collective management of copyright and the related rights of journalists and photo reporters (Articles 129-134). Collective exercise of rights can be realized through an organization for collective management of rights, which according to the Law should be legal entity established by individuals and / or legal entities, to work for non-profit purposes, and

⁷⁵ Pashoski, D. (2021) “How the Law on Copyright Affects the Work of Media Workers”, Skopje: AJM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf. p. 16

⁷⁶ SSNM and AJM (2021) “We condemn the unworthy dismissal of the photo reporter Arbnora Memeti”, 05.03.2021, <https://www.radiomof.mk/ssnm-i-znm-go-osuduvame-nedostoinstvenoto-otpushtanje-na-farbore-memeti/>

⁷⁷ Breshkovski, I., and Markovski, I. (2018) “The Impact of the Law on Copyright and Related Rights on the Work of Journalists, Photojournalists and Media Workers – Practices and Recommendations”, Skopje: KAS and AJM, www.znm.org.mk. p. 21.

⁷⁸ Pashoski, D. (2021) “How the Law on Copyright Affects the Work of Media Workers”, Skopje: AJM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf.

it should obtain work permit from the Ministry of Culture. The purpose of the organization is to protect, represent and represent the different interests of rights holders in the country and abroad.

The regulation in this segment in North Macedonia is not properly implemented in practice, due to which the Ministry of Culture, which oversees the Law, announced analysis of the legislation and practice in the region and in EU countries, regarding the collective exercise of copyright and related rights.

One possibility is to set up non-profit association for the collective management of the copyrights of journalists, photo reporters and media workers with the approval or permission of the Ministry of Culture. In Croatia, for example, the Association for the Protection of Journalistic Rights has been running since 2007 with aim to provide collective protection of journalistic copyright, which is civil and non-profit organization founded by journalists.⁷⁹ The organization is funded based on membership fees and donations, and members can be journalists – authors who unite to protect journalistic copyright, pursue common professional interests, and improve the social and material position of journalists.⁸⁰

The regulation should be harmonized with the European Directive on collective management of copyright and related rights and multi-territorial licensing of music works for use online, so that, in case of unauthorized copying of the works of journalists, photographers and media workers outside Macedonia, the author will be able to seek protection through collective management organizations abroad.⁸¹ This possibility is also contained in the Croatian Law.

7.3. Necessary improvement of the case law

Amendments to the Law should also take into account the new digital environment in which authors create digital works, which is why the European Directive on Copyright and Other Related Rights, which refers

⁷⁹ Breshkovski, I., and Markovski, I. (2018) "The Impact of the Law on Copyright and Related Rights on the Work of Journalists, Photojournalists and Media Workers – Practices and Recommendations", Skopje: KAS and AJM, www.znm.org.mk. p. 22-23.

⁸⁰ Ibid.

⁸¹ Ibid. p. 42.

to the sharing of protected content by Internet service providers (such as YouTube and Vimeo). In doing so, the service provider must obtain permission from the author to use his work.⁸²

Professional online media are especially faced with the challenges of the so-called "Copy-paste" journalism when content is copied from their media without authorization. However, the jurisprudence in our country for these violations of rights is extremely modest, and court proceedings, especially in the civil sphere, can be expensive and lengthy.⁸³ **The excessive cost of litigation in civil courts deters journalists and photo reporters from suing. Therefore, experts recommend cutting costs to encourage media professionals to seek protection for their copyrights.**

On the other hand, several copyright judgments have shown that high administrative costs in litigation can contribute to financial difficulties in the operation of some online media outlets that have lost the case. The economic sustainability of the media is particularly important issue, due to the still underdeveloped advertising market in the online sphere.

Given the small case law, additional training is needed for civil and criminal court judges on specific topics, such as copyright.⁸⁴ This is necessary because in some court proceedings, certain courts do not recognize Internet portals as media.

Otherwise, one of the mechanisms for out-of-court resolution of cases in which the copyright of journalists and media workers has been violated is media self-regulation. A group of photo reporters have also set up online platform (<http://kolektif.mk/>), on which they publish professional photos, which can then be bought by the media. This is pointed out as form of association that has the potential further to grow into mechanism that will protect the copyrights of photo reporters.⁸⁵

⁸² Pashoski, D. (2021) "How the Law on Copyright Affects the Work of Media Workers", Skopje: AJM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf. p. 14

⁸³ Ibid. p. 13

⁸⁴ Ibid. p. 17.

