

# PERCEPTION STUDY



## Journalists' experience and views on judicial transparency in North Macedonia

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## Introduction

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This study presents the findings from the research conducted among the journalists from various media outlets in North Macedonia who regularly report about the work of judicial institutions or have certain experience and perceptions about the role of judiciary. The main objective of this research study was to gain insight and give recommendations on how to facilitate the dialogue and cooperation between journalists and judicial authorities and to establish priority areas and actions for transforming the current “antagonistic” relationship into a partnership between journalists and judicial institutions for the benefit of the public interest.

To accomplish this general goal, the research was designed to achieve the following specific objectives:

1. To investigate journalists' understanding, perceptions and experience about the work of the judiciary, its level of transparency and manner of communication when delivering information to journalists and the general public.
2. To explore journalists' views and perceptions on the role of the judiciary in safeguarding media freedom.
3. To identify the knowledge shortcomings in the work of journalists in terms of the basic principles and standards of reporting about the court proceedings and judiciary in general, as stipulated with international documents and professional codes of ethics.
4. To detect priority issues and points of actions in order to improve the current relationship between journalists and judiciary.

The study is part of the regional research project commissioned by the Dutch organization Free Press Unlimited and coordinated by the Skopje based RESIS Institute in three Western Balkans countries: Bosnia and Herzegovina, North Macedonia and Serbia. Local partners in this project are: BH Journalists Association, Independent Journalists' Association of Serbia and Association of Journalists of North Macedonia. Each journalists' association, under the guidance of the RESIS Institute, engaged independent national experts to collect data, interpret the findings and write the national studies.

The study was produced within the frames of the multi-annual regional project “Strengthening Media Freedom in Bosnia Herzegovina, North Macedonia and Serbia, funded by the MATRA Rule of Law programme of the Dutch Ministry of Foreign Affairs and implemented by the consortium of partners including Netherlands Helsinki Committee (NHC) and Free Press Unlimited (FPU) in collaboration with regional partners in the Western Balkans.

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# 1. Methodological Framework

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The research strategy for primary data collection applied in this study consisted of three sequential stages: (1) Qualitative, (2) Quantitative, (3) Qualitative. In all three stages particular attention was paid to research ethics to preserve the anonymity of respondents and confidentiality of the collected personal data of journalists.

## ○ Qualitative (semi-structured) interviews

In the first stage, country researchers conducted preliminary in-depth interviews with 4-5 most experienced journalists in reporting about judicial institutions. The main purpose of this data collection stage was to get deeper insight into the topic and to inform the next (quantitative) stage.

## ○ Online survey

Based on the findings from the preliminary in-depth interviews, a structured questionnaire was designed for conducting online survey. The external research company *Valicon*, based in BH, was selected to administer the survey in all three countries.

Purposive quota sample was designed for the online survey through the following steps: (1) the first step was to compile a list of media outlets with news departments, according to several defined criteria (type of media, level of coverage, relevance, editorial inclination etc.) to represent the media landscape in the country; (2) second, through communication with the selected media journalists from the following two categories in the newsrooms were identified: those who primarily report about the judiciary and journalists who report or comment on other issues (political and economic controversies, corruption etc.) and hence occasionally report about the work of judiciary; (3) journalists' associations compiled lists of journalists who were sued for defamation and journalists who were victims of attacks or violence; (4) the research agency sent E-mail letters to all the journalists identified through the previous steps inviting them to participate in the online survey; (5) several reminders were sent to media newsrooms and journalists to increase the response rate.

In North Macedonia, a total of 69 journalists from different media outlets responded to the survey: 24 journalists from national television stations (i.e., 35%), eight journalists from regional/local television stations (12%), four from national radio stations (6%), two from regional/local radio stations (3%), five from national newspapers (7%), one from a local newspaper (1%), 24 from online media (35%) and one part-time journalist (1%). It should be noted that some media outlets, despite several invitation letters and telephone calls from the research agency and from the journalists' association, did not respond at all to the invitation to participate in the survey. Hence, the results cannot be generalized to those media outlets that did not participate, but conclusions can still be drawn about the population of media and journalists that did agree to take part in the survey.

## ○ Focused group interviews

Based on the preliminary analysis of the survey data, Topic Guide for the group discussions with journalists was developed. The purpose of the third qualitative stage was to collect additional qualitative data which will provide context, deeper understanding, and will anchor the findings drawn from the survey. In total, three group discussions were conducted on a sample of 10 journalists: four journalists from Internet media, three from national television stations, one who was a correspondent for North Macedonia for a foreign television station, one from regional/local television stations and one part-time journalist. In terms of gender representation, 60% of the journalists were men and 40%

were women. In the group discussions, the adequacy of the representation of journalists from the largest non-majority community in the country was taken into account.

Finally, it should be emphasized that this research study has certain limitations. First, due to the pandemic and complexity of the task, the survey with journalists could not be administered face to face, which is the best survey type for achieving maximum response rate and thus for achieving representative results for the entire journalistic community. The online survey did make it possible to obtain relevant data, but a number of media and journalists, despite several invitations for participation, never responded to the survey. It is not clear enough whether this reluctance or resistance of a number of journalists to take part in research on the state of journalism in the country stems from their work overload, conformism or polarization in the journalistic community itself. Second, this research focuses only on the experiences and perceptions of the journalistic community, and not on what the judiciary representatives know and think about this topic. This aspect is in some way covered in the Chapter 2 of this report, which deals with the question of what has been previously researched or published on this topic. Nevertheless, the results of this specific research study can serve as a basis for a future research cycle of this problem that would go deeper into the views, attitudes and experiences of judges, prosecutors and other representatives of the judiciary.

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## 2. Literature review on the subject of judicial transparency in North Macedonia

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In order to successfully prepare this research study, a brief review of the available literature in the country was prepared in order to discover the relationship between journalists and the judiciary, the extent of journalists' knowledge of ethical standards and principles of reporting on court proceedings, the role of the judiciary in the protection of media freedom and the safety of journalists and the education of journalists and representatives of the judiciary towards greater openness and cooperation.

Several non-governmental organisations, associations and competent institutions have prepared various studies, analyses, strategies and manuals that address some of the topics that are the focus of this study. Most of the published analyses and research is related to reforms to the judicial system and, within that framework, to the degree of openness and accountability of the judicial institutions towards the citizens and the public in general. A very small number of published analyses and texts were identified that are precisely focussed on the communication between the judiciary and journalists and on the mutual perceptions of the representatives of these two professions.

### Review of available literature

One of the organisations focussed on the openness and transparency of the judiciary is the Centre for Legal Research and Analysis (CLRA). CLRA's legal analysis entitled '**Openness of the Judiciary in the Republic of North Macedonia**'<sup>1</sup> studied the legal and institutional framework for an open, transparent and participatory justice sector and assessed how transparent the judicial institutions in the Republic of North Macedonia (RNM) are in their operations. The document also provided insight into the extent to which the public can use the websites of judicial institutions as a modern and effective tool that provides quick access to useful information and data. The analysis determined that the strategic and legal set up of transparency and publicity in the work of the judiciary, especially in the courts, is at a satisfactory level. However, it concluded that the quality of the legal framework does not sufficiently contribute to the optimal transparency and openness of the justice sector. Therefore, CLRA recommended further operationalisation and consistent implementation of the established legal obligations with the ultimate goal of strengthening trust in the judiciary and the rule of law. This work will take place with the support of experts and in partnership with the civil sector. At the same time, CLRA's analysis singled out several priorities to increase the transparency and openness in the work of the judicial sector, such as the need for further operationalisation of the general legal framework in the bylaws, the development of methodology or guidelines for communication of the courts with the public, and the preparation of a single document that contains a five-year strategy to improve the openness of the judiciary along with an action plan. The action plan would include comprehensive policies to increase the transparency of the judiciary, increase human resources and improve knowledge in order to meet the relevant norms of the Judiciary Rules of Procedure in the area of public relations, the establishment of regular and direct communication of judges with the public through such means as press conferences and interviews, and compliance of all actors in the justice sector with the law on Free Access to Public Information and other relevant laws.

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1 Openness of the judiciary in the Republic of North Macedonia. Centre for Legal Research and Analysis, 2020, available at: <https://cpia.mk/mk/отвореност-на-судството-во-република/> (accessed on 04.08.2021).

