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NORTH MACEDONIA **Indicators for** **the degree of** **media freedom** **and journalists** **safety in 2022**



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North Macedonia: Indicators for the degree of media freedom and journalists safety in 2022

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Project Overview and Scope

Journalists' associations from the Western Balkan countries, with the support of the European Commission¹, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice and to engage in various advocacy activities aimed at advancing the political, legislative and institutional environment in which journalists and media operate. As of 2020, the members of the platform monitor the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo² and Serbia). Each year, the state of play is assessed, based on standardized methods of data collection and analysis³, while the focus of advocacy research is on changes in both traditional and online media environments in the Western Balkan countries.

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- 1 In December 2019, the European Commission approved the three-year [Safejournalists.net](https://safejournalists.net) project, which aims to strengthen national journalist associations in the Western Balkan countries, so that they become successful and responsible independent actors in advocating for the application of EU standards in the field of media freedoms, with the objective of promoting the citizens' right to an informed choice. This action is a continuation of the previous project (Regional Platform for the Western Balkans for Advocacy for Media Freedom and Journalists' Safety), and is based on the knowledge and experience built in the period 2016-2018. The action is supported by the Program for civil society organizations and media 2020-2022, Support of regional thematic networks of civil society organizations.*
 - 2 This name is without prejudice to the status and is in line with the United Nations Security Council Resolution 1244 and the opinion of the International Court of Justice on the Declaration and Independence of Kosovo.*
 - 3 The first edition of the Advocacy Survey Methodology was developed in 2016 and refined over the years to reflect the situation in the Western Balkan countries. The advocacy research was designed and coordinated by Snezana Tipevska and Igor Micevski, researchers at the RESIS Research Institute on Social Development, North Macedonia. (www.resis.mk).*

A Note on the Methodology

The research methodology is composed of three groups of indicators developed on the basis of a systematic analysis of various guidelines produced by relevant international organizations. During the previous years, the initially developed qualitative indicators were refined to cover the distinctive socio – political context of the Western Balkans and the specific needs and interests of journalists in the seven countries.

A range of different research methods were applied to collect and analyse data, in order to answer indicative questions related to each specific indicator:

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

At the national level, journalism associations nominated national researchers to conduct data collection and write narrative reports, which were then reviewed by nominated national experts and leading researchers. In the Republic of North Macedonia, the Association of Journalists of Macedonia nominated Milan Spirovski and Vercé Todorovska-Kostovska as national researchers, and media expert Marina Tuneva to review the report.

Table 1: Indicators of the degree of media freedom and security of journalists

A. Legal protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A1 Legal guarantees for media and journalists' freedom and their application in practice	B1 Economic restrictions on journalists' freedom	C1 Safety and Impunity Statistics
A2 The effects of defamation law on journalists	B2 Editorial independence in the private media	C2 State institutions and political actors' behaviour concerning journalists' protection
A3 Legal protection of political pluralism in the media	B3 Editorial independence in the public service broadcaster	C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A4 Freedom of journalists' work and association –legal guarantees and practice	B4 Editorial independence in the not-for-profit	
A5 Legal protection of journalists' sources	B5 Freedom of journalists in the news production process	
A6 Protection of the right to access of information	B6 Economic position of women journalists	

List of Abbreviations

SEC	State Election Commission
AAAVMS	Agency for Audio and Audiovisual Media Services
MRT	Macedonian Radio Television
AJM	Association of Journalists of Macedonia
ITUJMW	Independent Trade Union of Journalists and Media Workers
MIM	Macedonian Institute for Media
CMEM	Council of Media Ethics of Macedonia
RNM	Republic of North Macedonia
MIA	Media Information Agency
IRL	Investigative Reporting Lab

The Republic of North Macedonia is a parliamentary democracy, in which, after each parliamentary election, the government is predominantly formed by the political parties from the Macedonian and Albanian bloc that won the most votes. In the year 2022, the coalition government of SDSM and DUI, which won the most votes in the 2020 snap parliamentary elections, was in power. According to the Population and Household Census⁴ conducted in 2021, the total resident population of the Republic of North Macedonia (RNM) is 1,836,713. According to the declaration of ethnicity, 58.44 percent of the population declared themselves as Macedonians, 24.30 percent as Albanians, 3.86 percent as Turks, 2.53 percent as Roma, 0.47 percent as Vlachs, 1.30 percent as Serbs and 0.87 percent as Bosniaks and others. According to religious affiliation, 46.14 percent are Orthodox Christian, 32.17 percent are Muslim (Islam), 0.37 percent are Catholic, and a smaller percentage declared themselves as agnostics or members of other religious groups and communities. The 2021 Census allowed Macedonian citizens living and staying abroad for more than a year to register through an online app, which was available on the Census website. 258,932 expatriates took the opportunity to register, of which 24.55 percent declared themselves as Macedonians, 66.42 percent as Albanians, 4.78 percent as Turks, etc. This category of citizens is not included in the total resident population of the RNM.

2022 was yet another year with no changes in terms of the expected media reforms, the new composition of the Council of the Agency for Audio and Audiovisual Media

⁴ State Statistical Office, Results of the 2021 Census, accessed on 21.11.2022. <https://popis2021.stat.gov.mk/>

Services was also not elected, nor was the Program Council of the Macedonian Radio Television. The adoption of the amendments to the Criminal Code⁵, which are expected to strengthen the protection of journalists from threats and attacks against them, was also postponed. The only positive change in terms of the legal environment occurred in November 2022, when the Assembly voted the amendments to the Law on Civil Liability for Defamation and Insult⁶, which reduce the amount of compensation for non-material damages for journalists.

The media are still enduring the negative effects of the damage caused by the pandemic, despite government support measures (covering payroll taxes for the employees, exemption from tax and social security contributions, etc.) provided in 2021. According to the market analysis⁷ made by AAAMVS for 2021, the total revenues in the industry during the year amounted to 2,644.83 million denars. This is the highest amount of total revenue in the last five years, but this was due to the financial aid for mitigating the consequences of the coronavirus pandemic, which the state allocated to commercial media (the aid was intended to cover the costs of the broadcasting license fee, to cover the costs of transmitting the signal, subsidies for payroll taxes for the employees and more), as well as the income that commercial broadcasters made from paid political advertising. Thus, commercial broadcasters showed higher revenues overall than in the previous year. At the same time, the public broadcasting service had less funding, even compared to the previous year.

At the beginning of 2022, 44 commercial television stations, 62 commercial radio stations and four non-profit radio stations broadcast their programmes. In the last five years, the number of broadcasters has decreased by a total of 24 – at the beginning of 2017, a total of 134 entities had permission to broadcast their programmes, and at the end of 2021, that number was 110 entities. In addition to commercial and non-profit broadcasters, there is also the public broadcasting service – with 5 television and 3 radio services. The print media sector was comprised of the following publishers: 4 daily newspapers (3 in Macedonian and 1 in Albanian language), 2 weeklies and about 11 other publications. Over 150 domestic digital media outlets are also operational. New technologies have completely changed the habits of

reading and of informing the public. Almost 80 percent of the audience gets their news online.

Journalists and media workers continue to work in an economically unstable environment, the number of those with employment contracts is still too low, and in the private media there are almost no collective agreements protecting their labour rights. During 2022, there was a total of seven serious threats and attacks against journalists, of which one was an online death threat. Of the seven registered threats and attacks against journalists and media workers, in four cases there was a reaction by the regional network [Safejournalists.net](https://safejournalists.net).⁸

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- 5 RNM Assembly, *Proposal for a Law on Amendments and Supplements to the Criminal Law*. Accessed on 11/17/2022. <https://www.sobranie.mk/detali-na-materijal-nspix?param=4448d2a8-7fc4-4fdc-9c2a-b43443de38c2>
 - 6 Assembly of RNM, *Draft law on civil liability for defamation and insult*. Accessed 22.11.2022. <https://www.sobranie.mk/detali-na-materijal-nspix?param=ed066dab-d258-4360-9560-6729d5a9fa23>
 - 7 AAAMVS, *Analysis of the market of audio and audiovisual media services for 2021, Skopje: 2021*. Accessed on 11.11.2022. <https://bit.ly/3BNQnxh>

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- 8 [Safejournalists.net](https://safejournalists.net) – *Regional reactions to 4 cases of threats and attacks against journalists and media workers in 2022* – <https://safejournalists.net/mapadi-vrze-novinari/?lang=mk>

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

Is the right to freedom of expression and information guaranteed? Does that include internet access? Are these legal guarantees implemented in practice?

Both the Constitution and media laws contain all the basic guarantees for freedom of expression and independence of the media, including the right to Internet access and freedom of expression online. The general assessment that these guarantees are applied in practice is again positive, although in 2022, the number of attacks and threats against journalists and media workers went up from five (registered in 2021) to seven. However, the practice of impunity continues, because the cases from previous years have not been solved, and the number of solved cases of new threats with a final verdict is extremely low.⁹ The positive trend is also confirmed by the Reporters Without Borders Index¹⁰, according to which in 2022, North Macedonia was 33 places higher on this list, ranked 57th, out of a total of 180 countries in the world. However, one of the main problems highlighted by the Reporters Without Borders' report is precisely the im-

⁹ Milan Spirovski and Verce Todorovska-Kostovska, "North Macedonia – Indicators for the degree of media freedom of and journalists' safety", Skopje: 2020. Accessed on: 14.11.2022. <http://znm.org.mk/wp-content/uploads/2021/08/MK-MK-2020.pdf>

¹⁰ Reporters Without Borders Index, "North Macedonia: Reporters Without Borders 2021 Report", Accessed on 17.12.2022. <https://rsf.org/en/north-macedonia>

punity, i.e., the ineffectiveness of the procedures pertaining the attacks on journalists: “Although journalists do not work in a hostile environment, widespread misinformation and lack of professionalism contribute to society’s declining trust in the media, which exposes independent outlets to threats and attacks.”

The Assembly failed once again, in 2022, to carry out the announced activities for the selection and appointment of the governing bodies in MRT and AAVMS, despite the criticisms and requests regularly made by the journalist guild associations.

Were media and other relevant legislation enacted through a transparent and inclusive process and in consultation with relevant professional organizations?