⁸⁵ Breshkovski, I. and Markovski, I. (2018) "The Impact of the Law on Copyright and Related Rights on the Work of Journalists, Photojournalists and Media Workers", AJM, Skopje, www.znm.org.mk.

8. LAW ON MEDIA

The analysis also covers the Law on Media, viewed from the aspect of how certain solutions affect the work of journalists and the functioning of the Internet media, for which in recent years several questions have been raised regarding the changes that were adopted in several laws, as well as in the institutional treatment of them in practice.

8.1. Internet media and the legal framework in which they operate

Online media are not part of media regulation scope, as this view is widely accepted among the journalistic and expert public that this would limit the freedom of expression in the online sphere, and this solution is in line with European practice. On the other hand, there is a fear of possible abuse of any legal solutions by the institutions and the government, even if it is about the so-called “Soft regulation”, which could restrict freedom of expression, democracy, and media pluralism.⁸⁶

However, in recent years the online media have repeatedly emerged as open issue through the application of other laws, the practice of institutions, or in the context of the rise of some undesirable phenomena, such as hate speech and misinformation. Thus, with the adoption of the Electoral Code in 2016 the “internet portals” were obliged to provide fair, balanced and impartial coverage of the elections⁸⁷. While the changes from 2018 in the area of media coverage, opened the possibility for them to register in the media register of the State Election Commission, where political parties can realize the political announcement before the elections.

Part of the expert public believes that the Law on Media provides answer to this dilemma, given that the term “media” has broader meaning and covers all types of media, regardless of the technical platform for transmitting information.⁸⁸ **Otherwise, in 2014 the “electronic publications” were delete from the definition of media**

⁸⁶ SMEM (2017) “Self-regulation or Regulation of Internet Media in Macedonia”, Skopje: SMEM, <https://semm.mk/attachments/SELF-REGULATION-OR-REGULATION-OF-INTERNET-MEDIA.pdf>, p. 8

⁸⁷ Ibid. p. 4

⁸⁸ Interview with Snezhana Trpevska, President of the Resis Institute, conducted on March 23, 2021, online.

at the insistence of the media community, which was against the regulation of online media, because it would mean too much regulation of the Internet space and it is contrary to European standards.

According to the existing definition in the Law, “media are means of public information, i.e., any kind of communication, such as newspapers, magazines, radio and television programs, teletext, and other means for daily or periodic publication of edited content in printed form, sound or image, in order to meet the cultural, educational and other needs of the public.”⁸⁹

*“Although ‘electronic publications’ are not explicitly stated in the definition, they are in fact covered by the term ‘other forms of daily or periodical editorial content’ ... In today’s convergent media environment, the boundaries between ‘old’ and ‘new’ media, ‘offline’ and ‘online’ or between ‘print’ and ‘electronic’ media, are disappearing. In that context, it is difficult to exclude online media from the scope of the Media Law,” said Snezhana Trpevska from the Resis Institute.*⁹⁰

She believes that at opportune moment, in the future, an expert debate should be opened on this sensitive issue, especially because online media function as entities in the media sphere, as well as due to the rise of hate speech and misinformation in some of these media. “European trends should be carefully considered – possible solutions and mechanisms that are functional in other countries,” Trpevska said.

The problems in the online sphere are evident given the growing trends of hate speech, discrimination, disqualifications, and copyright infringements. Regarding these issues, several experts point out that the provisions in existing laws dealing with some sensitive issues “are equally valid and applicable to both traditional and online media, which is in line with European standards.”⁹¹

⁸⁹ Law on Media, Art. 2, https://avmu.mk/wp-content/uploads/2017/05/Zakon_za_mediumi_mkd.pdf

⁹⁰ Interview with Snezhana Trpevska, President of the Resis Institute, conducted on March 23, 2021, online

⁹¹ Saracini, P., (ed.) Et al. (2015) “Macedonia in the digital age – between the rights and responsibilities in the Internet communication”, Skopje: MIM, http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf.