As part of the project supported by the British Embassy in Skopje entitled 'Improving Transparency, Legal Security and Efficiency of the Judiciary in North Macedonia', CLRA prepared another analysis on the topic '**Strengthening Transparency and Accountability in the Judiciary**'<sup>2</sup>. This document analysed the factors that affect the principle of publicity of court proceedings, public availability of court decisions and information for the public and the media about the work of the courts. This document contained proposals and recommendations to improve the access of the professional and general public to court decisions and to provide transparency and create accountability in the work of the Judicial Council of RNM; to improve the use of funds to provide regular and timely information to the public and improve transparency in budget planning and spending of funds; to improve public participation in trials; and to publish annual performance reports as an aspect of accountability in the work of the courts. The main recommendations were in line with the measures envisaged in the Judicial Reform Strategy 2017-2022 of the Ministry of Justice and included activities aimed at improved access to court decisions, the openness of the judiciary to the public, the principle of the keeping of court records and the improvement of cooperation with other bodies and institutions. The conclusions and recommendations in this analysis primarily referred to the need for a model with which to prepare unified decisions and judgments that would be clear, concise and reasoned as well as publicly announced; in addition, it emphasised the need for consistency in these aspects by all courts in the country. Consistent observance of the Rules of Procedure is required with regard to the obligation to publish information on the place, time and courtroom for each trial. The analysis concluded that judges and journalists do not adhere well enough to their codes of ethics and that there is not enough mutual cooperation. It was especially emphasised that the lack of sufficient technical resources and space should not be used as a reason to remove journalists and media from the courtroom. The CLRA document also recommended that the public relations departments be strengthened and that e-judiciary be introduced along with better application of electronic tools for communication and information to the public, regular publication of judgments on the websites of the courts in a more accessible and searchable manner, and preparation and publication of more informative and harmonised annual reports by the courts and the Judicial Council.

Both of the CLRA documents emphasised the importance of the Judicial-Media Council in order to establish a real dialogue between judges and journalists as well as a need for greater education of the representatives of both professions while respecting the specifics of their work. The Judicial-Media Council is supported in its role and efforts to strengthen trust between the judiciary and the media and to provide appropriate and impartial information on judicial activities that are in the public interest.

An analysis that also addressed the issue of transparency and accountability of the judiciary but only in the context of the Judicial Council is '**Transparency, accountability and effectiveness of the work of the Judicial Council of the Republic of Macedonia**'<sup>3</sup>, published by the Institute for Human Rights in Skopje (IHR). This analysis concluded that in order to solve the problems with the work of the Judicial Council of the RNM (JCRNM) and to increase the independence of the judiciary as well as the trust of citizens in the judiciary, the Judicial Council should primarily be: transparent, accountable and accountable to citizens; strategically oriented and focused on ensuring the independence of the judiciary and on strengthening the performance and efficiency of the judiciary; and an effective and efficient user of taxpayer money. The analysis concluded that the transparency, accountability and effectiveness of the JCRNM were not at a satisfactory level and that the Judicial Council was more concerned with ensuring formal transparency than essential transparency. It was also recommended that the website be more actively updated with relevant data and that substantial communication be established with the public through the use of journalists. Additionally, the analysis recommended that the annual report of the Judicial Council should be of better quality in order to provide comprehensive insight into the

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2 Strengthening transparency and accountability in the judiciary. Centre for Legal Research and Analysis, 2019, available at: <https://cpia.mk/wp-content/uploads/2021/10/3ajaknuvawe-na-transparentnost-i-otcetnost-vo-sudstvoto.pdf> (accessed on 05.08.2021).

3 Caca Nikolovska M., Kocho V., Spirovski I. and Miftari A. (2018). Transparency, accountability and effectiveness of the work of the Judicial Council of the Republic of Macedonia. Institute for Human Rights, Skopje, available at: [https://www.pravdiko.mk/wp-content/uploads/2018/03/IHR-Analiza-Transparentnost2c-otcetnost2c-efektivnost\\_SSRM-web.pdf](https://www.pravdiko.mk/wp-content/uploads/2018/03/IHR-Analiza-Transparentnost2c-otcetnost2c-efektivnost_SSRM-web.pdf) (accessed on 05.08.2021 ).

conditions of its work. Finally, the need for the legislator to fulfil its constitutional obligation to prescribe the responsibility of the members of the Judicial Council was emphasised as well as the need for clear and precise criteria based on merit for the selection of higher court judges.

Another study that analysed the openness of the judiciary within the country as well as in the region is that of *Metamorphosis*, entitled **'Recommendations for improving the situation - Openness of the institutions of the judiciary in the region and in Macedonia'**<sup>4</sup>. This analysis concluded that transparency in the courts of the Western Balkans is low and that it is necessary to take concrete and urgent steps to rebuild citizens' trust in the judiciary. Many courts in the region do not have their own website and citizens face difficulties in finding public information. The study states that when it comes to judicial reforms in RNM, the focus is on transparency, but significant results in this segment cannot yet be registered. In the period analysed (2018), the Judicial Portal of RNM ([www.vsrn.mk](http://www.vsrn.mk)) did not contribute to greater openness; on the contrary -it reduced the openness of the courts in the country because there was a lack of responsible approaches to the courts and the regular entry of required data on this portal. In this study, the courts were well rated in the area of access to justice as they published persons in charge for contact with the media and for providing access to information, and there were provisions for the use of the languages of ethnic communities. However, in this document, it was recommended that the courts need to do more in relation to the media and to adopt guidelines for cooperation between the courts and the media. According to the study, it is especially important that the websites of all courts have a special link for electronic publication of judgments, and it is of great importance to regularly update and submit judgments. The analysis also stated that the Judicial Council did not have good channels of communication with citizens and the media.

The document **'Transparency and Openness: Modernization of the Judicial System in the Republic of Macedonia'**<sup>5</sup> prepared by *European Policy Institute - Skopje* and the *Helsinki Committee for Human Rights* analysed the existing legal framework for ensuring a transparent and open judicial system in the country and provided guidelines for its improvement. This analysis was focussed on defining the term 'judicial information' and examined transparency and publicity in court proceedings, the application of these principles to the work of the courts and the relationship between the judiciary, civil society and the media. The document recommends that when the cases are legally concluded, ie. ad acta, to give access to the information contained in the case files to the general public, as access to information must not be restricted. This analysis stated that although the publicity of court proceedings is guaranteed, there are in practice many obstacles to its fulfilment. It also concluded that the public has a high degree of trust when it monitors the cases. Emphasis was also placed on the legal obligation for public pronouncement and publication of court decisions. At the same time, the obligation for transparency and publicity in accordance with the Law on Courts and the Rules of Procedure was analysed. Not only the need to establish good cooperation between non-governmental organizations (NGOs) and the judiciary is emphasised but also the importance of regulating the relations between the courts and the media, because the media bring the judiciary closer to the citizens and are also the main source of information for the public about issues related to the judiciary. A proactive media approach for the judiciary was also recommended. Transparency training was recommended for both judges and court clerks, as well as for journalists and media workers who cover court proceedings. The methods of reporting by the media in accordance with the law and the Rules of Procedure were also analysed, and a recommendation was made to apply a strategic approach in the public relations of the judiciary, which will establish rules for relations with citizens, NGOs and the media.

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4 Danilovska D., Naumovska N. (2018). Recommendations for improving the situation - Openness of the judiciary institutions in the region and in Macedonia. *Metamorphosis - Internet and Society Foundation*, available at: [https://metamorphosis.org.mk/wp-content/uploads/2018/09/ACTION\\_SEE\\_sudska\\_vlast\\_2018\\_4.0.pdf](https://metamorphosis.org.mk/wp-content/uploads/2018/09/ACTION_SEE_sudska_vlast_2018_4.0.pdf) (accessed on 06.08.2021).

5 Popchevski Karamandi Gj. (2017). Transparency and openness: Modernization of the judicial system in the Republic of Macedonia. *Institute for European Policy - Skopje, Helsinki Committee for Human Rights*, available at: [http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Sudska-transparentnost\\_brief\\_Mreza23.PDF](http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Sudska-transparentnost_brief_Mreza23.PDF) (accessed on 06.08.2021).

The author of the analysis '**Courts and Journalists - Public Behind Closed Doors**'<sup>6</sup>, published by the Association of Citizens Witness, indicated that the purpose of the document is to raise public awareness of journalists and to highlight the issue of publicity in court proceedings. The document states that the restriction of the right to freedom of information calls into question the freedom of expression and the right to transmit and receive information. In order to prevent the restriction of freedom of information, the need for journalists to report on these topics is emphasized, but also the need to educate them on how they should act in case they are illegally prevented from performing their profession. The provisions of the Law on Criminal Procedure (LCP) related to the secrecy of an investigation were analysed and the right of the public to be informed was emphasised. The right and obligation of journalists to investigate and inform by carefully checking the content of the materials and information they come across were emphasised. The document also underlined the duty of the authorities to provide information to the public that will not jeopardise the investigation and, at the same time, will satisfy the public interest. The public is emphasised as an important segment of court proceedings. Journalists are encouraged to react on all cases in which they notice illegal exclusion of the public from the proceedings. It was also stated that the media and the judiciary depend on mutual support and cooperation in order to ensure the necessary transparency in the work of the courts. At the same time, the media should respect the independence and impartiality of the judiciary.

The research '**Courts: Guardians of the Public Interest or Individual Interests**'<sup>7</sup> published by the Institute of Communication Studies and the School of Journalism and Public Relations deals with issues related to the public interest in terms of enjoying the fundamental freedoms and rights of citizens and legal entities in the country. The main purpose of this research was to present different views on the role of the courts in terms of balancing individual freedoms and rights with the public interest. The analysis indicated in which situations judges should prioritise the public interest and when (if at all) they should prioritise private interests. The main emphasis of the document was on the analysis of cases in RNM, as well as the analysis of cases from the European Court of Human Rights (ECHR). The theoretical aspects of the protection of freedoms and rights vs the public interest are given, and legal solutions that regulate that segment are analysed. In the analysis, conclusions and recommendations are indicated in the direction of efficient and effective action and decision-making by the courts in cases that enter into the issue of public interest.