In November 2022, at the initiative of a group of MPs, the proposal for the introduction of state advertising was once again brought to the table, in a non-transparent manner, through amendments to Article 102 of the Law on Audio and Audiovisual Media Services.¹¹ Earlier in the year, multiple attempts were made by the government to initiate similar changes to said law, in a non-transparent manner, with the aim of re-introducing state advertising. These attempts were met with consistent public criticism¹² from journalistic and media organizations and experts, who made the argument that the re-introduction of state advertising will further strengthen the financial-clientelistic ties between private media and the government, and will further disrupt the media market. In their arguments against state advertising, audio-visual media also emphasized that huge amounts of public funds are already flowing into the private media sector for paid political programming during election campaigns. Apart from impacting the independence of the media – and with it the right of citizens to be objectively and comprehensively informed – the return of paid government campaigns can also mean manipulation of public interest through campaigns that would be promoted as seemingly public, but, basically, would be carried out for partisan-political purposes of the parties in power.

Nearly two years after drafting the proposed amendments to the Law on Civil Liability for Defamation and Insult, a process in which Association of Journalists of Macedonia (AJM) members actively participated and provided their contribution, the amendments were vot-

ed in November 2022, at a session of the Assembly. The next stage is for the amendments to be approved by the MPs at a session of the Assembly. The proposed amendments and addenda to the Criminal Code, that are expected to provide greater protection of journalists and media workers, entered the parliamentary procedure in July 2021, however, 2022 elapsed and the amendments were not passed by the Assembly. On the other hand, in May 2022, the Ministry of Justice announced that a new draft law was being prepared, which was posted on ENER¹³, that would contain the same proposed amendments, but by the end of the year a final version of this law was not publicly available. Despite the fact that, at the request of AJM, a public debate on the new text of the law was announced, it did not happen until the end of the year. In 2020, AJM was involved and consulted during the preparation of the amendments to these two laws, however, despite this, the essential remark remains that the process of amending was slow and lacked a fixed time frame for adoption and implementation.

Have the authorities ever tried to impose registration or other stricter terms for establishing print or online media? Do the requirements cover more than the usual business and tax registration?

In RNM, there are no strict terms for establishing a print or online media outlet. Print media are subject to minimal regulation with the provisions of the Law on Media, regarding the basic obligations for public disclosure of their operations, the protection of information sources, the protection of minors, the ban on hate speech and incitement to violence and several other obligations related to the internal organization and the necessary acts. Online media are not covered by media legislation at all, that is, their contents are exclusively subject to self-regulation and are covered by other laws, such as the Criminal Code. Since December 2019, a Register of Online Media¹⁴ has been set up, which had a total of 154 members at the end of 2022. Furthermore, in February 2021, CMEM also adopted Guidelines for Ethical Reporting of Online Media¹⁵, which provide members of the Register and other online media with more detailed guidelines and recommendations for applying the Code of Journalists in online reporting. In the second half of 2022, several professional online media organized a coordination meeting, where new rules for membership

11 K. Blazevska, “Раката што дава, не се суши: Се враќаат владините реклами!”, Deutsche Welle, 16.11.2022. Accessed on 21.12.2022,

12 AJM, ITUJMM, MIM and CMEM, Press release: “Journalistic guild and media organizations are against the legalization of media corruption through the return of media campaigns”, 04/08/2022, Accessed on 17.12.2022 <https://bit.ly/3iKPNKq>

13 Criminal Code Bill 4.5.2022 https://ener.gov.mk/Default.aspx?item=pub_regulation&subitem=view_req_detail&itemid=74071

14 Register of Professional Online Media – Promedia. www.promedia.mk

15 CMEM, “Guidelines for Ethical Reporting of Online Media” Accessed on 17.12.2022. <https://www.semml.mk/dokumenti/korisni-resursi/kodeksi/850-nasoki-z-etichko-izvestuvanje-na-onlajn-mediumite>

in Promedia, the Registry of Professional Online Media, were agreed upon. The purpose of these new rules is, in the wake of the newly adopted media directives and acts¹⁶ of the European Commission and the European Parliament, to establish more order in online journalism through a self-regulatory approach, bearing in mind that the European Union also supports this process and expects greater results from it.

Have the authorities ever tried to restrict the right of Internet access or to request the blocking or filtering of Internet content?

In 2022, as in the previous year, there was not a single registered or documented case of the government or other state authority attempting to block or filter online content. With rare exceptions, the assessment for this year is that the right to freedom of expression on the Internet is freely used by citizens, journalists, media and other organizations.

Does the regulatory body carry out its mission and functions in an independent and non-discriminatory manner? Are the licensing process and other broadcasting regulations enforced in a fair and impartial manner?

In 2022, just like in the previous year, AJM has not documented any cases based on which the AAVMS would be assessed as a body that is not independent or that it does not act fairly or objectively towards the entities under its supervision. Regarding the work of the regulator, the main remark was once again directed to the Assembly, which, due to the absence of political consensus among the largest parties, has not yet carried out the election of the new members of the AAVMS Council, although the mandate of the current members is already long expired. It shows that attempts at political influence on the work of the regulator persist.

Are there any legal provisions regarding state advertising in the media and are they being misused for political influence on their editorial policy? Is the allocation of state funds done in a transparent, fair and non-discriminatory manner? Do state institutions regularly publish data on the amounts allocated to various media?

After the long-term negative practice of allocating large amounts of budget funds to private media, with the

amendments to Article 102 of the Law on Audio and Audiovisual Media Services from December 2018, state advertising in the audiovisual sector was completely prohibited. Nevertheless, in the following years, although the government formally abided by this ban, at the local level, some municipalities and public enterprises did not respect it and allocated a significant part of their funds to local private media outlets, which negatively affected their editorial independence. In parallel, in the past few years, several attempts have been made by the government, under pressure from private television stations at the state level, to re-introduce budget-funded public campaigns. In 2022 alone, there were two such attempts: the first one in May, and the second one in November 2022. AJM and other journalistic and media organizations publicly reacted to all of the attempts¹⁷, arguing that it would affect the editorial independence of the media and strengthen clientelism. AJM's position is that a way should be found to help private media, especially in a deepened financial crisis, but it should be done by using a transparent and non-discriminatory mechanism. A sound and long-term solution, according to AJM, is the creation of a fund, which will support content of public interest, which promotes regional and local diversity, journalistic products, investigative and analytical journalism, as well as documentary, educational and feature production. That would incentivise journalism and the production of new content and would also affect the improvement of the status and income of journalists and media workers.

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

In 2022, the government of RNM adopted for the fourth time a Support Program for printing and distribution of print media in the amount of 20 million denars, which is a significantly smaller amount compared to the past three years.¹⁸ The program is implemented in order to support print media that cover general topics and the news. The allocation of the funds is decided by a committee, which, in addition to representatives of the competent institutions, also includes one representative each of the Association for the Protection of the National Print Media and of AJM. The Commission made a decision for 2022, based on clearly defined criteria, and the amount of approved support was determined based on the submitted invoices for the calendar year 2021.

¹⁶ Macedonian Institute for Media, "New rules of the game for the media in Europe", Skopje:2022, 7.10.2022 <https://bit.ly/3GHCr9q>

¹⁷ AJM, ITUJMW, CMEM and MIM, Press release: "We do not need a rerun of paid public campaigns in the media", 4.5.2022, Accessed on 9.11.2022. <https://bit.ly/3BXrXju>

¹⁸ Government of RNM, "Support program for printing and distribution of print media for 2021", Skopje: 2022. Accessed on: 18.11.2022. <https://vlada.mk/node/31387>

What are the mechanisms for funding media in the languages of the communities?

Radio and TV programmes in the languages of the ethnic communities living in RNM are broadcast within the framework of the public broadcasting service, as well as on the programme services of private broadcasters. At the end of 2022, there were a total of 43 television and 64 radio stations.¹⁹ Of these, 19 TV and 13 radio stations have reported programs in one or more languages of the ethnic communities. However, the most common language in which the program is broadcast is the Albanian language, while smaller ethnic communities (Turks, Roma, Vlachs, Serbs and Bosniaks) have almost no access to programs on private television and radio stations. There is no mechanism for financial support of linguistic diversity in broadcasting, nor has a media policy been developed to solve this problem, which has a negative impact on media pluralism in the country.

Are the autonomy and independence of the public broadcasting service guaranteed and effectively protected? Does the funding framework ensure its independence and its stable functioning? Do the oversight bodies represent society as a whole?

During 2022, there was no progress in terms of public broadcasting service reforms. Its autonomy and independence are clearly set legal requirements, but the funding framework is still of great concern due to the fact that the government still has the discretionary right to assess each year whether to allocate the legally stipulated percentage of the Budget to the public broadcasting service. The body that supervises the public service broadcaster has not yet been elected in a way that represents society as a whole, and the selection of the new composition of this body, according to the new selection method provided by the law, did not take place even in 2022. There is no formal decision, but the 2018 amendments to LAAVMS provide that the mandates shall be extended until new ones are elected. Otherwise, the reform of the public broadcaster was one of the key issues advocated by the non-governmental sector and was primarily related to the independent and sustainable financing of the broadcaster, as well as the need to ensure its independence through the election of new members of the Program Council, which supervises the operation of the public broadcaster on behalf of the civil society. The financing of MRT was fundamentally changed in 2018, when it was switched from a broadcasting fee (public charge) to a fixed percentage

of the Budget of RNM, in order to ensure long-term and stable financing. Despite this, MRT is still facing financial problems due to the debt from previous years, and also due to the fact that the government has not paid in full its funds according to the schedule foreseen by the law.

In November 2022, AJM, together with the Program Council of MRTV, issued a joint reaction²⁰ related to the reduction of the budget of the national public service. The program council at MRT and AJM informed that in November, in the Assembly of RNM, amendments were proposed to the Law on Audio and Audiovisual Media Services, which provided for a reduction of the annual budget of MRT. These changes were planned to be adopted following a fast-track parliamentary procedure, in a non-transparent manner and without the involvement of representatives of the public broadcaster, the journalism community and the expert public. The amendments stipulated that the funds from the Budget intended for financing the broadcasting activity, more specifically for the operation and development of MRT, the Public Enterprise Macedonian Broadcasting and AAVMS, to be reduced from 1 percent to 0.9 percent of the total revenues in the year preceding the fiscal year. At the same time, it was planned to lift the ban on state advertising provided in Article 102, which means that the funds in the amount of about five million euros would be transferred to private television and radio stations for so-called public interest campaigns, instead of developing public broadcasting activity. This model is to the detriment of MRT and further threatens the already fragile financial situation that the public broadcaster has been enduring for several years. On the other hand, MRT's programming obligations have even increased with the opening of a 24-hour channel in Albanian and new thematic services (a children's channel and a sports channel).