The analysis of the Agency for AVMS indicates that, although they are not part of the legislation, online media are still part of the legal framework.⁹²

“In addition, the objectives of several public policies regarding content published by online media (such as the fight against hate speech and discrimination and copyright infringement) can be protected through important set of laws other than the Law on media, such as the Criminal Code, the Law on Civil Liability for Insult and Defamation, the Law on Prevention and Protection against Discrimination, the Law on Copyright [...] Most of the problems caused by online media can be solved by applying the customary law.”⁹³

The analysis also says that if there is political will to include some online media in media legislation, then the importance of those media for society should be taken into account. However, special attention should be paid to the damage that the burden of regulation may cause on small media, in terms of inclusion of minimum thresholds and the like.⁹⁴

The unprofessional and unethical work of some online media is partly made possible by the non-application of current laws in practice, as well as by the inertia of institutions in dealing with and sanctioning certain phenomena, such as hate speech. Research indicates that North Macedonia has enough laws that can be applied in the Internet sphere, but they should be applied in non-selective, fair and proportionate manner to all actors in the public sphere.⁹⁵

Regarding hate speech, media experts emphasize that “the legal framework should contain series of different measures, which should correspond to the intensity of hate speech, and penalties should always be applied as last resort and only in extreme cases, because it can create a “chilling effect” in the media.⁹⁶ This rule applies to both traditional and online media.

⁹² Fournemon, Zh. F. (2018) “Regulatory Framework for Media and Online Media – The Macedonian Case”, Skopje: AVMS, <https://bit.ly/3tNfha7>. p. 29.

⁹³ Ibid. p. 34

⁹⁴ Ibid. p. 35

⁹⁵ SMEM (2017) “Self-regulation or Regulation of Internet Media in Macedonia”, Skopje: SMEM, <https://sem.mk/attachments/SELF-REGULATION-OR-REGULATION-OF-INTERNET-MEDIA.pdf>.

⁹⁶ Interview with Snezhana Trpevska, President of the Resis Institute, conducted on March 23, 2021, online.

Self-regulation is another mechanism aimed at bringing order to the online sphere. At the initiative of the Council for Media Ethics and the Association of Journalists of Macedonia, in cooperation with the Economic Chamber of Macedonia, in 2020, a Register of professional online media was established, and media must meet the mandatory criteria to become a member. By April 2021, about 140 online media were part of the Registry.⁹⁷

9. POSITIVE PRACTICES

Providing legal, social, and economic conditions for the smooth performance of professional duties, as well as guaranteeing the safety and rights of journalists and media workers depend on the will and efforts of several social actors – politicians, civil society and the media themselves. The possibilities for communication and the establishment of functional mechanisms of cooperation between the institutions and the civil society sector are key parameters that determine the democratic development of the media sphere.

Despite the legal inconsistencies and lack of coordination of the institutions, positive examples of multisector cooperation can be singled out, established networks, coalitions, and initiatives, which contribute to greater security of media professionals or to the promotion of media freedoms in the country.

The general conclusion is that **journalistic and civil society organizations are active and up-to-date actors when it comes to protection or reaction on cases when the rights and safety of journalists and media professionals are endangered.** “It is influenced by the social environment in which journalists work, as well as the self-awareness of the journalistic profession about the importance of this issue,” notes Vasko Magleshev, noting that the institutions react faster than before.⁹⁸ Since the preparation and adoption of media legislation in 2013, journalists' associations have been very active in lobbying and advocacy, thus managing to prevent some unpopular government proposals or to bring about change. Thus,

⁹⁷ Promedia – Register of professional online media, <https://www.promedia.mk/main>.

⁹⁸ Interview with Vasko Magleshev, journalist at the Prizma / BIRN editorial office, conducted by e-mail, 2.04.2021.

in 2017, the state advertising was abolished, and changes were made in the manner of nomination and delegation of members of the governing bodies of the Agency for AVMS and PBS MRT. The two bodies have not yet been established due to partisan disagreements in parliament, indicating that political will is key to fundamental change and progress in the media sphere.

On the other hand, because of the AJM initiative addressed to the Supreme Court of RNM for harmonization of case law, in 2019, the four appellate courts concluded that they would treat online media equally with traditional media in libel and defamation proceedings.

Through the Independent Trade Union of Journalists and Media Workers' campaign to ban the taking of photographs or copyrighted texts without the author's permission, legal aid was provided to number of damaged authors whose works were used.⁹⁹ The program for free legal aid for journalists and media run by the Centre for Media Development offered court defence in cases of defamation and insult.¹⁰⁰ About 50 journalists and media received legal assistance through this mechanism.