The transparency and publicity of the work of the courts also depends on the degree of trust of the representatives of the judiciary in the professional, credible and ethical work of journalists and the media. In general, it can be concluded that Macedonian citizens do not have a high degree of trust in the media and especially not in the judiciary. An organisation that pays special attention to the application of and respect for ethical values in journalism and the promotion of professional standards in the work of the media is the Association of Journalists of Macedonia (AJM). Through numerous activities, publications and manuals, AJM has emphasised ethics in journalism, the importance of respecting the freedom of expression and the application of the positive case law of the European Court of Human Rights, proper application of the Law on Civil Liability of Defamation and Insult in cases filed against journalists and media, the impact of the Law of Copyright and Related Rights on the work of journalists and other media workers, the safety of journalists and media workers, media self-regulation, etc.

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6 Analysis: Courts and journalists - The public behind closed doors. The Association of Citizens Witness, 2016, available at: [http://nvoinfocentar.mk/wp-content/uploads/2016/07/Sudovite\\_i\\_novinarite\\_final-1.pdf](http://nvoinfocentar.mk/wp-content/uploads/2016/07/Sudovite_i_novinarite_final-1.pdf) (accessed on 06.08.2021).

7 Ilic Dimoski D., Hadzi-Zafirov Z. (2015). Courts: Guardians of the public interest or of individual interests. Institute for Communication Studies and School of Journalism, available at: <https://iks.edu.mk/wp-content/uploads/2020/01/Sudovi-i-Javen-interes.pdf> (accessed on 07.08.2021)

In the framework of the efforts for greater transparency and openness with the media and civil society organisations as representatives of the public and with the support of the Organization for Security and Co-operation in Europe (OSCE) Mission to Skopje, the Basic Criminal Court Skopje in 2019 prepared the **'Strategy for Promoting Transparency through Public Communication'**<sup>8</sup>. This strategy is only an initial document for the development and further building of the relations between the court and the media. This strategic document does not enter into a detailed study of the legal framework on which the transparency of the courts is based but relies on the current practice in RNM in the field of public relations. The strategy offers not only advice and activities through which greater transparency and openness in the Basic Criminal Court Skopje can be achieved but also for the judicial system in the country in general. This strategy is expected to result in several supporting documents, such as the Court Reporting Manual (intended for the media), protocol for functioning in normal and crisis conditions and a social media code of conduct (these two documents would be intended for court employees). The documents are expected to cover most of the dilemmas related to transparency and would help the courts to adapt to the modern way of functioning and communicating with the public. For the purpose of mandatory and successful implementation, these documents should be listed in the acts that legally regulate the judiciary.

Based on the remarks mentioned in several reports and, above all, due to the need to meet the urgent reform priorities set by the European Commission, the Ministry of Justice at the end of 2017 developed a **'Strategy for Judicial Sector Reform for the Period 2017-2022'**<sup>9</sup>. According to the government, this strategy provides guidelines and directions for improving the situation in the entire judicial sector by overcoming the existing shortcomings of both a normative and institutional character. The strategy is accompanied by an Action Plan that contains activities, measures and deadlines with implementation expected to achieve the ultimate goal of the strategy, which is to restore trust in institutions by providing legal certainty and access to impartial and quality justice for all citizens. A certain segment of this strategy is related to transparency, public relations and communication. In that sense, this document states that the problem is the lack of an efficient system for collecting, processing and analysing statistical data related to the work of the courts. Remarks are also made regarding the underdeveloped internal channels needed to implement the policy of public relations and communication between the governing bodies in the judiciary as well as the lack of more formal channels and the capacity of the judiciary to communicate effectively with the legislature and other branches of the government on the most important strategic and operational issues. The strategy also states that in the previous period, persons in charge of public relations in all courts were appointed and that the Basic Criminal Court Skopje, the Basic Civil Court Skopje, the Supreme Court and the Judicial Council employed professionals in charge of public relations - spokespersons. However, the strategy concluded that this measure was not sufficient to increase transparency in the work of the judiciary.

In addition to the numerous analyses prepared by various non-governmental organisations as well as the strategies prepared by the competent authorities, several manuals have been issued regarding transparency in the judiciary.

The Judicial-Media Council of the Association of Judges of RNM published in 2020 a manual entitled **'Transparent Judiciary: A Handbook for Judges and Journalists'**<sup>10</sup>. The manual resulted from the project 'Strengthening the Role and Functionality of the Judicial Media Council' which was implemented by the Association of Judges and the US Embassy in Skopje. It provides a comparative overview of

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8 Basic Court Skopje I - Strategy for promoting transparency through public communication. OSCE Mission to Skopje, 2019, available at: [http://www.vsrn.mk/wps/wcm/connect/oskopje1/729d53d9-897d-4b28-ae01-845d18d0f27f/Strateski+dokument+Transparentn+ost+sud.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18\\_L8CC1J41L088F0A1K8MT8K0AM5-729d53d9-897d-4b28-ae01-845d18d0f27f-liVHtTF](http://www.vsrn.mk/wps/wcm/connect/oskopje1/729d53d9-897d-4b28-ae01-845d18d0f27f/Strateski+dokument+Transparentn+ost+sud.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8CC1J41L088F0A1K8MT8K0AM5-729d53d9-897d-4b28-ae01-845d18d0f27f-liVHtTF) (accessed on 08.08.2021)

9 Strategy for reform of the judicial sector for the period 2017-2022. Ministry of Justice, 2017, available at: [https://www.pravda.gov.mk/Upload/Documents/Strategija+akciski+plan\\_MK-web.pdf](https://www.pravda.gov.mk/Upload/Documents/Strategija+akciski+plan_MK-web.pdf) (accessed on 09.08.2021)

10 ransparent judiciary: A handbook for judges and journalists. Judicial - Media Council, 2020, available at: <https://sudskomediumski.mk/assets/pub/Прирачник+за+судска+транспарентност.pdf> (accessed on 09.08.2021)

United States and European practice, the practice of the ECHR and regional and domestic law in order to define what is public and what is not public and to provide guidance on how to recognise misinformation. The handbook initially addressed the policies of transparency and the use of social networks by judges and judicial institutions through public relations departments, which would contribute to easier and more understandable communication with the public and better media relations. The manual analysed judicial transparency in Macedonian legislation and offered appropriate solutions for changes in certain outdated provisions in several laws and the Rules of Procedure, which would enable the promotion of this segment of the judiciary. At the same time, the Judicial Media Council through this manual offers a set of practical guidelines for judges and journalists that they can use when using the mechanisms for judicial transparency and access to cases, in order not to violate the principles of functioning of the judicial and journalistic profession in the transparency part. As part of the project which resulted in this handbook for judges and journalists, workshops were held in which discussions were opened between judges, legal practitioners, experts and journalists in order to find mutually acceptable conclusions and recommendations to reform the transparency mechanisms of the courts and to strengthen cooperation between the media and the courts.

The handbook **'Publicity in Criminal Procedure - A Guide for Journalists through Criminal Procedure'**<sup>11</sup>, supported by the OSCE Mission to Skopje in cooperation with the Association of Public Prosecutors, also concluded that inclusion of the public in court proceedings is a necessary condition for transparency and accountability of the judiciary. The primary purpose of this manual was to introduce journalists to the key features of criminal proceedings from the aspect of the LCP. The manual is divided into several sections which contain international standards, the domestic legal framework, a review of the Law on Criminal Procedure and the Code of Ethics for Journalists, which set out the principles related to the manner of reporting from court proceedings. The publication provides an overview of all stages of the criminal proceedings, including the competencies of all actors in the process and decisions for which the public can be excluded from the proceedings. It also provided an overview of the role of journalists and their responsibility in reporting objectively and accurately on trials.

**'Judicial Monitoring in Criminal Procedure - A Handbook for Journalists'**<sup>12</sup> is a product of the regional project 'Empowering the reporting on rule of law standards in Serbia, Macedonia, Albania, Kosovo and Bosnia and Herzegovina' and is supported by the Rule of Law Initiative of the American Bar Association (ABA ROLI). The handbook aims to enable journalists in the region to fulfil their role as watchdogs in the field of the rule of law. The publication concludes that a good understanding of criminal proceeding and professional and ethical reporting allows journalists to give the public a much better insight into the work of the judiciary. In reference to North Macedonia, it concluded that in the past years, sensationalism has been the main feature of Macedonian journalism and media. At the same time, it concluded that under political pressure, the independence and objectivity of the media were seriously endangered, which affected the creation of public opinion and the understanding of court proceedings and processes by the public. However, it also concluded that although some progress was made after the change of government, the independence of the media was still sensitive, and the objectivity and adequacy of reporting continues to be hampered by sensationalism. The manual is divided into several chapters, as follows: guidelines for reporting (which include sections on access to court, the legal responsibility of journalists and the most common violations of the law); an overview of the provisions from the LCP (with an overview of the legislation in relation to the whole procedure) and a part that refers to the practice of the ECHR; and finally, the conclusion that the reestablishment of public confidence in the judiciary is not only a precondition for sustainable and successful reform of the rule of law but also that media freedom in all countries in the region is a goal that must be met in the EU accession process.