A2 The effect of defamation laws on journalists

Are the provisions of defamation laws too strict and do they protect state officials? What are the main disadvantages of these laws?

In November 2022, two years after the proposal was drafted, the amended provisions of the Law on Civil Liability for Insult and Defamation were voted in the Assembly. The purpose of AJM's proposals was to reduce the stipulated penalties, so as not to negatively

¹⁹ Register of TV and radio broadcasters of the AAVMS. Accessed on 16.12. 2022. <https://avmu.mk/radiodifuzeri.mk/>

²⁰ AJM, Press release: "The MRT budget is being cut in a non-transparent way", 19.11.2022, Accessed on 16.12. 2022. <https://bit.ly/3HMrGF3>

affect free and critical journalism. The law guarantees freedom of expression, and possible restrictions in cases of damage to reputation and dignity are regulated in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 10) and the practice of the European Court of Human Rights. The main drawback of the law was the amount of compensation that the court could award to a journalist, as compensation for non-material damage caused by insult or defamation, but with the adopted amendments, this risk was significantly reduced.

How many lawsuits have state officials filed against journalists over the past year? Are court rulings against journalists politically motivated? What penalties have been imposed?

In recent years, barring a few exceptions, lawsuits for defamation and insult have not put pressure on professional journalism. In 2012, for example, when this offense was decriminalized, there were as many as 330 lawsuits²¹, and in the following years, the number decreased significantly: in 2016 there were 40, in 2017 there were 39, and in 2020 there were 33 cases in which one of the parties was a journalist or a media outlet. In 2022, however, according to the data obtained from the Basic Civil Court Skopje, the number of lawsuits for defamation and insult has gone up, so that the total number of active cases in which a party is a journalist or a media outlet grew to 54, in contrast to 2021, when it amounted to 20. However, during the year, according to the data available to AJM, none of the completed procedures convicted a journalist or a media outlet of insult or defamation.

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

The assessment of whether the courts recognize and accept the decisions of the Appeals Commission at the Media Ethics Council is the same as in previous years. According to attorneys who represent journalists in court proceedings for defamation or insult, it is general practice for judges to take into account the Commission's decisions. The fact that the attorneys themselves rely on such decisions during the defence of journalists also contributes to such practice.

"It is important for the Court to accept the decision of the self-regulatory body as an argument for mitigating the damage, especially when the journalist or the outlet has issued an apology and a retraction of the disputed text, which is regulated by the Law itself. Accordingly, the Court should respect the fact that the damage was mitigated by the decision of the self-regulatory body, i.e., the personal rights of the injured party were satisfied." Ivan Breshkovski, legal expert and attorney at law.²²

What do journalists think about the Defamation Law? Are they discouraged from researching and writing critically?

Although most journalists agree that lawsuits for defamation and insult were used more as an instrument of pressure in the past, still, in 2022 there were such attempts. The most characteristic case is the lawsuit filed by the "Zan Mitrev" clinic and Dr. Zan Mitrev against IRL's newsroom and the journalists who authored the research titled "Dirty Blood", accompanied by a proposal to the Court to adopt a temporary measure, which includes the deletion of the published content and a ban on further reporting while the court dispute lasts. After IRL's legal team, with the support of AJM, sent a response to the lawsuit and a proposal for a temporary measure on October 17 2022, the Court denied the request to impose such a measure.

A3 Protection of political pluralism in the media

Is political pluralism in the media regulated in media legislation outside of election periods? What are the responsibilities of the public service broadcaster and the private broadcasters in relation to political pluralism outside the election periods?

There is no explicit obligation to protect "political pluralism" in the Law on Audio and Audiovisual Media Services, which refers to regular reporting outside of election campaigns. However, the balanced reporting of different political viewpoints is one of the principles

²¹ AJM, "Analysis: Verdicts for defamation and insults in court cases with journalists», Skopje: 2018. Accessed on: 24.11.2022. <https://znm.org.mk/analiza-presudi-za-kleveti-i-navredi-n/>

²² Ivan Breshkovski, legal expert and attorney, interviewed on December 5, 2022.

for performing the activity regulated in Article 61²³. In the period from the announcement of the elections, until the formal start of the election campaign, the regulator refers to these provisions, when monitoring the reporting of the broadcasters. For the public service, this obligation is regulated in more detail in articles 110²⁴ and 111²⁵.

Is the regulatory body obliged to monitor and protect political pluralism outside of elections?

In the general competences of the regulator, it is also stated that it “ensures the protection and development of the pluralism of audio and audio-visual media services”, which implies that this body should occasionally evaluate this aspect of media pluralism. The regulator has in the past adopted a special Manual for the Assessment of Pluralism in Audiovisual Media²⁶, but no recent analyses of the situation with political pluralism have been made.

Do political parties and candidates have fair and equal access to the media during non-election periods?

During 2022, there has not been a conducted or published analysis of political pluralism in the audio-visual media, for a period of no elections. However, compared to the period up to 2016, when there was a visible imbalance in the reporting of the most influential TV stations in favour of the party in power, in recent years, including 2022, the general perception is that the situation has improved.²⁷

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

The Electoral Code regulates in detail the obligations of the public service and the private audio-visual media during the election campaign period, and the AAAVMS monitors the implementation of these obligations. The obligation to respect the principle of proportionality applies to all broadcasters, and the most complex rules for the structure of the news apply to the public broadcaster: 30 percent goes to news on daily events from the country and from around the world, 30 percent on the activities of the political parties in power, 30 percent to the activities of political parties from the parliamentary opposition and 10 percent for the activities of political parties that are not represented in the Assembly. On top of this, there are a number of other obligations: free media representation (for the public broadcaster), the maximum time allotted and the method of allocating time for political advertising, a ban on reporting during campaign silence periods, the method of publishing results of pre-election polls etc. The provisions on paid political advertising are the subject of greatest concern, as political parties advertise with funds from the Budget, which threatens the independence of the media’s editorial policy. For the purposes of preparing a survey, in 2022, AJM submitted a request to the State Election Commission (SEC) for data showing the political parties that paid online media for political advertising during the local elections and the amounts that were paid. The process was arduous, because the data, which is of public interest, was not initially provided, so by using the legal mechanism for objection and appeal through the Agency for the Protection of the Right to Free Access to Public Information, the information was delivered to AJM. With the complicated access to data and findings about the high sums allocated to online media, some of which currently do not exist, doubts are raised about the purposeful creation of this type of media only to be paid for a political campaign, which is considered a systemic deficiency.

Do political parties and candidates have fair and equal access to the media during election process?

In 2022, there were no elections in the country, so no assessment can be made for this year. However, according to the findings from the monitoring of previous election cycles,²⁸ citizens in general get a very large

23 Article 61 of the “Law on Audio and Audiovisual Media Services” regulates the principle of “objective and impartial presentation of events with equal treatment of different points of view and opinions and enabling free forming of the audience’s opinion on individual events and issues”. <https://bit.ly/3Nljmaq>

24 Article 110 of the “Law on Audio and Audiovisual Media Services” establishes the obligation of the public broadcaster: “to provide constant, true, complete, impartial, fair and timely information, creating and broadcasting high-quality programs for all important political, economic, social, health, cultural, educational, scientific, religious, environmental, sports and other events and developments...” <https://bit.ly/3Nljmaq>

25 Article 111, which refers to the standards and principles during the production or broadcasting of the programs of the public broadcasting service, devotes several points to the issue of pluralism and balance in the programs of MRT. Point 2 instructs MRT journalists and editors to “adhere to the principle of political balance and pluralism of viewpoints”.

26 AAAVMS, “Manual for evaluating media pluralism”, Skopje: 2012. Accessed on: 24.11.2022. <https://bit.ly/3NEJBxT>

27 Dejan Georgijevski from the Media Development Center, interviewed on 11/19/2022

28 AAAVMS, “Report on the media reporting in the first round of the campaign for the Local Elections 2021”, Skopje: 2021. Accessed on: 24.11.2022. <https://bit.ly/3BXqck6>

amount of diverse information about all the participants in the elections. During the 2021 local election campaign, deviations were observed mainly among private broadcasters, which did not properly apply the principles of equality for mayoral candidates and of proportionality for municipal councillor candidates. It should also be underscored that there are objective limitations for the media in applying these principles with such a large number of candidates.”²⁹

A4 Freedom of work and association of journalists

Is a state license compulsory for journalists to be able to work? Have there been attempts to introduce permits by the state during the last year?

The journalist profession is not subject to licensing, and there have been no attempts by the state to introduce any requirements for anyone to be able to work as a journalist. The provisions of the Law on Media are already outdated, especially with regard to the restrictive definition of the term journalist.³⁰

Were journalists refused coverage from certain places or events because they did not have accreditation?

In 2022, there was no case of a journalist being prevented or not allowed to cover an event because they did not have an accreditation or other type of document. But there are cases when representatives of public institutions have refused to provide information to journalists or make it “difficult” for them to report on important events. Such a case in 2022 is the behaviour of a judge towards the journalist Kristijan Landov, who was covering a public court hearing. “In November 2022, journalist Kristijan Landov was on a journalistic assignment in the Civil Court in Skopje, to report from the main hearing for the agency Makfax and the media outlet [A1on.mk](#). Before the start of the court hearing, judge Todorova asked Landov for his press card, and after it was established that it was duly issued by the employer, he sat in

the section where the public sits. When the judge finished recording the other attendees, she asked him in a loud tone of voice not to record, to close the computer and to leave the courtroom. Landov replied that he was not recording and that he only intended to write notes on the computer so that he could accurately convey parts of the public hearing. The judge addressed him again in a loud tone of voice, with the words: “There is no need for you to take notes, the court keeps the minutes, not you. Pick everything up!”³¹ For this case, the journalist Landov, with the support of AJM, submitted a complaint to the Judicial Council about the behaviour of the judge.

Are journalists organized in professional associations and how? Is there pressure on their association or on any of the members?

During 2022, there were no obstacles or pressures on journalistic associations. Journalists are free to organize themselves in their own associations. AJM is a leading journalist association, operating since 1946 and is a member of both the International Federation of Journalists and the European Federation of Journalists. AJM is a massive organization, with 1,111 members, and 485 regular voting members participated in the election assembly held on December 3, 2022, which is a record number of present voting members at a statutory event in the history of this association.