From the positive examples of cooperation with the institutions, the reports indicate that the Ministry of Interior still made efforts to conduct quick investigation into most of the cases and introduced internal register of attacks on journalists.¹⁰¹ "There is greater responsiveness of the Ministry of Interior in finding the attackers on journalists than before," assessed media professionals.¹⁰²

In order to raise awareness on the need for rapid and effective action of institutions for the protection of journalists and media professionals, AJM holds trainings with representatives of the Public Prosecutor's Office, MoI and courts, which was noted in the State Progress Report prepared by the European Union. At the end of 2019, AJM also signed Protocol for cooperation with the Ministry of Interior, which provides guidance for

⁹⁹ SSNM (2017) "SSNM: Copyright must be respected", published on: Akademik.mk, 14.12.2017, <https://akademik.mk/ssnm-avtorskite-prava-mora-da-se-pochituvaaat/?fbclid=IwAR0c5ESYV0R9-mOJUgOhBZPM5pnFSOFuQ43Qb-02mf8eu4UI3vsfJ-Aqs7g>

¹⁰⁰ Centre for Media Development, "Free Legal Aid for Journalists and Media", Skopje: CRM, <http://mdc.org.mk/besplatna-pravna-pomos>

¹⁰¹ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and safety of journalists 2019, Skopje: AJM, <https://bit.ly/3diD7Vx>. P. 28.

¹⁰² Interview with Vasko Magleshev, journalist at the Prizma / BIRN editorial office, conducted by e-mail, 2.04.2021.

police and journalists, in order to increase security in the performance of their tasks.¹⁰³ In cooperation with the Academy for Training of Judges and Public Prosecutors in 2020/21 conducted trainings with journalists and representatives of the judiciary. Otherwise, the topics related to freedom of expression are part of the regular training programs conducted at the Academy, intended for judges and prosecutors.

From 2018 to 2021, several working groups were established within different ministries, working on amendments to the existing regulation in order to harmonize it with European legislation. These working groups include representatives of all stakeholders, including journalists and media organizations, which review the Criminal and Electoral Code, and the Law on Civil Liability for Defamation and Insult. Representatives of the Ministry of Justice and AJM emphasize the benefits of cooperation, which is positive example in terms of improving regulation based on the experience that CSOs have from monitoring and analysing the situation in practice. In addition, experts see copyright protection as a “cross-sectoral challenge that brings together journalists’ organizations, journalists, photo reporters, lawyers, judges and the executive.”¹⁰⁴

In terms of case law, judgments in court cases in which one of the parties is journalist can be highlighted, when judges refer to judgments of the European Court of Human Rights. This speaks to the improvement of the case law on topics related to the media sphere. Otherwise, out of all the courts, the Basic Civil Court should be singled out, as the only one, that keeps informal register of defamation and insult offenses.¹⁰⁵

10. CONCLUSION

The government should provide conditions and environment in which journalists and media workers can safely and unhindered exercise their rights and freedoms in order to provide citizens with access to

¹⁰³ AJM (2019) “Protocol for cooperation between AJM and the Ministry of Interior”, published in December 2019, <https://znm.org.mk/potpishan-memorandum-so-mvr-za-bezbedn/>

¹⁰⁴ Pashoski, D. (2021) “How the Law on Copyright Affects the Work of Media Workers”, Skopje: AJM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf. p. 15.

¹⁰⁵ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and safety of journalists 2019, Skopje: AJM, <https://bit.ly/3diD7Vx>. p. 25

quality, complete and professional information. The first precondition is the existence of functional legislation, which will provide adequate guarantees for professional performance of the duties of media workers in practice, harmonized with European standards.

Regarding the safety of journalists and media professionals, the Criminal Code was analyzed, which initiated changes that should contribute to the systematic improvement of security and stopping the policy of impunity for perpetrators of acts against them. The efforts of the journalistic community resulted in proposal for amendments to the Criminal Code, which are expected to be adopted during 2021. According to them, the BPP0 will be able to act ex officio for acts that endanger the safety or rights of journalists or media professionals, and qualified form will be introduced for several offenses, including murder, for which the penalties are higher. One of the demands of the journalists' associations, which remained unaddressed in the proposed amendments, refers to the introduction of new hate crimes, but both the Prosecutor's Office and the Ministry of Justice consider this a complex issue, which requires careful handling.

For the Prosecution and the Ministry of Interior, and hence for the journalists who are subject to threats and attacks, big problem is the crime committed through the online media, when the media has no imprint, so the Prosecution must seek information from the unit for combating cybercrime and digital forensics of the Ministry of Interior, which is often unsuccessful. The actions of both institutions in these situations are uncoordinated, slow, and often without result.

Regarding the announcements for the return of state advertising, which was abolished in 2017, the media community assesses this opportunity as threat to the independence of the media and the media market, which already has inflow of funds from the budget. Public campaigns in the private media have proven to be extremely harmful practice in the past when they were used as mechanism to buy media affection. From the aspect of violating the independence of the media, the financing of the public service MRT was analyzed, which faces institutional obstacles, given that the legally provided funds are not paid in full. This puts the employees in the public service in unfavourable economic situation and calls into question its sustainability, especially in situation when MRT is expanding its program services. Irregular and inadequate financing

of MRT violates the concept of financial independence of the public service, which is one of the two preconditions for free public services.