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11 Dimovski S., Ilievski J., Dimitrievski Z. (2014). Criminal Procedure Publicity - A Guide for Journalists through Criminal Procedure. OSCE Mission to Skopje, available at: <https://www.osce.org/files/f/documents/0/d/117927.pdf> (accessed on 09.08.2021)-

12 Filipovikj M. (2019). Judicial monitoring in criminal procedure - A handbook for journalists. Helsinki Committee for Human Rights, available at: <http://www.brln.org/uploads/documents/322/Судски мониторинг во кривична постапка-Прирачник за новинари.pdf> (accessed on 10.08.2021)

### **Concluding remarks**

In general, it can be concluded that transparency and publicity in the work of the judiciary is a topic that has been continuously analysed and debated for many years by the professional and wider public. At the same time, the rule of law, ie, the reforms in the judiciary, are areas in which the country faces the biggest and most serious challenges on its European integration path.

The reestablishment of public confidence in the judiciary is one of the basic preconditions for the implementation of a sustainable and successful reform of the rule of law. Hence, public trust in the judiciary primarily depends on the degree of transparency, accountability and publicity in the work of the courts. It is, therefore, necessary for the courts to be subject to constant public scrutiny and to be accountable and transparent in the performance of their functions as they have an obligation to serve the public on whose behalf the judgments are rendered.

An important aspect of this process is media freedom and respect for the highest ethical standards of impartiality, objectivity and fairness in journalistic reporting. The media bring the judiciary closer to the citizens, but they are also the main source for informing and acquainting the public with issues related to the judiciary. The media and the judiciary depend on mutual support and cooperation, and only in that way will ensure full transparency and trust in the work of the courts. Although a number of analyses, strategies and manuals have been prepared over the years with the aim of establishing a better relationship between the courts and the media, the primary aim of improving the transparency and openness of the courts is still not at the required level.

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## 3. Research findings

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### 3.1 Journalists' experience with the court system

#### Professional experience of the journalists included in the survey

In order to obtain relevant data, findings and knowledge in all phases of the research, journalists with many years of work experience were involved. Of the total number of journalists surveyed, even 74% have been working for more than 10 years, 17% have been in this field from 6 to 10 years and 9% have been in journalism for 2 to 5 years. These are journalists who mainly report or comment on other issues (political and economic controversies, corruption, etc.), hence they occasionally report on the work of the judiciary (ie, 80% of the surveyed journalists), while 20% of the respondents are journalists who primarily work on topics related to the justice system but also cover other areas.

It should be emphasized that none of the interviewed journalists works only on topics related to the judiciary, because this type of specialization almost does not exist in Macedonian journalism. Even larger newsrooms, such as the public service broadcaster and private television stations, do not have journalists working exclusively on judicial issues but rather have journalists who are specialise in court reporting but who also cover other topics.

#### Access to court decisions and documents

The results of this research point to several problems that journalists face when trying to gain access to information and documents related to the work of prosecutors and courts. The problems that journalists at the beginning of the research noted during the in-depth interviews were also revisited in the questions asked in the online survey.

As shown in Table 1, large number of the surveyed journalists (65% always or often) have a problem with the fact that the procedure to obtain court decisions and documents they need for reporting is difficult or slow. Many of the interviewed journalists (73%) also stated that the problem is that some of their colleagues receive exclusive information about court cases as a result of personal contacts in judicial institutions. Slightly more than half of the journalists (56%) stated that the problem in communication with the representatives of the judiciary, always or often, is their distrust in the journalists, and 50% stated that they always or often have difficulties in accessing documents from the Public Prosecutor's Office. Other noted problems are not as often an obstacle to the access to information and documents - non-publication of judgments on court websites is a regular problem for 46% of journalists and the availability of spokespersons or judges in charge of communication is a problem for only 30% of the surveyed journalists.

	<b>Always or often</b>	<b>Sometimes or rarely</b>	<b>Never</b>	<b>I do not know / I cannot evaluate</b>
The process of obtaining court records is difficult and slow	65%	20%	1%	14%
Due to personal relationships, some journalists receive exclusive information about court cases	73%	22%	1%	4%
Judges and court clerks do not trust journalists	56%	27%	6%	11%
Public Prosecution charges are difficult to access	50%	26%	4%	20%
Courts do not publish judgments on their websites	46%	33%	4%	17%
Spokespersons or judges in charge of communication are not available to journalists	30%	50%	16%	4%

**Table 1:** *How often do you face each of these problems?*

The above can also be seen from the findings obtained from the focus groups in which journalists emphasised that the procedure for obtaining court decisions is difficult or slow, which is why they have insignificant information, which leaves room disinformation and false information to be spread. The conversations in the group discussions with the journalists confirmed the statement that the judges and court clerks do not trust the journalists, which is primarily due to the lack of mutual communication but also due to the impression that the journalists are manipulating the information.

**Sources of information on court cases**

The sources that journalists use to obtain information about court cases was also of interest in this research. During the in-depth interviews, the journalists not only pointed out the sources of information but also gave their views on how useful certain sources are in doing their jobs. In this context, the surveyed journalists were asked about how often they used certain sources of information.

Table 2 shows that more than half of the surveyed journalists (54% always or often) used lawyers as a source of information, ie, the articles from the media. For 53% of journalists, court spokespersons were the most commonly used source of information. The websites of the public prosecutor’s offices were always or often used by 48% of the surveyed journalists to obtain information, while only 38% of the journalists always or often used the websites of the courts as a source of information. More than half (59%) of the surveyed journalists indicated that they sometimes or rarely used judges as a source of information, while 57% of the journalists sometimes or rarely used public prosecutors as a source. For more than half of the journalists surveyed, the presidents of the courts were sometimes or rarely the source of information, while for 27% of the journalists, the presidents were never the source of information.

	<b>Always or often</b>	<b>Sometimes or rarely</b>	<b>Never</b>	<b>I do not cover the judiciary</b>
Court websites	38%	45%	7%	10%
Websites of the Public Prosecutor's Offices	48%	38%	4%	10%
Public hearings	29%	49%	10%	12%
Court files	26%	48%	13%	13%
Court spokespersons	53%	29%	6%	12%
Judges	10%	59%	19%	12%
Presidents of courts	9%	52%	27%	12%
Public Prosecutors	20%	57%	10%	13%
Lawyers	54%	31%	3%	12%
Families of the defendants	42%	39%	7%	12%
Media articles	54%	36%	1%	9%
Personal connections in the courts	12%	43%	32%	13%
Independent experts	39%	40%	9%	12%

**Table 2:** *How often do you use the following sources to obtain court case information?*

The results obtained from this survey question were confirmed in the conversations conducted with the journalists in the focus groups, during the group discussions the journalists emphasised that most often their sources were the defendants' lawyers, while public prosecutors, court presidents and judges were less available. In the absence of information from all relevant sources, it sometimes happens that the public is informed only one-sided.

**Coverage of court proceedings open to the public**

The results of this research indicate several problems that journalists face in following the court proceedings that are open to the public. The challenges and problems in following the court proceedings were addressed by the journalists during the in-depth interviews and were also examined in the online survey.

Regarding the question of how often you face difficulties when reporting from public trials in Table 3 can be observed that 65% of the surveyed journalists indicated that it is always or often difficult to access transcripts and other important information about the trial. In addition, 54% think that courtrooms are small, while 47% think that judges always or often do not want to communicate and do not help journalists to better report on the trial. About a third of respondents sometimes or rarely have any of these difficulties, while about 20% do not report on public trials.

	Always or often	Sometimes or rarely	Never	I do not know/I do not report from public trials
Judges treat journalists with distrust or disrespect during trials	38%	33%	9%	20%
Judges do not clearly state the rules for reporting before each trial	34%	36%	10%	20%
Judges are reluctant to communicate and do not help journalists to report better on the trial	47%	29%	4%	20%
Although present at the trial, it is difficult for journalists to access transcripts and other important information from the trial	65%	7%	4%	24%
Journalists are required to leave their equipment (laptop, camera, mobile phone) before entering the courtroom	33%	34%	12%	21%
The courtrooms are small and not all interested journalists can enter	54%	26%	0%	20%
The COVID-19 pandemic is being used as an excuse to deny journalists access to trials	38%	33%	6%	23%

**Table 3:** How often do you encounter difficulties when reporting on public trials?

The biggest challenge in reporting on public trials is the unavailability of trial transcripts, which was also confirmed during the group discussions with journalists. According to the journalists, the unavailability of the trial transcripts is the reason for the main anomalies arising in the reports from the hearings, ie, mistakes are happening, room is left for interpretation, misinformation or incorrect information is published.