Are journalists organized in trade unions and how? Are there pressures on union leaders and other members? Can journalists freely join unions?

During 2022, there were no serious pressures on the presidency of ITUJMW brought into the limelight; ITUJMW remains the only national trade union that unites journalists and media workers in Macedonia. However, individual pressures were registered on the leadership and members of ITUJMW, related to the membership of journalists in the union, but also with the stance of ITUJMW against the lifting of the ban on state advertising in private audiovisual media. ITUJMW was established in 2010 and is a full member of the International Federation of Journalists (which unites journalist unions from all over the world), as well as the European Federation of Journalists. ITUJMW unites journalists, video and photo journalists, as well as other media workers who are involved in the content production process.

29 AAAMVS, “Overview of misdemeanor proceedings initiated by AAAMVS for the local elections 2021”, Skopje: 2021. Accessed on: 24.11.2022. <https://avmu.mk/lokalni-izbori-2021/>

30 In Article 2 of the Media Law, the term journalist is defined as “a person who collects, analyzes, processes or classifies information published in the media and is employed by the media or has a contract with them, or a person who carries out journalistic activities as an independent profession (freelance journalist)”. <https://bit.ly/35unYiP>

31 AJM, Press release: “Complaint to the Judicial Council for violation of the right of colleague Kristijan Landov to report from a court hearing”, 15.11.2022, <https://bit.ly/3Wg9pEM>

Currently ITUJMW has over 300 active members, but the number varies.

Is there a Media Ethics Council and how is this body organised? Are there pressures on ethics council representatives?

The Council of Media Ethics Macedonia (CMEM) is a self-regulatory body that has existed since December 2013. Media outlets and professional media organizations are members of it, on a voluntary basis. The members of CMEM are obliged to comply with the Code of Journalists of Macedonia and with the decisions of the Appeals Commission of this body. CMEM and AJM established the Register of Professional Online Media in 2019, with the aim of raising the professionalism and quality of reporting in online media.³² CMEM has not faced serious public pressures, with the exception of some improper public communication by managers of some major national televisions. For long-term sustainability and stability, this body still needs strong support from the professional media community, the state and the international donor community. Additionally, AJM has a Council of Honour, as an internal self-regulatory mechanism, which monitors the observance of the Code of Journalists by journalists who are members of AJM.

A5 Protection of information sources

How is the confidentiality of journalistic sources guaranteed by law? Under what conditions can the right to protect sources be restricted?

The protection of journalistic sources is guaranteed and regulated in detail in the Constitution of RNM and in several laws: the Law on Media, the Law on Audio and Audiovisual Media Services, the Law on Civil Liability for Insult and Defamation, the Criminal Code and the Law on Whistle-blower Protection. In the last few years, including 2022, there was compliance with the provisions of these laws, that is, AJM did not observe cases of restricted journalists' rights to protect sources.

³² The rules for membership on web portals in the Register are available at <https://www.semm.mk/chienstvo/pravila-za-chienstvo>

Are there any examples of sanctions imposed against journalists who refused to reveal the identity of their sources?

Just as in the past two years, in 2022, not a single request from journalists to reveal their source was recorded, and there were no records of journalists sanctioned for refusing to disclose a source's identity. The last such case was observed in 2019³³.

Can journalists freely access and make contacts with information sources?

During 2022, no reports have been filed to AJM regarding possible pressures on journalists or regarding the disclosure of their confidential sources, and journalists working on investigative texts feel free to contact the sources. However, the number of cases of corruption reported by employed individuals to competent authorities and journalists is still low, even though the Law on Whistle-blower Protection³⁴ guarantees the rights of whistle-blowers and regulates protected reporting. In that sense, journalistic sources are encouraged and institutionally better protected, but due to pressures and fear for their jobs, people rarely dare to use this mechanism.³⁵

A6 Right of access to information

What are the legal rules for access to official documents and information relevant to journalists? Do journalists use these rules? Do institutions comply with the rules, without delay?

With the amendments to the Law on Free Access to Public Information, from May 2019, the deadlines for the

³³ This refers to the charge filed against a journalist of the Infomax portal for publishing a record of an active case in the Prosecutor's Office, to which AJM reacted, emphasizing that "The Prosecutor's Office should not prosecute those who published the documents, but the person who had access to official secrets and presented them and gave them to the media... because such judicial prosecutions can additionally create a negative effect on the freedom of speech and encourage self-censorship among journalists..."

³⁴ "Law on Whistle-blower Protection", 2016. Accessed on: 9/11/2022. <https://luj.gov.mk/wp-content/uploads/2021/05/Zakon-za-zashtita-na-ukazuvachi.pdf>

³⁵ According to the Performance Report of the State Commission for the Prevention of Corruption in 2021, only 8 reports were submitted by whistle-blowers about suspicions or information on illegal or illicit behaviour in various institutions. Accessed on: 12/26/2022. <https://dksk.mk/wp-content/uploads/2021/12/DKSK-Infografik-2021-01-scaled.jpg>

institutions' response to requests for access to information were shortened, which was especially important for journalists to use this law more often in their work. The provisions of this Law are mostly used by journalists working in the field of investigative journalism, but they also complain that the institutions often do not meet the deadlines, and sometimes the content of the provided information does not correspond to the request addressed to them³⁶.

As at December 19, 327 complaints from public information seekers were submitted to the Agency for the Protection of Free Access to Public Information, 25 of which were from journalists, which confirms that the provisions of this Law are still underutilised by journalists. However, investigative journalists emphasize that, unlike before, Agency officials are much more understanding and offer assistance to journalists in using the Law.³⁷

Are the authorities transparent, in general? Do they ensure open, non-discriminatory and fair relations with the media, or do they prefer to work in secret? Do state institutions give privileged treatment to media outlets that are politically inclined to them?

In 2022, once again, the general perception of multiple experts, journalists and organisations is that the situation with the transparency of institutions is better compared to the period before 2016. However, separate civil sector surveys indicate that certain state institutions are not sufficiently transparent, particularly evident is the low level of so-called active transparency among institutions at the local level.³⁸

To get more specific answers to these questions, interviews with journalists were conducted for the purposes of this report, and it was emphasized that during the past year, there is a noticeable trend of representatives of certain public institutions avoiding or not giving specific answers to questions from journalists. In light of the unsatisfactory availability of information of public interest, journalists and media workers are brought into a state of self-censorship.

How open are the government and ministries to the public?

Concluding from the direct contacts with journalists during this past year, as well as the interviews conducted with several journalists for the purposes of this research, they generally assess that transparency in 2022 was improved in contrast to previous years, but the trend of avoidance, i.e., failure to provide specific answers from some institutions is worrying. It is assessed that the transparency of the Government of RNM has improved in relation to other state institutions, but a new situation arises, when, at press conferences, journalists' questions to certain public institutions are avoided or no specific answers are given at all. Such a case for which AJM publicly reacted³⁹ is the event when the General Secretary of the City of Skopje, Gligorov, in his address to the press, made a short statement accusing the private transport companies of a political blockade of the city and in the end did not want to give answers to journalists' questions, on the grounds that he had other obligations.

Are the courts transparent? Do the media have access to court proceedings without discrimination and without unnecessary restrictions?

AJM conducted a survey in 2022 on the attitudes and perceptions of journalists on the transparency of the judiciary in North Macedonia. According to the obtained results of the research⁴⁰, it is noted that the judiciary is more open and transparent than five years ago, however, this is still insufficient. Although, it is also noted that these positive movements are not due to a systematic improvement, an adopted strategy or an implemented reform for increasing the transparency and openness of the judiciary, but rather it is due to personal decisions of individuals to increase the degree of transparency in the work of the institutions they represent. The results of the survey also indicate that more attention is paid to enabling merely formal and not so much substantive transparency in the judiciary. The quality of the current legal framework does not sufficiently contribute to optimal transparency and openness of the justice sector. At the request of the Ministry of Justice of North Macedonia, in March 2021, the AJM submitted

36 Bojan Stojanovski, *journalist from the IRL*, interviewed on 23.12.2022

37 *Ibid.*

38 *Metamorphosis Internet and Society Foundation, "Local Government Openness Index 2022"*, Skopje:2022. Accessed on 12/26/2022. https://metamorphosis.org.mk/aktivnosti_arhiva/objaven-indeks-na-otvorenost-na-lokalnata-samouprava-za-2022-godina/

39 AJM, Press release: "Officials must answer journalists' questions" 7/12/2022, Accessed on 28.12.2022. <https://bit.ly/3PZKCCc>

40 AJM, "Attitudes and perceptions of journalists about the transparency of the judiciary in North Macedonia 2022", Skopje:2021, Accessed on 18.12.2022. https://znm.org.mk/wp-content/uploads/2022/09/Studija_MK_10092022-1.pdf

draft amendments to the Court Rules of Procedure⁴¹, which is important for the unobstructed work of journalists and timely and accurate information to the public about the work of the courts. Judges and representatives of this Ministry, as well as journalists who report on the work of the courts were previously consulted on the proposal. The proposed changes refer to the transparency of the work of the courts, journalists' access to the court records and court hearings, as well as the improvement of the quality of the information published on the websites of the courts. AJM also indicated the need to establish a register of spokespeople for judicial institutions, which should be publicly available on the websites of the courts and on the website www.sud.mk.

According to the information provided by the journalists, over this past year, the courts in the city of Skopje have been significantly more transparent compared to the courts outside the capital.

Is public access to parliamentary sessions provided? Are there any restrictions for journalists covering parliamentary work?

Journalists reporting from the Assembly are not fully and objectively informed by the coordinators of the parliamentary groups, who have not established a practice of regularly informing journalists about the implementation of the planned activities, especially about the disagreements between the government and the opposition, or between the President of the Assembly and a certain parliamentary group. In an interview conducted for the purposes of this report, a journalist who follows this issue assessed that the situation with the transparency of the Assembly has improved, but there is still a number of details that need to be addressed in order to achieve efficient and effective communication with the coordinators of the parliamentary groups in the Assembly, in the interest of the public⁴². The general perception among journalists is that, in recent years, the Assembly has been more transparent than before, although it often happens that one has to wait longer to get the requested answers. The President of the Assembly continued to hold regular briefings with journalists, in order to keep them up to date with the work of the legislative body and its operational plans. But journalists and the public are informed when the MPs have decided that “political quarrels” should be made public and when they decide to hold press conferences⁴³.