The possibility for the election representation of the parties in the media to be financed with public money is problematic solution in the Electoral Code because it can affect the independence of the editorial policy and the freedom of the media. The expert public appeals to reconsider this manner of financing the political parties advertising in the pre-election campaigns, although there is kind of consensus among the political parties on this issue. The inconsistency of the legislation regarding the definitions and rules of political advertising extends through several laws, which requires comprehensive debate on the harmonization and consistency of the provisions throughout the regulation. Additionally, the possibility for the internet portals to become part of the media through which the election advertising of the parties can be realized opens additional problems, first, due to the lack of criteria which internet portals can register in the SEC register, and then due to the capacities of the Commission for verification of the reported.

The proposed amendments to the Law on Civil Liability for Defamation and Insult will reduce the amounts for damages and will additionally regulate the liability for defamation, which is in accordance with the requirements of the journalistic community. Accepting these changes will further reduce the pressure that representatives of the centres of power may exert on the media or journalists.

Given that copyright is one of the burning issues in the media sphere due to their constant violations, especially in online media, the expert public points out that the Law on Copyright and Related Rights should first specify the provisions for protection of journalistic works as copyright works. With regard to the current issue of works created while a person is employed, it is recommended that the material rights belong exclusively to the author, rather than to the employer, as is the case now. The segment of collective copyrights and their management is particularly untidy, for which comparative analysis point to functional examples from the region.

The Law on Media was reviewed from the aspect of the internet portals, which imposed as problem in the past years in other laws, but also in practice. They are not defined in the Media Law, but, according to experts, no distinction should be made between traditional and

online media, so the laws that apply to one should apply to the other. The re-regulation of the internet sphere is contrary to the European standards, and with the existing laws a framework has already been set, in which the internet portals can also function. The media community should support self-regulatory mechanisms as a manner to maintain and promote professional standards in online media.

In addition to legal guarantees for the safety of journalists and media workers, institutional support and political will are needed to ensure consistent implementation of the regulation. In practice, certain segments of the system still fail to be up-to-date and effective in processing cases involving journalists, which is why the degree of impunity for attacks is still very high. The assessments of the media experts are that “in the circle formed by the Ministry of Interior, the Public Prosecutor’s Office and the courts, almost always at least one of these three institutions is evading.”¹⁰⁶ The most frequently criticized from the aspect of clearing up the attacks on journalists are the Ministry of Interior and the Public Prosecutor’s Office, among which there is “some lack of coordination and weakness in inter-institutional communication”. Therefore, investigations take too long, even when it comes to obvious cases that can be easily proven.

The Public Prosecutor’s Office also points out the need for systematic support in the work, such as the lack of public prosecutors, professional associates, minutes, IT specialists, additional staffing and equipping of the Investigation Centres, as well as the increase of the budget.¹⁰⁷

Courts are another weak link in the system as they lack ongoing and additional education on topics related to media freedom and freedom of expression, although there are more judges who specialize in areas such as defamation and insult, or who refer to practice of the European Court of Human Rights. In support to this assessment are the court rulings rejecting the lawsuits of journalists who sued for obstructing the right to information of citizens from the Assembly on April 27, 2017.¹⁰⁸

¹⁰⁶ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and the safety of journalists 2019, Skopje: AJM, <https://bit.ly/3a6NjOK>. p. 23-24.

¹⁰⁷ BPPO (2021) “Delivery of data regarding the questions sent to the BPPO by AJM”, 05.04.2021.

¹⁰⁸ Sekulovski, D. and Suleiman, D. (2020) North Macedonia – Indicators of the degree of media freedom and safety of journalists 2019, Skopje: AJM, <https://bit.ly/3ahjEIX> p. 28.