### 3.2 Journalists' views and perceptions about transparency and communications of the judicial institutions

#### Principles of publicity and motivation of the courts

During the in-depth interviews at the beginning of the research, the perceptions of the journalists about the principle of publicity, ie, transparency of the court communications, was discussed. The journalists gave their views on the readiness of the courts for transparent and open communications with the journalists and on the obstacles to the application of these principles of publicity by the representatives of the judiciary.

Regarding the communication of judicial institutions with the media and the public, between 69% and 78% of the surveyed journalists confirmed that there is no attempt to improve cooperation, there is no proactivity in providing information to journalists and there is noticeable pressure and dependence from political actors, but also from the business interests. The opinion that judges and courts do not have knowledge of communication with the media (70%) was also expressed, but also the lack of adequate staff (61%) is perhaps the reason for the lack of transparency.

For half of the surveyed journalists, the judiciary is much more open and transparent than it was five years ago, which is also reflected in the division of the answers regarding the attitude that the institutions meet the basic conditions for open and transparent communication with the media and public (see Table 4).

	Completely or largely agree	Neither agree nor disagree	Strongly or largely disagree
Judicial institutions are not trying to improve cooperation with the media and journalists	69%	19%	12%
Judicial institutions meet the basic requirements for open and transparent communication with the media and the public	33%	39%	28%
Judicial institutions are not proactive in providing information to journalists	75%	16%	9%
Judges and courts lack the integrity and independence of political actors, which is why they are not motivated to communicate with the media	78%	19%	3%
Judges and courts lack integrity and independence from business interests, which is why they are not motivated to communicate with the media	69%	28%	3%
Judges and courts do not know how to communicate with the media, so they are not transparent enough	70%	16%	14%
Judges are personally exposed to political pressure and are not encouraged to cooperate with the media	72%	22%	6%
The judiciary today is much more open and transparent than five years ago	51%	32%	17%
Courts lack communication staff so they are not transparent enough	61%	20%	19%

**Table 4:** *To what extent do you agree with public statements about the motivation of judicial institutions to communicate with journalists?*

Most of the allegations arising from the survey were confirmed during the group discussions with journalists. The journalists also in the focus groups confirmed that the judiciary is generally not proactive in providing information and that there is not enough knowledge and resources to increase transparency. The main generator of these challenges was seen primarily by the lack of a precise system, like procedures for communication and access to information from the courts. According to the journalists who took part in the focus groups, the lack of proactivity in providing information affects the quality of journalistic work. It was concluded that it is necessary to improve communication between judges and journalists, which is in the interest of transparent reporting to the public.

**Communicators**

During the in-depth interviews, the journalists stated that with the exception of the spokespersons, the other representatives of the judicial institutions are not open enough to communicate with the journalists. Hence, in the next phase of the research, the journalists who participated in the online survey were asked to evaluate the representatives of the judicial institutions in terms of their openness and responsiveness in communicating with journalists.

The analysis of the answers to this question (Table 5) it indicates about the perception that about 60% of judges and court presidents are sometimes or rarely open to communication, while the percentage for public prosecutors, members of the Judicial Council and the Council of Prosecutors ranges around 55%.

In terms of always or often open for communication, 52% of journalists spoke in favour of the spokespersons and that they have always been available for communication. It is also noteworthy that between 12% and 26% of respondents did not contact representatives of these institutions.

	<b>Always or often</b>	<b>Sometimes or rarely</b>	<b>Never</b>	<b>I do not know / I have not been in contact with them</b>
Spokespersons	52%	36%	0%	12%
Judges	7%	64%	12%	17%
Public Prosecutors	18%	57%	9%	16%
Presidents of courts	17%	60%	4%	19%
Members of the Judicial Council	6%	54%	14%	26%
Members of the Council of Prosecutors	4%	54%	16%	26%

**Table 5:** How would you assess the representatives of judicial institutions in terms of their openness and reaction (response) in communication with journalists?

The journalists in the focus groups emphasised that they do not have a problem in communicating with the spokespersons, they confirmed that they are always open for communication. However, they have a problem with the content they receive. Spokespersons do not receive the necessary information from the judges who decide on cases of public interest. According to the journalists that participated in the group discussions, training on transparency and communication and on increasing the level of communication will certainly contribute to greater openness and responsibility of the representatives of judicial institutions to the public.

**Services and tools provided to the media**

As an important segment of this research, the services and tools provided by the courts for communication with the media and their usefulness were one of the topics of conversation in the in-depth interview phase. The journalists pointed out that the communication from the judicial institutions usually is based on publishing press releases and court decisions on their websites. This tool has its drawbacks, especially in terms of late release of information.

Consequently, the communication services and tools were also of interest in the online survey. What is more significant than the general result of this question shows that the communication services and tools mentioned by the surveyed journalists enters into the category of sometimes or rarely available. These includes the organisation of briefings (64%) and press conferences (58%), publication of summaries of court decisions (49%), the organisation of face-to-face meetings (46%) and communication through different apps (36%). In terms of the most accessible, the journalists evaluated press releases at 40%, information about court decisions on the official website at 37%, direct communication with spokespersons and judges by phone at 33% and communication by e-mail at 28%. As the highest percentage of never available are the posts about the court decisions on the social media with 42% (see Table 6).

	Always or often	Some-times or rarely	Never	I do not know
publish summaries of court decisions	10%	49%	23%	18%
publish information on court decisions on the website	37%	40%	9%	14%
hold press conferences	7%	58%	25%	10%
organise briefings with journalists	9%	64%	11%	16%
organise direct (face to face) conversations with judges, court presidents, prosecutors	9%	46%	23%	22%
publish press releases	40%	47%	7%	6%
maintain communication via e-mail	28%	39%	14%	19%
maintain communication through communication applications (Skype, Zoom, Viber, WhatsApp, etc.)	3%	36%	36%	25%
provide direct communication with spokespersons and judges by telephone	33%	43%	9%	15%
publish information about court decisions on social networks	4%	29%	42%	25%

**Table 6:** How often do judicial institutions provide the following communication services and tools?

The participants in the online survey also evaluated the quality and usefulness of these communication services and tools. The ratings that were most common were in the category of solid or poor and range between 51% and 71%. These include summaries and information on court decisions (71% and 66%, respectively) and press conferences and briefings (71% and 66%, respectively), communication through applications and posts on social media (70% and 61%, respectively). Public announcements were rated with excellent or good quality at 40%, direct communication by telephone at 36% and e-mail at 35%.

A quarter of the journalists rated direct conversations with judges, presidents and prosecutors as very poor (see Table 7).

	Excellent or good	Solid or poor	Very poor	I do not know
summaries of court decisions	15%	71%	10%	4%
information on court decisions published on the website	21%	66%	11%	2%
press conferences	16%	71%	13%	0%
press briefing	18%	66%	12%	4%
direct (face to face) conversations with judges, court presidents, prosecutors	13%	58%	24%	5%
press releases	40%	50%	8%	2%
e-mail communication	35%	52%	9%	4%
communication through communication applications (Skype, Zoom, Viber, WhatsApp, etc.)	8%	70%	15%	7%
direct communication with spokespersons and judges by telephone	36%	51%	11%	2%
information on court decisions published on social media	9%	61%	17%	13%

**Table 7:** How would you rate the quality/usefulness of the following communication services and tools provided by judicial institutions?

When it comes to the evaluation of the press services of each of the judicial institutions separately, it can be noted that the Basic Criminal Court Skopje and the Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption were always or often open to communication with journalists with 46% and 45%, respectively. In the Public Prosecutor's Office of RNM and the Basic Public Prosecutor's Office, the percentages are 39% and 36%, respectively, and the others are below 25%. The Basic Courts generally stand out as sometimes or rarely open for communication at 52%, while the Public Prosecutor's Office, the Basic Civil Court Skopje, the Supreme Court and the Constitutional Court range from 41% to 45%.

Table 8 also notes a low percentage (below 14%) of respondents who think that the press services are never open to the journalists, and the percentage of journalists who were not in contact with the press services ranges between 15% and 41% (at the Higher Administrative Court).

Judicial body	Always or often	Sometimes or rarely	Never	I do not know / I have not been in contact
Basic courts	25%	52%	6%	17%
Basic Criminal Court Skopje	46%	25%	3%	26%
Basic Civil Court Skopje	19%	43%	4%	34%
Courts of Appeal	21%	38%	6%	35%
Supreme Court	13%	42%	9%	36%
Constitutional Court	23%	41%	4%	32%
Administrative Court	16%	38%	13%	33%
Senior Administrative Court	9%	36%	14%	41%
Basic Public Prosecutor's Office	36%	45%	4%	15%
Higher Public Prosecutor's Office	13%	35%	13%	39%
Public Prosecutor's Office of RNM	39%	30%	3%	28%
Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption	45%	23%	3%	29%

**Table 8:** How would you assess the press services of judicial institutions in terms of their openness and reaction (response) in communication with journalists?

In the context of the results of the online survey, the journalists who participated in the focus groups pointed out that it is necessary to timely and properly update the websites of the courts, which is not the case now. At the same time, according them all courts in RNM should have an equal method/ procedure for timely, fast and appropriate updating of their websites with the necessary information. The introduction of regular briefings with journalists was assessed as one of the best tools by which the level of communication with journalists could be significantly improved. Through this channel of communication, the journalists could be regularly acquainted with the work of the courts and also receive a large amount of information from the trials and hearings that are the subject of interest.