41 AJM, Press release: “AJM with constructive proposals for improving the Court Rules of Procedure”, Skopje: 2021. Accessed on: 28.11.2022. <https://bit.ly/36QyOAG>

42 Almedina Ismaili, journalist from TV21, interviewed on 23.12.2022.

43 AJM, “The transparency of the Assembly of the RSM during the coronavirus pandemic”, September, 2021. <https://bit.ly/3tV9zFM>

B1 Economic constraints on journalistic work

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

According to the latest research by ITUJMW, young journalists and those who are contracted by digital media in the country, most often work without an employment contract. In these recent years of a health and economic crisis, this problem is becoming more and more evident, especially in regards to health insurance. In the country, there are still no precise data on how many journalists have employment contracts, but the general assessment is that many journalists in the private media, mainly, have fixed-term contracts or freelance contracts. ITUJMW, in its research⁴⁴ on the economic position of journalists and media workers, determined that 56.1 percent of the interviewed journalists are full time employees, 19.1 percent are employed for a fixed period of time, 10.4 percent work with a contract of service, 12.2 percent are hired as freelancers, and 0.9 percent declared that they volunteer. When asked how satisfied they are with their income and economic security, more than half of the journalists (56.7%) declared that they were dissatisfied. At the same time, 31 percent are com-

⁴⁴ ITUJMW, "The security and socio-economic situation in the media", Skopje: 2022. Accessed on: 23.12.2022 <https://bit.ly/3SuxWR7>

pletely dissatisfied, and 25.7 percent are mostly dissatisfied. Only 2.7 percent are completely satisfied, and 22.4 percent are mostly satisfied. This confirms that even in 2021, a large part of journalists and media workers had an extremely precarious work status. Since the beginning of the pandemic in 2020, most media outlets have reduced the salaries of journalists and media workers, and a large number of journalists are also complaining that, as in previous years, their pension and social security benefits are not being paid.⁴⁵ Most of the journalists have monthly incomes far below the average salary in the country, which in 2021 was MKD 28,869. But the salary of the majority of young journalists, according to the ITUJMW survey⁴⁶, does not even reach this amount. Six percent of the surveyed young journalists answered that they receive less than 25,000 denars, and even 27 percent of them are paid between 15,000 and 20,000 denars. The remaining 12.9 percent answered that their salary is from 25,000 to 30,000 denars and 24.6 percent that they have a salary higher than 30,000 denars. The situation is somewhat better in the public broadcasting service, where the average salary of journalists in 2020 was MKD 38,120, although it is considered that the salaries of journalists, especially those who are not beginners, are lower than the salaries of journalists in national private television stations.⁴⁷

What are the working conditions of journalists? What are the biggest problems they face in the workplace?

Some of the journalists, as well as some of the media workers, continue to work unpaid overtime, and they also work without compensation even during holidays and weekends. For some journalists, working during the pandemic, which was current in the past years, made it even more difficult for them to perform their professional tasks, especially for those who were exposed to stressful situations when reporting from health facilities and hospitals. For the purposes of this report, an interview was conducted with a journalist, and when asked about the challenges they face in the workplace, he pointed out that avoiding, i.e., not answering journalis-

tic questions is a big problem, which leads to self-censorship.⁴⁸

B2 Editorial independence in private media

Have the private media adopted organizational documents that allow newsrooms to be separate and independent of management and marketing structures? Have private media established rules for editorial independence from media owners and governing bodies? Are those rules being followed?

In the larger media outlets, it is common for newsrooms to be separate from management structures. When it comes to the smaller local media, the situation is even more complex, i.e., the pressures are expressed in a different way and come from both the owners and local powerful people. From direct communication with journalists in the past year, it can be concluded that such acts rarely exist. There are no published data or reviews which would help determine how many private media outlets have internal organizational acts or rules, according to which the editorial board is formally separated from the management of the media.

Have editorial offices of private media adopted internal codes of ethics or do they adhere to the general code of ethics?

AJM does not have data to show whether private media have their own separate ethical codes or rules. The only code that applies to all professional journalists is the Code of Journalists of Macedonia, adopted in 2001⁴⁹, which is the basis for the actions of the Council of Honour of AJM and the Appeals Commission at the CMEM. The CMEM recently developed guidelines for ethical reporting of online media,⁵⁰ i.e., guidelines for the application of the Code of Journalists in the online sphere.

45 Ferikan Ilyazi, journalist from Euronews, interviewed on 23.12.2022.

46 ITUJMW, "Survey: With a below-average salary, half of young journalists want to leave the profession", Skopje: 2021. Accessed on 21.12.2022 <https://bit.ly/3K9EIQH>

47 A particularly endangered category of journalists are MRT correspondents, who are fewer in number and mainly have contracts for temporary engagement, which can be easily terminated. In November 2019, an announcement was published hiring ten correspondents as freelancers, which is progress for MRT, although AJM advocates a different model, which would systematically and permanently solve the situation of this category of journalists. See more: AJM, "Policy paper: Status and need of correspondents in the RSM", Skopje: 2019. Accessed on: 14.12.2022. <https://bit.ly/3eIOYNd>

48 Miroslava Burns, journalist, interviewed on 23.12.2022

49 AJM, "Code of Journalists of Macedonia". <https://znm.org.mk/kodeks-na-novinarite-na-makedonija/>

50 CMEM, "Guidelines for ethical reporting of online media – Application of the Code of Journalists in the online sphere", Skopje: 2020. Accessed on: 26.11.2022. <https://bit.ly/2RRdYZP>

What are the most common forms of pressure from media owners and managers on newsrooms or journalists? What was the most illustrative example of pressure by media owners or media executives on an editorial office or journalist during the past year?

Over the past year, there were no open court cases in which a journalist sued a superior for mobbing, and there were also no final rulings issued for such an act. On the other hand, the connection between the owners of individual media and the centres of power is often to the detriment of the journalists working in these media. AJM has no concrete knowledge of pressure exerted by the management on journalists during 2022, but the fact is that journalists rarely report such cases. Pressures are usually not expressed as direct threats. Journalists do not sue editors and media owners when their rights are violated.

B3 Editorial independence in the public broadcaster

Does the public service broadcaster have a code of conduct for journalists and for editorial independence? Do journalists adhere to this code?

Since 2017, the public broadcaster in the country has adopted a Code of Ethics of Journalists⁵¹, which applies to creative staff and all MRT employees. The Code, which has been in force for almost six years, has been criticized by the journalistic community since the beginning, due to the content of the document, but also due to the lack of transparency in its drafting. The biggest shortcoming of the Code is the mixing of journalistic ethics with work discipline and with the rights and obligations of journalists arising from labour relations. The Ethics Commission at MRT, which is responsible for monitoring compliance with the Code, has not received a single complaint in the past period. In 2021, AJM requested an amendment to the Code of Ethics of MRT and the establishment of procedures for submitting complaints and the manner of work the Ethics Commission, which would be published on the website of MRT. Although MRT's management has expressed a general willingness to amend this code, no specific activities have been taken in 2022 in that regard. In November 2022, AJM and MRT signed a Memorandum

⁵¹ MRT, "MRT Code of Ethics for journalists, creative staff and all MRT employees", Skopje: 2017. Accessed on: 12.12. 2022. https://bit.ly/3uL6Z_Z_C

of Cooperation, whereby both parties committed, over the next several years, to carry out continuous professional development training and to continuously upgrade the working standards for the employees of the Macedonian Television, as a prerequisite to constantly improve the quality of contents, promote ethical standards, and also build MRT's capacities.

Have the bodies of the public broadcasting service set internal organizational rules, in order to protect the independence of the newsrooms from the influence of the governing bodies? Are those rules being followed?

Just as for the prior years, it can be said for 2022 that the expected fundamental changes in the internal structure of the public broadcaster, which were supposed to be part of the media reform process, have not been made. MRT has adopted its internal organizational acts, according to which the newsrooms are formally separated from the management structures. However, on the website of the MRT, it is difficult to find information about the rules in the internal organizational setup and the operation of its comprising bodies.

What are the most common forms of government pressure on newsrooms or individual journalists in the public broadcasting service?

In the requests for media reforms, it was repeatedly underlined that the public broadcaster should be depoliticised, i.e., a new independent Program Council and new management bodies should be elected. Like in the years prior, in 2022, a new Program Service was not elected. The funds for financing the broadcasting activity, the operation and development of the MRT, the public enterprise Macedonian Radio Broadcasting and the AAVMS are provided by the Budget of the Republic of Macedonia in the amount of 0.8 percent to 1 percent of the total revenues made in the year preceding the fiscal year for which the amount is determined. The funds are distributed as follows: 74.5 percent go to MRT, to cover the costs of creating and broadcasting the programs and for technical-technological development, 19.5 percent go to PE Macedonian Radio Broadcasting for maintenance, use and development of the public broadcasting network and 6 percent for the AAVMS. Additional sources of funding for MRT are donations, sales of programs and services, as well as other funds.

B4 Editorial independence in the non-profit sector

Has the non-profit media sector adopted a code of conduct for journalists and for editorial independence? Do journalists adhere to this code?

Some of the non-profit online news outlets are registered as citizens' associations and so far, no comprehensive analysis has been made on their work and on the status and independence of the journalists working for them. Several online media that are funded predominantly or entirely by donors and engage in investigative journalism, as well as a radio station that broadcasts youth content online fall into the group of non-profit online media. Non-profit media are also the three student radio stations that operate within the three state universities ("St. Cyril and Methodius" University in Skopje, "St. Kliment Ohridski" University in Bitola and "Goce Delchev" University in Shtip), as well as one religious radio station in Strumica. The newsrooms of these outlets are small and include a few journalists, who work on a daily basis, and their funding is unstable and unsustainable. There is no separate code of conduct for journalists in the non-profit sector, but in December 2020, the CMEM adopted guidelines for ethical reporting of online media⁵², which, in fact, go into more details regarding the application of the basic ethical principles of the Code of Journalists in the online sphere. In addition, CMEM and AJM established a Register of Professional Online Media⁵³, which, as of this year, comprises 154 online news media, including non-profit ones. Most of these media have accepted or comply with the Code of Ethics and the Guidelines for Ethical Reporting in Online Media, whose implementation is ensured by CMEM.