For decision makers

1. It is necessary for the Assembly to adopt the amendments to the Criminal Code, which will enable the Public Prosecutor's Office to act *ex officio* in the attack on journalists and media professionals, as well as the amendments that provide the introduction of qualified criminal acts, which will be valid for both journalists and media professionals. These changes are in line with the efforts of the journalistic community quickly and effectively to prosecute violence against journalists and media professionals.
2. The Ministry of Justice and the Ministry of Interior should consider the suggestions of the journalists' associations for amendments to the Criminal Code and the Law on Criminal Procedure, which would help deter potential perpetrators of serious threats and attacks against journalists and media professionals in the future.
3. Article 102 of the Law on AVMS should be clarified so that would limit the opportunities for the media to receive funds from the Budget, at national and local level or from public enterprises, for advertising or for promotional activities of the institutions, through any mechanism or any basis.
4. The Ministry of Information Society and Administration should enable uninterrupted, regular and complete financing of PBS MRT in accordance with the Law on AVMS, in order to enable its stable functioning, greater independence and further development. Financial stability is one of the basic preconditions for free and independent public service.
5. Relevant institutions, primarily the Ministry of Justice, should open debate in order to reconsider the provisions for media representation of political parties in the Electoral Code. Especially in the part that allows direct coverage of media costs from the Budget, given the possibilities for creating political-clientelistic relations between the political parties and the media, which may disrupt the independent editorial policy and the freedom of the media.
6. Relevant institutions should open comprehensive debate on the provisions of several laws related to political and state advertising (Electoral Code, Law on Referendum, Law on AVMS) in order to

review their functionality and effectiveness, as well as mutual connection and harmonization.

7. It is necessary for the Assembly to adopt the draft-amendments to the Law on Civil Liability for Defamation and Insult, which specify the liability for defamation and envisage reduction of the amounts for compensation, which are in accordance with the commitments of the journalistic community. This would contribute to treating the verdict as symbolic satisfaction for the plaintiffs, i.e. a symbolic warning to journalists, editors and media publishers.
8. The legal framework, which applies to the traditional media, also applies to the online media, but it is necessary to have a consistent, harmonized and consistent application of the laws in practice by the institutions. For issues related to sensitive topics (e.g. hate speech, discrimination, copyright, defamation and insult, children's rights), it is necessary to enable the application of the provisions of the relevant laws, which will apply to both traditional and non-traditional and online media.
9. The Ministry of Culture together with the media associations, trade unions and relevant associations in the field and other stakeholders, should open public debate to clarify several provisions of the Law on Copyright and Related Rights relating to identifying and defining journalistic copyrights, copyright created during employment, collective rights and their management, reduction of court costs in copyright litigation and other relevant issues.

For the institutions

1. Continuous training and promotion of co-operation between journalists, lawyers, judges and prosecutors on topics related to media freedom and freedom of expression of journalists and court cases of attacks on journalists is needed.
2. In cooperation with journalists and media associations, it is necessary continuously to improve the knowledge and expertise of judges on specific topics related to the work of the media and journalists (e.g. on copyright or defamation) through additional training, especially given of little case law in certain areas.

3. In cooperation with the journalists and media associations, AJM and the Council for Media Ethics in Macedonia it is necessary to organize trainings for judges and public prosecutors on topics related to ethical and professional standards in journalism, which will bring them closer to the essence of the journalistic profession and will be able to get better acquainted with the concept of public interest in journalistic reporting.
4. It is necessary to strengthen the staff and technical capacities of the Public Prosecutor's Office in order to increase its expediency in the implementation of procedures, including those in which there are journalists and media professionals.
5. The practice, procedures and mutual coordination of the Public Prosecutor's Office and the Ministry of Interior for processing attacks on journalists and media workers through online media and social networks should be improved, in order to quickly and efficiently find the perpetrators and open proceedings against them.

For civil society organizations

1. The media community should support self-regulatory mechanisms, which can encourage and promote adherence to the ethical and professional standards of online media, which in many situations will reduce the need for institutions to respond.
2. The journalistic and media community should conduct campaigns to raise public awareness in the media community, but also in the public about the importance of issues related to the safety of journalists and media professionals and media freedom.
3. Training of journalists and media professionals on specific issues related to security and protection of their rights before the institutions is necessary.
4. Strengthening the cooperation with the institutions in order to create mechanisms for effective protection of journalists and media professionals.