### 3.3 Journalists' knowledge about the principles of reporting and the work of judiciary

#### Perceptions of the current level of knowledge

The next topic of interest in this research was the knowledge of journalists about the principles of reporting on court proceedings and the judiciary in general. The allegations and the shared opinions from the in-depth interviews were also verified through the questions asked in the online survey.

The positive self-evaluation of the knowledge related to the judiciary among the surveyed journalists ranges between 48% and 54% in all mentioned areas, except in the segment of procedures related to criminal proceedings, for which it is 39%. The same segment is also leader with 51% in the category of satisfactory or poor knowledge. An inconspicuous 3% and 4% of the respondents stated that they had little knowledge about the work of the courts. From the answers to this question, it can be noted that the prevailing attitude of journalists is that they have a certain level of knowledge that allows them to report on the work of the judiciary (see Table 9).

	Excellent or good	Satisfactory or poor	Very poor	I do not know
Level, hierarchy and functions of the domestic judicial system	51%	40%	3%	6%
Legal rules and restrictions regarding reporting from court proceedings	49%	41%	4%	6%
Basic legal procedures related to criminal proceedings	39%	51%	4%	6%
Protection of human rights during criminal proceedings	51%	39%	3%	7%
Legal terminology and jargon are used in the courts	48%	41%	4%	7%
Ethical principles of reporting on court proceedings	54%	35%	4%	7%

**Table 9:** How would you rate your level of knowledge about reporting on the work of the judiciary or, more specifically, court proceedings?

All journalists who participated in the focus groups agreed with the view that sensationalism in reporting on court proceedings is not always a product of lack of knowledge or lack of education but is often due to the need for media and journalists to obtain greater readership and popularity in order to ensure greater economic power and means. However, within the focus groups, it was concluded that sensationalism and the race for ratings and advertisements are part of the reasons for the closure of the courts to journalists.

**Need to acquire new knowledge**

Several questions were focused on the need for journalists who follow this area to gain new knowledge.

One of the questions was focused on the professional development of the journalists involved in this research, more precisely, on how much specialised training they had received in the last five years. The answers showed that most of them, or 64%, had not attended any training, while 18% of the surveyed journalists answered that they had attended more than three; thus, at least one training (see Table 10).

	1 to 2	more than 3	None
Number of trainings	18%	18%	64%

**Table 10:** *In how many specialised trainings on judicial system reporting have you participated in the last five years?*

In addition to the previous question, the journalists also answered the question of which institutions or organisations offered the training they attended. A high percentage of trainings were organised by either international organisations (72%) or non-governmental organisations (69%), while a much lower percentage of training was organised by media outlets or courts (16%). Higher education institutions were inconspicuously present at 3% (see Table 11).

	Yes	No	I do not know
The training was organised by the media house where I work	16%	84%	0%
The training was organised by an NGO	69%	31%	0%
The training was organised by an international organisation	72%	28%	0%
The training was organised by a judicial institution	16%	84%	0%
The training was organised by a higher education institution	3%	97%	0%

**Table 11:** *Have you attended a training organised by any of the following institutions/organisations?*

In the context of the previous two questions, the journalists who took part in the online survey also answered a question about what kind of training they attended, taking into account the topics covered. The most common answer was that the training related to the topic of 'Honest, accurate and writing without sensationalism for criminal and civil cases' at 66%, with training on 'Legal rules and restrictions in covering the various stages of criminal investigation, prosecution and trial' at 63%. In addition, just over half of the respondents, or 56%, participated in a training on 'The case law of the European Court of Human Rights'. Other types of training covered less than 28% (see Table 12).

	Yes	No
The role of the courts in protecting the public right to justice and safety	28%	72%
The role of the courts in the system of government regulation	19%	81%
Judicial processes and terminology used in the judicial system	25%	75%
Honestly, accurately and without writing sensationalism about criminal and civil cases	66%	34%
Legal rules and restrictions in covering the various stages of criminal investigation, prosecution and trial	63%	37%
Implementation of new domestic laws in court practice	16%	84%
The case law of the European Court of Human Rights	56%	44%

**Table 12:** *What training did you attend taking into account the topics covered?*

On the question related to the usefulness of gaining new knowledge about the work of the justice system, there was unanimity among most of the surveyed journalists. Over 80% thought that it would be extremely or very useful to gain additional knowledge in the field of legal rules and restrictions when reporting about a criminal investigation, for writing without sensationalism and on terminology used in the judicial system. Knowledge of the role of the courts in protecting the public (71%) and the role of the courts in the system of government regulation (61%) were also important. Other respondents found it relatively or partially useful to supplement their knowledge of the judiciary, but none of them found it completely useless (see Table 13).

	Exceptional or very useful	Relatively or partially useful	Useless	I do not know
The role of the courts in protecting the public right to justice and safety	71%	23%	0%	6%
The role of the courts in the system of government regulation	61%	32%	1%	6%
Judicial processes and terminology used in the judicial system	80%	14%	0%	6%
Honest, accurate, writing without sensationalism about criminal, and civil cases	84%	10%	0%	6%
Legal rules and restrictions in covering the various stages of criminal investigation, prosecution and trial	84%	10%	0%	6%

**Table 13:** *How useful would it be for journalists to gain more knowledge on the following topics related to the operation of the justice system?*

In the context of the online survey questions regarding the need for new knowledge, most of the journalists who participated in the group discussion agreed with the fact that there is a lack of knowledge about the legal rules and restrictions related to reporting on criminal proceedings and that there is unfamiliarity of legal terminology when reporting court proceedings. Hence, the journalists emphasised that continuous education for the journalists who follow the judiciary is necessary, but at the same time,

they concluded that the professional media should not only report but also educate. According to the focus group discussions, not all journalists who follow the judiciary are prepared and sufficiently educated and trained to report on this area. In addition, within these discussions, it was concluded that in many newsrooms there are no specialised journalists who follow the judiciary.

**Journalists' views on reporting ethics**

In addition to the knowledge of journalists about the principles of reporting on court proceedings and the judiciary, as well as the need to gain new knowledge in this area, journalists during the in-depth interviews spoke about the application of ethical principles in reporting. Hence, the journalists who participated in the online survey were also asked for their views on the ethics of reporting.

The analysis of the answers to the question 'To what extent do you agree or disagree with the following approaches to journalism?' (See Table 14) speaks to the level of morality, ethics and professionalism in journalism. The initial conclusion stated that when it comes to the code of professional ethics, an extremely high 91% of journalists agreed with it regardless of the situation and context. Also, more than half (55%) did not agree that ethics and morality in journalism depend on personal assessment, extraordinary circumstances and the specific situation. On the other hand, about one-third of respondents agreed that ethics depends on the specific situation (29%) and is a matter of personal judgment (28%).

	<b>Completely or largely agree</b>	<b>Neither agree nor disagree</b>	<b>Strongly or largely disagree</b>	<b>I do not know</b>
Journalists should always adhere to a code of professional ethics, regardless of the situation and context	91%	4%	3%	2%
What is ethical in journalism depends on the specific situation	29%	16%	54%	1%
What is ethical in journalism is a matter of personal judgment	28%	16%	55%	1%
It is acceptable to reject moral standards if required by extraordinary circumstances	19%	25%	55%	1%

**Table 14:** *To what extent do you agree or disagree with the following approaches to journalism?*

The following data from the analysis are characteristic because they are correlated with the challenges that the profession brings in terms of ethics and professionalism. Most of the respondents thought that it is not justified in any situation to accept money (94%), to change statements (90%), to change photos (84%), to steal official documents (81%), to publish unverified content (80%), to use personal documents (70%), to pay to obtain confidential information (64%) and to put pressure on information sources (62%). Deviations from these operating principles were justified in certain situations as represented by 54% who would pretend false in order to investigate the story; 52% who would use hidden microphones and cameras; 49% who would use and 42% who would disclose confidential business or government documents without approval; 48% who would use insider information; and 46% who would make a reconstruction or dramatization of events with the help of actors.

Data that stands out in the category of always justified at 29% is the publication of documents that are officially characterised as 'documents of public importance' (see Table 15).

	Not justified in every situation	Justified in certain situations	Always justified	I do not know
Payment for obtaining confidential information	64%	20%	4%	12%
Use of confidential business or government documents without approval	33%	49%	7%	11%
Disclosure of confidential business or government documents without approval	41%	42%	4%	13%
Publication of documents that are officially characterised as documents of 'public importance'	12%	54%	29%	5%
Theft of official documents	81%	9%	0%	10%
False representation to investigate the story	36%	54%	4%	6%
Pressure on sources who do not want to give information, to get a story	62%	26%	4%	8%
Use of personal documents such as letters and pictures without permission	70%	19%	3%	8%
Employment in a company or organisation to obtain insider information	39%	48%	4%	9%
Using hidden microphones or cameras	36%	52%	3%	9%
Reconstruction or dramatisation of events with the help of actors	25%	46%	9%	20%
Publish stories with unverified content	80%	10%	3%	7%
Accepting money from information sources	94%	0%	1%	5%
Modification of source statements	90%	3%	1%	6%
Editing photos	84%	6%	1%	9%

**Table 15:** *When reporting an important story, what do you think might be justified from time to time and what you would not approve at all?*

In terms of journalists' views on the ethics of reporting, during the focus groups was pointed out that often sensationalism is a reason for unethical reporting and disrespect of ethical principles. Nevertheless, there is a thin line between respecting ethical standards in reporting on the judiciary and protection of the public interest. According to the journalists who participated in the group discussions, the biggest degree of deviation from the ethical principles is in the online media.