What are the most common forms of pressure on the media in the non-profit sector? What is the most illustrative example of the pressures on the media in the non-profit sector?

Although the pressure on non-profit media, some of which deal with investigative journalism, has decreased compared to the period up to 2016, when journalists and editors from these media were often discredited and harshly publicly attacked due to articles that contained criticism of the government at the time and of people in power, the perception is that it has been increasing for the past two years. Hence, an example of pres-

sure on a non-profit media in the past year is the case of the Investigative Reporting Lab,⁵⁴ which was threatened with a lawsuit by the owner of the private clinic "Zan Mitrev", after airing the story that mentioned his involvement in the mistreatment of Macedonian citizens during the health crisis by using medical methods that were not approved by relevant state authorities. Court proceedings for this case are still ongoing before the Criminal Court in North Macedonia. Such lawsuits are known as strategic lawsuits against public participation (SLAPP) and are intended to intimidate and financially drain the accused journalists or media outlets. When they are initiated by politicians and public officials or by persons who, due to their social status, can sway the course of the procedure, as well as its outcome; these lawsuits can cause fear and self-censorship among journalists, thus violating the citizens' right to be informed. In the past year, AJM has registered five such instances of SLAPPs against the IRL for its investigative stories.

B5 Freedom of journalists in the process of news production

How much freedom do journalists have in choosing which journalistic stories to work on and in deciding which aspects of a story should be highlighted? How often do journalists take part in editing and coordinating the editorial policy?

According to the statements of the people who were interviewed for the purposes of this report, the majority of journalists during 2022 were free to choose the topics they will report on.⁵⁵ However, the choice of topics for reporting in the regional and local media outlets poses a bigger problem for journalists working in these small communities, due to the established clientelistic ties of the owners with the mayors and other local people in power, as well as due to the poor financial situation of the media outlets themselves. Lately, the influence that some editors put on journalists has been openly discussed, emphasizing that the influence on daily work is not so visible, i.e., that there is more self-censorship than direct pressure.

52 CMEM, "Guidelines for Ethical Reporting in Online Media." Accessed on: 9/11/2022 <https://bit.ly/3tq60bx>

53 Register of Professional Online Media in the RSM <https://promedia.mk/>

54 IRL, "Impure blood." Accessed on: 10.12.2022 <https://bit.ly/3Vd377h>

55 Zenel Miřari, journalist from Koha and Simona Srbinska, journalist from MIA, interviewed on 23.12.2022

What is the perception of the journalists themselves regarding how different sources of influence affect them? Are journalists subject to self-censorship for fear of losing their jobs or other pressures?

The prevailing perception among journalists is that, in the newsrooms, it is known in advance which topics are acceptable, i.e., which topics the editor will deem as excellent and which will be rejected. Journalists and media workers say that the biggest problem is the fact that media owners have a different core business, which is not media work. Most often, other companies are behind the outlet, which, in turn, are bound by tenders with ministries and institutions and from that aspect there are taboo topics for certain media outlets. Such a situation is particularly pronounced in the local media. In this context, during an interview conducted with a journalist for the purposes of this report, it was pointed out that over the past year, a factor that contributed to journalist censorship is the fact that state institutions are not providing answers to journalist questions. A typical example of avoiding answers to journalistic questions was with the council member in the Municipality of Ohrid, Nefi Useini, who was asked several questions by a journalist over the phone, to which he responded with brazen insults and curse words, and he did not give any answers to the journalistic questions that are of public interest.⁵⁶ This inappropriate and, to say the least, aggressive attitude by public officials from the local self-government in the country leads to fear and self-censorship among journalists and media workers in the country.

B6 Economic position of women journalists

Do women journalists work in worse working conditions, compared to their male colleagues? Do they sign employment contracts as often as journalists?

AJM and ITUJMW have not registered any reports made by women journalists for discrimination in the workplace during the past year. The general assessment is that the position of female journalists in newsrooms does not differ much from the position of male journalists. Despite the very small number of journalists who have signed

employment contracts, it is considered that, in general, when it comes to women journalists who are full time employees, their employers respect the basic rights prescribed by law, such as payment on wages, maternity leave and paid vacation. However, it is a fact that gender discrimination and the unfavourable position of women compared to that of men, is often not recognized in the workplace by the journalists themselves.

Is there an equal distribution of leading positions in newsrooms between women and men?

According to the indications of journalists and media workers in the past year, in general, the opportunities for women's professional journalistic development and advancement in their careers are not much lower compared to the opportunities of their male colleagues. According to the analysis of the regulator AAVMS, the total number of employees in the industry⁵⁷ at the end of 2021 was 2,449 people and there was a higher number of men in commercial television stations, i.e., 365 more men than women. 685 people worked in the public broadcasting service, and around twice as many (1,377) people worked in commercial television stations, and 387 people worked in commercial radio stations. Of the full-time employees, the largest part had a university level education, i.e., 329 persons. Of these, half were journalists (165 people). A total of 266 people had secondary education, of which 115 people were employed as production specialists. On the other hand, there are outlets such as MIA (Media Information Agency) and IRL, where "women outnumber their male colleagues, and they also have a significant leading role in the newsroom".

How do their salaries compare to the salaries of male journalists? Do women journalists face specific gender-based pressures in and out of the newsrooms?

Due to the fact that no analysis has been done in 2022 that could provide clear and precise information, according to the data available to AJM, in 2021, the majority of journalists and media workers received a salary ranging from 15,000 to 20,000 denars. According to the latest analysis published by ITUJMW⁵⁸, the aver-

⁵⁶ AJM and CMEM, Press release: "AJM and CMEM strongly condemn the insults by the councilor in the municipality of Ohrid, Nefi Useini, towards their colleague Emilia Misirievski", 28.6.2022. Accessed on: 18.12.2022 <https://bit.ly/3GU6ACK>

⁵⁷ AAVMS, "The structure of employees in the audio and audiovisual media industry in 2021" Skopje: 2021. Accessed on: 13.11.2022 <https://avmu.mk/wp-content/uploads/2022/09/Struktura-na-vrbotenite-vo-audio-i-audiovizuelnata-mediumska-industrija-vo-2021-godina.pdf>

⁵⁸ ITUJMW, "Journalists and media workers with wages far below the average», Skopje: 2020. Accessed on: 12.12.2022. <https://bit.ly/3t1tpkd>

age net salary of journalists in the past two years was 350 euros. This means that 70 percent of journalists in Macedonia receive a monthly salary below the average salary of the state. According to the data of the State Statistical Office⁵⁹, the average monthly net salary paid per employee, in November 2021, was 29,130 denars. The salaries of journalists differ depending on the position of the journalist, and there is no difference whether it is men or women.

When it comes to reporting on sensitive topics, women journalists are subjected to insults and humiliations, which destroy their personal and professional reputation, and they receive slurs that refer solely to women, based on prejudice and gender stereotypes. It is a phenomenon that indirectly affects their professional future and their private life. It is considered that online harassment, threats and pressures happen more often to women. Although there are no precise statistical data on whether women journalists and media workers are more exposed to attacks, pressures, harassment and blackmail, it seems that our environment is still such that women journalists can suffer greater insults, unlike their male colleagues, only due to the fact that they are women. Their professional performance is less frequently criticized in comments and/or messages, as opposed to their physical appearance, private life, etc.⁶⁰ Most often, this type of problem is related to firmly rooted patriarchal gender roles in society, but also to the lack of clear rules, procedures, internal acts in the media themselves, which will pave the way and set guidelines for ensuring gender equality.

59 State Statistical Office, "Announcement: Average monthly net salary per employee, January 2022". Accessed on: 12/12/2022 <https://www.stat.gov.mk/PrikaziSooptenie.aspx?rbirtxt=40>.

60 AJM "The safety of journalists and media workers – reality or a continuous threat" Skopje:2022, Accessed on 12.12.2022. <https://bit.ly/3j52Nul>



C1 Safety and impunity statistics

According to AJM's register, since the beginning of 2022, a total of 7 attacks and harsh threats against journalists have been recorded⁶¹. Compared to the previous year, when a total of 5 were registered, this year we are seeing once again a rise in attacks and threats against journalists and media workers. Moreover, journalists and media workers still feel insecure because of the inertia of the prosecution and the judiciary in dealing with past cases of attacks. When the prosecutor's office stands behind the rights of journalists, in the long run we believe that the number of incidents would decrease and the overall safety would be visibly elevated. We need systemic solutions that will guarantee long-term protection of the rights and integrity of all media workers in the country. The increase in the number of attacks shows that the level of impunity on cases of attacks on media workers, in Macedonia, still, unfortunately, remains very high, which is why the relevant institutions cannot afford to be inactive.

⁶¹ Out of a total of 7 attacks in 2022 registered in AJM's Register of Attacks, for 4 attacks there was a regional reaction by the regional network [safejournalists.net](https://bit.ly/3QQ6SPm) <https://bit.ly/3QQ6SPm>

In the period from 2019 to 2022, a total of 30 attacks against journalists and media workers were recorded in AJM's register, of which four were recorded in 2019, 14 in 2020, five in 2021, and seven in 2022. In 2022, again, we have noted an increase in the number of attacks on journalists, out of the total number of 7 attacks registered for this year, four were physical attacks and illegal detainment against one's will, and the other three are verbal attacks and threats⁶². The rise on the number of attacks on journalists, including the number of physical attacks is indicative. In the last 15 years, the authorities have not conducted an investigation into the murder of a journalist or media worker in this country.

In the first category of attacks – Threats and harassment that do not refer to the physical safety of journalists, there is the case of verbal attack on journalist Maja Jovanovska⁶³ from the IRL. The IRL team, after meeting with several people employed in the Municipality of Mavrovo and PE National Park Mavrovo, repeatedly contacted the head of the Urban Planning Department in the municipality, Sadredin Elezoski, who refused to meet with the journalists. Although, according to Jovanovska's information, after the call she made with Sadredin Elezoski explaining to him that they were still waiting for answers to the questions sent on April 4, he directed insults and derogatory words at the journalist, threatening her with the words: "Be wary from today on. You'll see what will happen to you if you come here."