Bibliography:

1. AVMU (2020) "Analiza na pazarot na audiovizuelni mediumski uslugi za 2019 godina", Skopje: AVMU, <https://bit.ly/3aaYbev>.
2. Apostolov, V. i Trpkovski, G. (2020) "Portalite i parite pred izbori: Guzhva pred gol", objaveno na Prizma/BIRN, 07.03.2020, <https://prizma.mk/portalite-i-parite-za-izbori-guzhva-pred-gol/>.
3. Bogdanov, K., Breskovski, I. i Sekulovski, D. (2020) "Podobruvanje na bezbednosta na novinarite preku izmena na Krivicniot zakonik", Skopje: ZNM, <https://bit.ly/3slkLHA>.
4. Breskovski, I., i Markovski, I. (2018) "Vlijanieto na Zakonot za avtorsko pravo i srodni prava vrz rabotata na novinarite, fotoreporterite i mediumskite rabotnici – praktiki i preporaki", Skopje: KAS i ZNM, www.znm.org.mk.
5. ZNM (2018) "Analiza: Presudi za kleveti i navredi na sudski predmeti so novinari", Skopje: ZNM, <https://znm.org.mk/analiza-presudi-za-kleveti-i-navredi-n/>.
6. Georgievski, D. (2020) "Navredata i klevetata kako del od mediumskite reformi", Skopje: ZNM, <https://znm.org.mk/wp-content/uploads/2020/07/Navredata-i-klevetata-1.pdf>.
7. ZNM (2020) "Najaveni zakonski izmeni za pogolema bezbednost na novinarite", Skopje: 2020, <https://bit.ly/3timsqE>.
8. ZNM (2020) "Principielni baranja na ZNM za izmena i dopolna na Zakonot za gragjanska odgovornost od kleveta i navreda (ZGONK) na ZNM", Skopje: 2020.
9. ZNM (2020) "Rabotenjeto na profesionalnite mediumi na udar na plagijatorstvoto", Skopje: ZNM, <https://bit.ly/3wTQVgT>.
10. ZNM (2021) "Ushte edna sramna presuda za novinarite za nastanite od 27 april", Skopje: ZNM, <https://bit.ly/2QgWaqD>.
11. ZNM, SSNM, MIM i SSNM (2021) "Javnite kampawi vo mediumite treba da se besplatni", Skopje, <https://bit.ly/2OPMJ0y>.
12. ZNM (2019) "Protokol za sorabotka pomegju ZNM i MVR", published in December 2019, <https://znm.org.mk/potpishan-memorandum-so-mvr-za-bezbedn/>.
13. Ivanov, Z. i Markovski, I. (2019) "Hronika za (ne)bezbednost na novinarite", Skopje: ZNM, <https://znm.org.mk/wp-content/>

- uploads/2020/04/web-MK-hronika-za-ne-bezbednosta-na-novinarite.pdf.
14. Jovanovska, M., i Cvetkovska, S. (2020) "Drzhavni pari za izborni informaciski vojni", objaveno na IRL.mk, 23.07.2020, <https://irl.mk/drzhavni-pari-za-izborni-informatsiski-voni/>.
 15. Mrgja, D., Murtezi, E. i Belovska, H. (2019) "Napadite vrz novinarite i mediumskite rabotnici na 27 april 2017 godina", Skopje: ZNM, <https://znm.org.mk/wp-content/uploads/2020/07/Napadi-27-april.pdf>.
 16. Mitevska, M., "Da ne se sluchi povtorno drzhaven potkup na mediumite", Radio Slobodna Evropa, <https://bit.ly/2OKafvJ>; <https://bit.ly/2OKafvJ>; <https://irl.mk/kako-zaev-na-golema-vrata-protnuva-gruevistichki-retsept-za-mediumski-potkup/>
 17. Nebiu, B., Selmani, N., Sekulovski, D. i Naumovski, N. (2018) Severna Makedonija – Pokazатели za stepenot na sloboda na mediumite i za bezbednosta na novinarite 2017, Skopje: ZNM, <https://znm.org.mk/wp-content/uploads/2020/07/Pokazатели-na-stepen-na-sloboda.pdf>.
 18. Nikodinoska, V. (2020) "Politichka i ekonomska osnova na mediumskite i na komunikaciskite modeli shto shirat dezinformacii i govor na omraza", Skopje: MIM, <https://mim.org.mk/attachments/article/1230/Mediumski%20i%20komunikaciski%20modeli%20koi%20shirat%20dezinformacii%20i%20govor%20na%20omraza.pdf>.
 19. OBSE/ODIHR, "Specijalna misija za procenka na izbori Republika Severna Makedonija – Predvreteni parlamentarni izbori", 15 juli 2020, <https://www.osce.org/files/f/documents/8/2/457426.pdf>.
 20. OJO (2020) "Informacija za oformeni predmeti vo koi kako oshteten subjekt ili zhrtva se javuva novinar", 6.10.2020.
 21. Pashoski, D. (2021) "Kako Zakonot za avtorsko pravo vlijae vrz rabotata na mediumskite rabotnici", Skopje: ZNM, https://znm.org.mk/wp-content/uploads/2021/01/Analiza_avtorski-prava_fin.pdf.
 22. Reporteri bez granici (2020) Indeks na slobodata na mediumite, <https://rsf.org/en/north-macedonia>.
 23. Sekulovski, D. i Sulejman, D. (2020) Severna Makedonija – Pokazатели za stepenot na sloboda na mediumite i za bezbednosta na novinarite 2019, Skopje: ZNM, <https://bit.ly/3a6NjOK>.