### 3.4 Journalists' perceptions of the role of the judiciary in protecting media freedom and the safety of journalists

As rounding out of this research, and thus the online survey, the topic of the role of the judiciary in protecting media freedom and the safety of journalists was introduced. What was pointed out in the in-depth interviews as challenges faced by journalists in terms of protecting media freedom and in terms of their safety was also explored in the online survey.

The results in Table 16 point out that 72% of respondents see the judiciary as more on the side of the system and politics than on the side of the media and the public. They also point to the presence of many threats against journalists that are not taken seriously enough by the institutions (74%). This is shown by

the view that 86% of journalists do not feel sufficiently protected and do not believe that there has been an effective investigation of or punishment for attacks on them (62%). The blame for these situations is located at the Ministry of Interior and the Prosecutor's Office with 42%.

	Completely or largely agree	Neither agree nor disagree	Strongly or largely disagree	I don't know
The judiciary is more on the side of the system and politics than on the side of journalists	72%	10%	14%	4%
Courts have recently taken a lenient approach to the media and journalists facing defamation lawsuits from politicians	30%	35%	16%	19%
Journalists are sufficiently protected because threats and attacks on them are effectively investigated and sanctioned	7%	4%	86%	3%
There are many threats against journalists on the Internet that judicial institutions do not take seriously	74%	4%	17%	5%
Public servants do not use defamation lawsuits to put pressure on journalists and the media	23%	25%	38%	14%
Mol and the Prosecutor's Office contribute to the fact that serious threats and attacks on journalists are not investigated or sanctioned	42%	29%	20%	9%
The prevailing atmosphere and opinion is that the perpetrators who threaten or attack journalists will be punished	18%	14%	62%	6%

**Table 16:** *What is your general view on the role of the judiciary in preserving media freedom and the safety of journalists in your country?*

The view that journalists do not feel sufficiently protected by the judiciary and that the judiciary does not contribute sufficiently to media freedom and the safety of journalists was confirmed within the group discussions. According to the journalists who participated in the discussions, this should change so that when a report or indictment for attacking a journalist arrives in court, the courts act quickly and do not delay the procedure and that it be tried within a reasonable time. Currently, a message of impunity is often sent, and the institutions by inaction encourage attacks on journalists. All journalists pointed out that it is necessary to adopt the amendments to Article 144 of the Criminal Code as soon as possible, which will add the attack of journalists and media workers as assault on an official. According to them, these legal changes will contribute to increasing the level of media freedom in the country and increasing the safety of journalists.

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## 4. Conclusions

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The main purpose of this research study was to gain insight and make recommendations on how to facilitate dialogue and cooperation between journalists and judicial authorities. The study contributes to filling the gaps that exist in previous researches related to the development and transformation of the judicial system and the role of the media and journalism in that context. The study attempts to identify the main obstacles and problems faced by the media and journalists in reporting on the justice system as well as to provide specific conclusions and recommendations that should lead to improved dialogue and cooperation between the judiciary and the media.

This study actually systematises and summarises the recommendations and suggestions that were directly received from journalists in order to improve the communication of the courts with the public, knowledge that is missing from previous studies and the documents that were analysed in the review of available literature in the country.

In order to achieve the purpose of this study, the understanding, perceptions and experiences of journalists with respect to the work of the judiciary, the level of transparency, and the methods of communication in providing information to journalists and the general public were examined.

Although the results of the research show that the judiciary is more open and transparent than it was five years ago, it still has not improved enough to achieve the required level. However, it is also noted that these movements in a positive direction are not due to systematic improvement, the adoption of strategies or the implementation of reforms in terms of increasing the transparency and publicity of the judiciary, but are rather due to the personal decision of individuals to increase the degree of transparency in the work of the institutions they represent.

The results of the research also indicate that more attention is paid to providing formal transparency rather than substantial transparency in the judiciary. The quality of the current legal framework does not contribute enough to the optimal level of transparency and openness in the justice sector.

In addition, the research points to the need to ensure equal access to information for all, that is, the need for all courts to use the same channels and systems of communication and the need for judgments and all other information of public interest to be published on the relevant websites in a timely manner. The existing procedures for obtaining court decisions and documents necessary for journalistic reporting are difficult or slow.

According to the journalists, the judicial system in the country is still significantly closed, ie, there is no significant attempt to improve cooperation and there is no proactivity in providing information to the public. At the same time, there is pressure from and dependence on not only political actors but also business interests.

The survey findings show that there is no mutual trust between judges and prosecutors, on the one hand, and journalists on the other. This is primarily due to a lack of mutual communication. According to the existing codexes and procedures for public relations, most of the communication is usually channelled through spokespersons, and the judges avoid direct contact with the journalists and the media. The prevailing view among journalists is that judges and courts do not have enough knowledge to communicate with the media, but there is also a lack of adequate staff which might be a cause of insufficient transparency.

This study also explored the attitudes and perceptions of journalists with respect to the role of the judiciary in protecting media freedoms and the safety of journalists.

The results of this research lead to the conclusion that the majority of journalists believe that the judiciary does not contribute enough to the protection of the freedom of the media and the safety of journalists, and they see the judiciary more on the side of the system and politics than on the side of the media and the public.

Journalists do not feel safe enough and do not believe that the courts effectively investigate or punish for attacks on them.

The perception of impunity for violence against journalists still prevails, and institutions by their inaction encourage attacks on journalists. Violence, harassment, threats and intimidation against journalists have the effect of self-censorship and suppression of media freedom and freedom of expression.

Despite the fact that there is a positive self-evaluation among journalists about their knowledge related to the basic principles and standards for reporting on the work of the judiciary, they are still unanimous in the need for continuous education in this area. Trainings and workshops are especially important because the legislation related to the judiciary is subject to frequent changes and the judiciary is a very specific area that requires solid knowledge, both in terms of legal rules for reporting court proceedings and in the knowledge of the relevant legal terminology. The number of journalists who have the opportunity to attend regular trainings is small, and it is worrying that the media almost fail to organise workshops and trainings for their journalists.

The lack of communication between judges and journalists, as well as the lack of clearly defined procedures and rules for transparency and public relations, are the main challenges that hinder the process of building partnerships and cooperation between journalists and judicial institutions.

It is also important that journalists always adhere to the code of professional ethics because only professional journalism is a benefit to the public. Sensationalism is certainly counterproductive in achieving the required level of transparency and publicity in the work of the judiciary.

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## 5. Recommendations

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As revealed in all stages of this research study, one of the basic recommendations and conclusions that can be drawn is the need to establish easier and more understandable communication by the courts with the public and media. Of course, the detected need for the development of standardised (ie, unified and binding) methodologies, procedures or instructions for all courts in their communications with the public (ie, the media) should be emphasised here. A good basis for achieving this goal might be the further development and implementation of the 'Strategy for Promoting Transparency through Public Communication' which should be applicable to all courts.

It is also particularly important for courts to adapt to the modern way of functioning and communicating with the public and the media, especially now that digital technologies are rapidly advancing and the public has a need for timely and accurate information.

The facilitation of a dialogue and the establishment of better communication between journalists and judicial authorities will certainly be enabled through the establishment of channels for constant communication between these parties. In fact, communication between journalists and the judiciary will be significantly improved through training of judges and public prosecutors on what it means to communicate with the public and the training of journalists on how to communicate with judicial authorities.

Journalists should not only be educated on legislation related to the judiciary and the rules for reporting on court proceedings but also on legal terminology. It is especially important that training for journalists who follow and report on the judiciary be conducted by legal experts, judges and prosecutors as well as by experienced journalists who cover this area. The media also had a responsibility and obligation to invest in building the capacity of journalists who are specialised in covering the judiciary. Only in that way can journalists know enough and be able to respect the main principles of judicial communication, which will increase the quality and professionalism in the work of the media.

On the other hand, the judiciary should have at least minimal knowledge about the way of communication with journalists and the media, as well as about what public interest, transparency and openness in work means. This knowledge can be acquired only through the implementation of professional trainings and education of both judges and public prosecutors.

The public trust in the judiciary will increase only through openness, transparency and direct and regular communication of judges with journalists, as a closed judiciary is a source of misinformation, speculation and inaccurate information. All this violates the integrity of the judges and does not contribute to building the judiciary as a fully independent and sovereign part of the government which protects the interests of the citizens and is resistant to political influences and pressures and business interests.