The second case is about journalists Furkan Saliu and Avni Tahiri⁶⁴, whose journalistic rights were seriously violated by confiscation of their equipment and illegal detention against their will. This scandalous event took place in the premises of the public enterprise "Communal hygiene – Skopje". In this incident, a female official, who presented herself as the person responsible for public relations, after a previous verbal argument with the two journalists, took the phone from Saliu and refused to give it back. At the same time, three members of the security from the Directorate of "Communal Hygiene – Skopje", kept the two journalists against their will in the premises of this institution and they were released only after members of the Ministry of Interior arrived, who came shortly after the journalist Tahiri reported the incident.

In the category of threats to the life and physical safety of journalists, two attacks on journalists were registered. The first registered attack is an explicit death

threat addressed to TV Klan journalist Furkan Saliu, by a Twitter profile named "@ narco_girl". The profile in question states in its post, "I wish a stray bullet from yesterday had ended up in Furkan Saliu's head" and it is a direct call for the murder of journalist Saliu, endangering his safety. The second registered attack from this category is the attack on the journalist Nevrij Ademi in the "7 March" school in Tetovo. While he was waiting to do an interview with the director of this school, an unknown person took his mobile phone and pushed his microphone. Immediately afterwards, the same person, using rude language, tried to push the journalist out into the school yard. In the category of real attacks on journalists, three attacks on journalists and journalist teams were registered, which is a significantly higher number compared to last year. The attack in Tetovo against the TV Polog journalist team, consisting of journalist Nevri Ademi and cameraman Zbulim Maksutina, was the first to be registered. Namely, during the recording of clips for a report on the primary school "Naim Frasher" in the village of Gjurgjevishte, Municipality of Vrapchishte, in the Gostivar region, the journalist Nevri Ademi and the cameraman Zbulim Maksuti were verbally and then physically attacked with an axe by a single assailant. The press team managed to escape and immediately drove to the police station to report the crime, while the attacker followed them in a car.

The second registered attack from this category is the attack that took place in Bitola, against Zoran Bozinovski, the owner of the web portal "Burevesnik". According to his statements, he was attacked late at night in front of his house by two masked persons and he was seriously injured. The last registered attack in this category is the attack on the crew of TV 24. While filming a report in front of a house Oleksandr Onishchenko lives, according to the electoral roll, the owner of the house cursed and insulted the journalist team and then physically attacked cameraman Ljubisa Ignatov. The trend of discouraging journalists from reporting attacks is still present in 2022.

C2 Behaviour of state institutions and political actors towards the protection of journalists

Are there special provisions in laws or other mechanisms that ensure the protection of journalists, offline and online?

With the new amendments to the Criminal Code, it is expected to expand the competence of the prosecutor's office to act ex officio for crimes related to attacks and threats against journalists and to increase the penalties

⁶² Ibid.

⁶³ AJM, Press release: "Strong condemnation of the threats against the IRL journalist" 3.6.2022, Accessed on 18.12.2022. <https://bit.ly/3B0EMne>

⁶⁴ AJM, Press release: "Journalists mistreated by officials in Communal Hygiene – the Ministry of the Interior must react immediately" 8.8.2022, Accessed on 17.12.2022., <https://bit.ly/3PEBgf8>

Table 2. Number of reported attacks on journalists in 2022

Categories	Number	Description
Threats and harassment that do not relate to the physical safety of journalists This category of threats and harassment includes: surveillance or monitoring; – disturbing telephone calls; – arbitrary judicial or administrative harassment; – aggressive statements by public officials; – other forms of pressure that may endanger the safety of journalists in the course of their work These types of threats do not include mobbing and workplace violence.	2	Verbal attack and derogatory words addressed to the journalist Maja Jovanovska when she asked for an answer from the head of the Urban Planning Department in the municipality of Mavrovo Rostuše, Sadredin Elezovski. Employees of the Directorate of Communal Hygiene Skopje, detained two journalists, Furkan Saliu and Avni Tahiri in the premises of the institution, against their will.
Threats to the life and physical safety of journalists These types of threats include: – threats to kill journalists, friends of journalists, their family members or sources of information, – threats of physical harm to journalists, friends of journalists, their family members or sources of information. These threats can be: – made directly or through third parties; – sent electronically or directly face-to-face; – implicit, but also explicit.	2	An explicit death threat addressed to the journalist Furkan Saliu on the social networking service Twitter. – In the secondary school “7 March”, the journalist Nevrij Ademi, while he was waiting to do an interview with the director of the school, an unknown person took his mobile phone and pushed his microphone. Right after that, the same person, using rude language, tried to push the journalist out into the school yard.
Real attacks on journalists The types of real attacks on journalists may include physical or mental injury, kidnapping, entering a home or office, confiscated equipment, arbitrary detention, failed assassination attempt, etc..	3	– Physical attack with an axe against journalist Nevrij Ademi and cameraman Zbulim Maxuti. – Physical attack in front of the web portal owner's house by two masked persons. – Verbal and physical attack on cameraman Ljubisha Ignatov by Mile.P, owner of the house where Oleksandr Onishchenko lives
Murders of journalists Crossfire murders, assassinations, bomb blast murders, beatings to death, etc..	0	
Threats and attacks on media and news organizations	0	

for the assailants.⁶⁵ The proposal implies that for the attacks, regardless of whether they are against a journalist or a media worker, the prosecutor's office will prosecute the perpetrators ex officio, and at the same time the perpetrators will face a higher prison sentence and will be prosecuted ex officio, and not through a private lawsuit as before (Article 14 of the proposed amendments referring to Article 144 of the Criminal Code). For the Basic Public Prosecutor's Office (BPPO), this will be a mitigating circumstance, as it will be able to prosecute ex officio perpetrators of attacks against journalists and other officials. This is especially important because journalists rarely decide to file private lawsuits in the event of a physical attack or threat to their life, due to the fear of repercussions from the threats and perpetrators of the attacks, as well as due to the high financial costs incurred by the procedure. The amendments went through the first reading in the Assembly.

A second reading by the relevant Commission is next, which means that the deadline for submitting amendments has not expired yet.

With the adoption of the amendments to the Criminal Code, in case of occupational safety endangerment, regardless of whether it is a journalist or a media worker, the prosecutor's office will prosecute the perpetrators ex officio, and at the same time the perpetrators will face a higher prison sentence. These amendments, once adopted, would improve the situation would in the long run.

With regard to the draft text of the current Criminal Code, AJM, participating with its own representative in the working group, prepared amendments for the new Criminal Code to be voted by the MPs in the Assembly. According to the amendments, an attack on journalists will be considered an attack on a public official. This presents a systemic solution to the problems related to the safety of journalists, in the long term. The Ministry of Justice made a political decision to adopt the proposed changes from AJM and the Trade Union, to for-

65 AJM, Press release: "Dramatic increase in attacks against journalists – we are looking for urgent solutions", 2.11.2022. Accessed on 12.12.2022 <https://bit.ly/3fg9nbG>

ward them to the Government, which would then present them to the Assembly.

The amendments were submitted in July 2021. Unfortunately, despite lobbying with the parties, there is no hope that the proposals of AJM, i.e., the new Criminal Code, will be enacted soon. However, AJM considers the fact that the prosecutor's office is preparing to act more efficiently in the direction of protecting journalists a positive step.

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

The Ministry of Interior has an internal registry on attacks against journalists, but the data are not publicly announced, despite the fact that AJM has repeatedly indicated such a need. The AJM, on its own initiative and request, receives this data after a request sent directly to the Ministry. The AJM maintains a comprehensive and detailed Register of attacks and threats against journalists, which is regularly updated and is publicly available on AJM's website.⁶⁶

Are there documents (protocols, regulations, etc.) adopted by state institutions, which provide guidelines for the military and police, prohibiting harassment, intimidation and physical attacks on journalists?

Just as in previous years, in 2022, the military and the police have not adopted internal documents as guidelines for their members on how to behave towards journalists, prohibiting threats, intimidation or attacks against journalists.

In 2022, following an initiative from AJM, a working group was established, which will promote, towards the beginning of 2023, a Protocol for the prevention of violations of the rights of journalists (especially women journalists) online, developed through a process of inclusion and consultations with representatives of the media/journalists and media workers, representatives of relevant government institutions and academia. The working group is composed of members of AJM, one member of the Ministry of Interior, the Faculty of Law and the Faculty of Security in Skopje and other experts relevant to the drafting of the Protocol. The goal of the protocol will be to establish a functional mechanism for greater

security and prevention of violations of the rights of journalists (especially women journalists) online, and together with the amendments to the Criminal Code, it will contribute to further affirming and sensitizing the authorities on the issue of the security of women journalists online, in the country. In December 2022, a draft version of the protocol was prepared, which was sent to the Ministry of Interior for an opinion. This year, AJM also issued a publication entitled "Improving the cooperation between journalists and police authorities with the aim of greater accountability and transparency".⁶⁷

Do state institutions cooperate with journalists' organizations regarding their security issues? Do state institutions refrain from approving or promoting threats against journalists?

In March 2022, the AJM and the office of the Council of Europe held a seminar on "Improving cooperation between journalists and police authorities with the aim of greater accountability and transparency", attended by journalists and representatives of the Ministry of Interior working in the domain of public relations. This event gave journalists, members of the MoI and other media actors the opportunity to discuss topics aimed at deepening cooperation in the exchange of public information. Representatives of AJM, together with the coordinator of the regional centre in Tetovo and the coordinator of the section of camera operators from the Polog region, held a meeting with Toni Angelovski, assistant minister for public relations at the Ministry of Interior, where they agreed that they would work intensively on the current challenges faced by fellow journalists and camera operators from the Tetovo region, with concrete examples, as well as constructive solutions to overcome them. Also discussed was the topic of improvement and facilitation of the working conditions for journalists and camera operators when covering events organized in the Tetovo region, especially for events that imply official visits to the city of Tetovo, in which there are special security protocols. Angelovski announced that during the next period a meeting will be organized with the management of SVR Tetovo, where all concerned media workers will be invited. At the meeting, all aspects related to communication and cooperation between the police and journalists from this region will be discussed openly.

66 AJM, "Systemic protection of media workers is urgently needed", Skopje: 2021 Accessed on: 12.12.2022 <https://bit.ly/3AuOyoP>

67 AJM, "Improving cooperation between journalists and police authorities with the aim of greater transparency and accountability", Skopje: 2022, Accessed on 18.12.2022. https://znm.org.mk/wp-content/uploads/2022/12/MK_Podobruvanje-na-sarabatkata-megu-novinarite-i-policijata-26042022-1.pdf

In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? What is the most recent case of electronic surveillance of journalists?