24. SSNM (2017) "SSNM: Avtorskite prava mora da se poчитuvaat", published at: Akademik.mk, 14.12.2017, <https://akademik.mk/ssnm-avtorskite-prava-mora-da-se-pochituvaa/?fbclid=IwAR0c5E5YV0R9-m0JUg0hBZPM5pnFSOFuQ43Qb-02mf8eu4U13vsfj-Aqs7g>
25. Trpevska, S. i Selmani, N. (2018) "Komparativna analiza na politichkoto oglasuvanje vo mediumite", Skopje: KAS i ZNM, <https://resis.mk/attach/komparativna-politicko-oglasuvanje.pdf>.
<https://resis.mk/attach/komparativna-politicko-oglasuvanje.pdf>.
26. Centar za razvoj na mediumi, "Besplatna pravna pomosh za novinari i za mediumi", Skopje: CRM, <http://mdc.org.mk/besplatna-pravna-pomos>.
27. 360stepeni (2020) "Emil Jakimovski dobi zatvor od 20 meseci i zadolzhitelno lekuvanje vo Bardovci", 16.03.2020, <https://360stepeni.mk/emil-jakimovski-dobi-zatvor-od-20-mesetsi-i-zadolzhitelno-lekuvane-vo-bardovtsi/>.
28. CMEM (2017) "Self-regulation or Regulation of Internet Media in Macedonia", Skopje: CMEM, <https://semm.mk/attachments/SELF-REGULATION-OR-REGULATION-OF-INTERNET-MEDIA.pdf>.
29. IREX (2019) MSI 2019, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-north-macedonia.pdf>.
30. European Commission (2020) "North Macedonia 2020 Report", Brussels: EC, 6.10.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf
31. US Department of State (2020) "2020 Country Report on Human Rights Practices: North Macedonia", 30.03.2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/north-macedonia/>
32. Saracini, P., (ed.) et all. (2015) "Macedonia in the digital age – between the rights and responsibilities in the Internet communication", Skopje: MIM, http://mim.org.mk/attachments/article/853/MIM_Analiza_mk.pdf.

Laws:

1. Law on Copyright and Related Rights, Official Gazette of the Republic of Macedonia, No. 115/10, 140/10, 51/11, 147/13, 154/15 and 27/16
2. Law on Audio and Audiovisual Media Services, <https://avmu.mk/%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD-%D0%B7%D0%B0-%D0%B0%D1%83%D0%B4%D0%B8%D0%BE-%D0%B8-%D0%B0%D1%83%D0%B4%D0%B8%D0%BE%D0%B2%D0%B8%D0%B7%D1%83%D0%B5%D0%BB%D0%BD%D0%B8-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC/>.
3. Law on Media, https://avmu.mk/wp-content/uploads/2017/05/Zakon_za_mediumi_mkd.pdf.
4. Electoral Code, <https://avmu.mk/%D0%B8%D0%B7%D0%B1%D0%BE%D1%80%D0%B5%D0%BD-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%B8%D0%BA/>.
5. Ministry of Justice (2020) Draft-law Amending the Criminal Code, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=6143.
6. Draft-law on Amendments to the Law on Civil Liability for Defamation and Insult, https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=58871.

Interviews:

1. Interview with Vasko Magleshev, journalist at Prizma / BIRN editorial office, conducted by e-mail, April 2, 2021.
2. Interview with Hristina Belovska, journalist at the Research Reporting Laboratory, conducted by e-mail, April 2, 2021.
3. Interview with Nikola Prokopenko, State Adviser at the Ministry of Justice, conducted on March 29, 2021, online.
4. Basic Public Prosecutor's Office submitted data and information regarding the questions sent by AJM, April 5, 2021.
5. Interview with Snezhana Trpevska, President of Resis Institute, conducted on March 23, 2021 online.
6. Interview with Dejan Georgievski, President of Center for Media Development, conducted on March 24, 2021 online.



Združenje na novinarite na Makedonija

<https://znm.org.mk/>



<https://sindikatmedija.me/>



<http://www.nuns.rs/ebo>



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<https://bhnovinari.ba/>