Judges need to understand that they and the journalists are not two opposing sides but, on the contrary, are on the same side in service to the citizens. Journalists are the ones who create the public opinion of the citizens about the judiciary and that is why journalists should be the basic tool of the judiciary through which the public trust in them will be restored.

In order to ensure transparency and openness in the work, it is necessary for the judiciary to have a proactive media approach, that is, to be proactive in providing information to journalists. Therefore, judicial institutions must strengthen their capacities in the area of public relations. It is the duty of the spokespersons to provide the information to the media and journalists but that information should reach the spokespersons from the appointed judges or public prosecutors. In addition to this manner of channelling information, regular briefings and meetings of judges with journalists need to become a practice.

The planned amendments to the Rules of Procedure as well as the Law on Criminal Procedure (LCP) will provide easier and more understandable communication with the public and the media. The need for these changes is especially important because the current rules of procedure related to transparency are quite outdated and are not correlated with technological progress and modern information flow.

The safety of journalists is key to the existence of independent and professional media as well as to the exercise of the right to freedom of expression. Without media freedom and quality information to serve the public interest, it is not possible for the democratic processes in North Macedonia to function and be promoted.

It is essential that the law enforcement authorities and the Public Prosecutor's Office effectively monitor all incidents against journalists and that any charges or indictments for assaulting a journalist be acted upon promptly, without delay, and within a reasonable time.

Only through specific amendments to the Criminal Code, providing the authority to the Prosecutor's Office to act *ex officio* on the cases related to attack on journalists and media workers and by increasing the penalties for attackers, the safety of journalists and media workers will be systematically improved.

Finally, it should be emphasised that all analyses, studies and strategies that have been developed so far or that will be further developed which focus on transparency, accountability and publicity of the judiciary are pointless if the given recommendations and conclusions are not subject to a serious analysis by the competent institutions and subject to open dialogue between all stakeholders. The purpose of that dialogue would be to adopt clearly defined procedures and rules and they to be incorporated in the laws that regulate the judiciary. Only through successful implementation of these documents we can expect improvement and achievement of the necessary standards in the field of transparency and communication of the judicial system with the public.

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## References

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Analysis: Courts and journalists - public behind closed doors. Association of Citizens Witness, 2016, available at: [http://nvoinfocentar.mk/wp-content/uploads/2016/07/Sudovite\\_i\\_novinarite\\_final-1.pdf](http://nvoinfocentar.mk/wp-content/uploads/2016/07/Sudovite_i_novinarite_final-1.pdf)

Analysis: Cases of defamation and insult. Association of Journalists of Macedonia, 2015, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Analiza-kleveta-i-navreda.pdf>

Analysis: Freedom of the media and the safety of journalists in RSM through the prism of existing legal solutions - How to get better solutions? Association of Journalists of Macedonia, 2021, available at: <https://znm.org.mk/wp-content/uploads/2021/06/publikacija-MK-internet-1.pdf>

Breshkovski I., Markovski I. (2018). The impact of the Law on Copyright and Related Rights on the work of journalists, photojournalists and media workers. Association of Journalists of Macedonia, 2015, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Vlijanieto-na-zakonot-za-avtorsko-pravo-i-srodnite-prava-vrz-review-of-news-photo-reporters-of-medium-work-rabotnici.pdf>

Breshkovski I., Angelovski T., Andonova S. (2018). Manual for the safety of journalists during high-risk events. OSCE Mission to Skopje, available at: <https://znm.org.mk/wp-content/uploads/2020/07/priracnik-za-bezbednost.pdf>

Georgievski D. (2018). Insult and defamation as part of media reform. Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Navreda-i-klevetata-1.pdf>

Danilovska D., Naumovska N. (2018). Recommendations for improving the situation - Openness of the judiciary institutions in the region and in Macedonia. Metamorphosis, available at: [https://metamorphosis.org.mk/wp-content/uploads/2018/09/ACTION\\_SEE\\_sudska\\_vlast\\_2018\\_4.0.pdf](https://metamorphosis.org.mk/wp-content/uploads/2018/09/ACTION_SEE_sudska_vlast_2018_4.0.pdf)

Dimovski S., Ilievski J., Dimitrievski Z. (2014). Criminal procedure publicity - A guide for journalists through criminal procedure. OSCE Mission to Skopje, available at: <https://www.osce.org/files/f/documents/0/d/117927.pdf>

Strengthening transparency and accountability in the judiciary. Centre for Legal Research and Analysis, 2019, available at: <https://cpia.mk/wp-content/uploads/2021/10/Zajaknuvawe-na-transparentnosta-i-otчетността-vo-судството.pdf>

Ivanov Z., Markovski I. (2019). Chronicle of (non) safety of journalists. Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/04/web-MK-hronika-za-ne-bezbednosta-na-novinarite.pdf>

Ilic Dimoski D., Hadzi-Zafirov Z. (2015). Courts: Guardians of the public interest or of individual interests. Institute for Communication Studies and School of Journalism, available at: <https://iks.edu.mk/wp-content/uploads/2020/01/Sudovi-i-Javen-interes.pdf>

Jovanovska M., Duvnjak G., Trpevska S. (2017). The application of the Law on Civil Liability for Defamation and Insult in court proceedings against journalists. Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Primena-na-zakonot.pdf>

Code of the Journalists of Macedonia, available at: <https://znm.org.mk/kodeks-na-novinarite-na-makedonija/>  
Lazarova Trajkovska M. (2017). Freedom of expression through the case law of the European Court of Human Rights.

Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Sloboda-za-izrazuvanje-niz-praksata-na-evropskiot-sud-za-covekovi-prava-dekemvri-2017.pdf>

Medarski F., Selmani N. (2015). A handbook for defamation and insult. Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Priracnik-za-kleveta-i-navreda.pdf>

Basic Court Skopje I - Strategy for promoting transparency through public communication. OSCE Mission to Skopje, 2019, available at: <http://www.vsrn.mk/wps/wcm/connect/osskopje1/729d53d9-897d-4b28-ae01-845d18d0f27f/Strateski+dokument+Transparentnost+sud.pdf?MOD=AJPERES&CACHEID0CWF8%204b28-ae01-845d18d0f27f-liVHtTF>

Openness of the judiciary in the Republic of North Macedonia. Centre for Legal Research and Analysis, 2020, available at: <https://www.cpia.mk/media/files/otvorenost-na-sudstvoto-vo-republika-severna-makedonija.pdf>

Panoska A. (2018). Analysis of decisions of the Basic Court Skopje II Skopje regarding the application of the Law on Civil Liability for Defamation and Insult committed through the media adopted in 2017 and 2018. Association of Journalists of Macedonia, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Osnoven-sud.pdf>

Popchevski Karamandi Gj. (2017). Transparency and openness: Modernization of the judicial system in the Republic of Macedonia. Institute for European Policy - Skopje, Helsinki Committee for Human Rights, available at: [http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Sudska-transparentnost\\_brief\\_Mreza23.PDF](http://www.merc.org.mk/Files/Write/00001/Files/Network23/studies/Sudska-transparentnost_brief_Mreza23.PDF)

Manual for courts communication with the public. Judicial Council of the Republic of Macedonia, 2016, available at: <http://www.osvinica.mk/wps/wcm/connect/ssrm/a348f227-ccf1-4ba0-b855-6e5729d9bbc2/Priracnik+za+komunikacija+na+sudovite.pdf?MOD=AJPERES&CACHEID0ROCZOR%20ccf1-4ba0-b855-6e5729d9bbc2-kZargVy>

Strategy for reform of the judicial sector for the period 2017-2022. Ministry of Justice, 2017, available at: [https://www.pravda.gov.mk/Upload/Documents/Strategija%20i%20akciski%20plan\\_MK-web.pdf](https://www.pravda.gov.mk/Upload/Documents/Strategija%20i%20akciski%20plan_MK-web.pdf)

Transparent judiciary: A handbook for judges and journalists. Judicial Media Council, 2020, available at: <https://www.sudskomediumski.mk/assets/pub/Прирачник%20за%20судска%20транспарентност.pdf>

Filipovikj M. (2019). Judicial monitoring in criminal procedure - A handbook for journalists. HCHR. Helsinki Committee for Human Rights, available at: <http://www.brnl.org/uploads/documents/322/Судски мониторинг во кривична постапка-Прирачник за новинари.pdf>

Čaca Nikolovska M., Kocho V., Spirovski I. and Miftari A. (2018). Transparency, accountability and effectiveness of the work of the Judicial Council of the Republic of Macedonia. Institute for Human Rights, Skopje, available at: [https://www.pravdiko.mk/wp-content/uploads/2018/03/IHR-Analiza-Transparentnost2c-otcetnost2c-efektivnost\\_SSRM-web.pdf](https://www.pravdiko.mk/wp-content/uploads/2018/03/IHR-Analiza-Transparentnost2c-otcetnost2c-efektivnost_SSRM-web.pdf)

Chausidis T., Bojarovski Z. (2012). A handbook on ethics in journalism. AJM, available at: <https://znm.org.mk/wp-content/uploads/2020/07/Priracnik-za-etika.pdf>