After the country's big wiretapping scandal in 2015, when about a hundred journalists were on the secret police's wiretapping list, AJM has received no information that a journalist was exposed to electronic surveillance by the authorities in the last two years. A lawsuit by 37 journalists was filed with the Basic Civil Court – Skopje, with which they demand compensation for the unauthorized interception of their communications during a certain time interval. The journalists are suing the RSM, i.e., the Ministry of Interior and the National Security Agency (NSA), as the legal successor of the former Security and Counterintelligence Directorate (SCD), which previously functioned within the Ministry of Interior. In the context of this litigation, the plaintiffs are still waiting for the Criminal Court to issue a second-instance verdict in order to continue the civil proceedings. The position of the journalists' legal counsel on this case is that, regardless of whether someone will be convicted during the criminal proceedings, compensation will be sought from the state, because it is accountable for the fact that the journalists were wiretapped without authorization. They expect to prove that there was unauthorized wiretapping of journalists and that the state was accountable.

C3 Attitude of the civil and criminal justice system towards threats and violence against journalists

Are there appropriate departments within the civil courts dedicated to investigating and prosecuting threats and acts of violence against journalists?

The Basic Civil and Criminal Court in Skopje, at the request of AJM, has for the fifth year in a row submitted information regarding the number of cases in which journalists are parties or victims of attacks, but is unable to provide more detailed information about the stage of the proceedings. The explanation provided is that the new case management system (ACMIS) is based on codes, not names and professions of the parties. The number of cases in 2022, according to the Basic Civil Court in Skopje, as at August 10, 2022, was fifty-four in total, for the acts of defamation and insult, in which a journalist, media professional or media outlet is a party.

Does the Public Prosecutor or the Ministry of Interior allocate adequate resources to conduct investigations related to threats and acts of violence against journalists?

In May of this year, a meeting was held between the president of AJM, together with the director of AJM, Dragan Sekulovski, with the head of the Skopje Public Prosecutor's Office, Gavril Bubevski, at which it was pointed out that it is very important to establish a new department within the Public Prosecutor's Office, which will be in charge solely of dealing with cases related to violation of the rights of journalists and media workers, their safety, as well as explicit hate speech towards them. The head of the Skopje Prosecutor's Office, Gavril Bubevski, expressed his satisfaction with the constructive proposals by the guild associations, assessing them as acceptable and in the future, as an institution, they will try to respond positively to the requests of AJM.

In September 2022, the Basic Public Prosecutor's Office nominated prosecutor Iskra Hadji Vasileva as the competent prosecutor, who will monitor the proceedings in the cases of attacks on journalists, cases in which they are injured parties, witnesses or are reported in connection to their professional activities. This actually represents an open line of communication with the Public Prosecutor's Office, and journalists can call Hadji Vasileva in connection with the procedures for physical attacks and violence, as well as for serious life threats made on Twitter, Facebook, WhatsApp or by email. The tendency of the Public Prosecutor's Office of RNM is to appoint prosecutors for the protection of journalists in cities and towns throughout the country, once the prosecutor's offices are additionally staffed.

According to the data submitted by the Public Prosecutor's Office to the Association, from 2014 until today, 24 serious physical attacks on journalists were recorded there, and only 4 were resolved with a final verdict in favour of the journalists, to the detriment of the attackers. The number is not as high as it was in 2016 and 2017, but the trend in the last three years is that most threats to journalists' lives are made online, however, there are also physical attacks.

There are 79 serious incidents of violation of journalists' rights on the list, not only for threats to the safety and life of journalists, but also for other serious violations of their rights. Milder threats and forms of pressure from public officials, politicians, businessmen are numerous and are just as disconcerting. The prosecutor's office is requested to shed light as soon as possible and as much as possible on those unfinished investigations, considering the fact that its lack of interest so far has deterred many of the journalists from reporting threats and attacks against them.

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

Case	Year 2018	2019	2020	2021	2022
<p>MIA journalist team Attack on a journalistic team while reporting on a protest and an attempt to seize equipment</p>				<p>An attempt to seize the equipment and push, during which the camera operator was pushed, and his equipment was damaged. Citizens carried out the at-tack, a report was submitted to the Ministry of Interior for the attack, there is no solution</p>	<p>The Ministry of Interior has not provided any information about the attackers, so that the Skopje Prosecutor's Office can take further prosecutive steps.</p>
<p>Journalists from the media Uncensored, TV 21, Gazeta Express, Tetova Sot, Koha TV, Koha news, Kumanova sot, TV Shenja and Lajmi press.</p>				<p>Threats to life and attack on media and threats to journalists. The case was reported to the Ministry of the Interior, which submitted a notification to the AJM that a criminal report has been filed against the person, and the Public Prosecutor's Office is waiting to act on the report.</p>	<p>A criminal report has been filed; it is handled within the pre-investigation procedure for verification of allegations</p>
<p>TV 21 journalist team Following the recorded TV report about the complaints of the residents of the Municipality of Arachinovo about the poor infrastructure, relatives of the mayor Milikiye Halimi sent verbal threats that they would break their camera and demanded that the recordings be deleted.</p>			<p>The case was not reported to the police, but AJM, on several occasions, called the police and the Public Prosecutor's Office to open an investigation. However, the Prosecutor's Office decided not to act on the tip.</p>		<p>There is not enough data for a system search</p>
<p>Naser Selmani The journalist and then president of AJM received a message with death threats from Beitula Asani, Bekir Asani's brother, who is affiliated to the ruling political party DUI.</p>	<p>The case was reported to the police, and the prosecutor's office has opened an investigation. So far, both Naser Selmani and the person who made the threats have been called in to testify.</p>	<p>The case is ongoing before the Basic Public Prosecutor's Office.</p>			<p>Beitula Asani, reported as the perpetrator, and Naser Selmani – the injured party, were interrogated and data were requested from the social networking service Facebook</p>

Case	Year 2018	2019	2020	2021	2022
Armand Braho Thugs from the Alliance for Albanians party attacked the journalist Armand Braho during a conference, to which he was duly invited.		The case was reported to the police. The court fined the attackers.			The electronic records of the Public Prosecutor's Office do not contain information of such an event
A group of journalists Several journalists and media workers were attacked by a mob that forcibly entered the Assembly on 4/27/2017.		The prosecutor's office prosecutes the attackers of politicians, but not the attackers of journalists and media workers.	AJM lawyers represent 7 journalists and filed 4 lawsuits on their behalf, 3 of which are individual and one is a group lawsuit for three journalists.	AJM's lawyers are awaiting a second instance verdict from the Criminal Court to continue the civil proceedings.	The electronic records of the Basic Public Prosecutor's Office – Skopje do not contain information of such an event, nor information that the perpetrator/s has/have been identified
Vladimir Zhelcheski and Aleksander Todorov Unknown persons – participants in the protest – physically attacked the two journalists reporting on the massive protest "For a common Macedonia" because they did not belong to a pro-government media outlet. They were hit several times, causing them physical injuries, after which they were kept in hospital for 24 hours.		The court sentenced the attackers to 6 months in prison.			PROPOSED INDICTMENT pertaining to the crime of Violence, as classified in art. 386 paragraph 3, in relation to paragraph 1 of the Criminal Code. VERDICT of the Basic Criminal Court C. No. 631/18 of 7.9.2018, sentencing the perpetrator to 6 months imprisonment. The verdict was confirmed by the ruling of the Court of Appeal Skopje CA No. 10/19 of February 6, 2019
Mary Jordanovska Emil Jakimovski threatened and insulted the journalist and deputy editor of the A1on portal, Mary Jordanovska. According to the messages published by Jordanovska, the person who threatened her insulted her with derogatory words while threatening that he would make her an obituary".				Indictment proposal for the crime of endangering security, sending threatening messages through the Telegram social network. Judgment No. 212/20 dated 16.3.2020, sentencing the perpetrator to 1 year and 8 months of imprisonment. An appeal was lodged against the verdict, but the appeal was denied and the verdict was upheld by the appellate court.	PROPOSED INDICTMENT pertaining to the crime of Violence, as classified in art. 386 paragraph 3, in relation to paragraph 1 of the Criminal Code. VERDICT of the Basic Criminal Court C. No. 631/18 of 7.9.2018, sentencing the perpetrator to 6 months imprisonment. The verdict was confirmed by the ruling of the Court of Appeal Skopje CA No. 10/19 of February 6, 2019

On November 2 – the International Day to End Impunity for Crimes Against Journalists, AJM and ITUJMW held a press conference in front of the Assembly of RNM, at which they asked the political parties to immediately adopt the amendments to the Criminal Code, which have already been pending for a year and a half in the Assembly, which will increase the safety of journalists and media workers.

Are adequate measures provided to protect journalists in cases, when necessary, in response to potential threats to their physical safety?

Although they face fear, journalists generally do not want to have a security detail with them because it can affect their free work and the obtaining of new information. This year, AJM also recorded no cases of personal protection detail provided by the Ministry of the Interior for individual journalists.

Are investigations into crimes against journalists, which include intimidation and threats, prompt, independent and effective?

There is still a perception among journalists that when it comes to cases to which they and media workers are a party, there is still not enough interest and cooperation from the law enforcement authorities, such as the Ministry of Interior and the Public Prosecutor's Office. This situation discourages journalists from reporting the attacks. As a confirmation of this perception is the fact that a large number of cases in which journalists are attacked still have a very difficult time reaching a court

resolution. In 2022, several serious attacks were recorded, i.e., out of a total of seven registered attacks on journalists and media workers, there is one positive example of clearing up a criminal event. It is the case of Nevrij Ademi from Tetovo, who was attacked by a person with an axe and the accused attacker has already been convicted by the Basic Court of Gostivar.

This situation suggests that a more serious approach is needed from the institutions to resolve the cases in which a journalist or media worker is a party. The strengthened cooperation of the institutions, as well as proactivity, are significant factors for restoring trust in them, as well as support for journalists for reporting the threats they face every day.

The small number of fully resolved cases of attacks on journalists and the fact that there is impunity for the perpetrators is very worrying. Less than 10 percent of the registered cases of violations of journalists' rights that are in the Register of attacks of AJM over the last five years have been resolved in court.

The attack with an axe on the journalist Nevrij Ademi from Gostivar, which happened on February 16, 2022, has already been resolved in court, after the Basic Court of Gostivar passed a guilty verdict and a suspended sentence of three months imprisonment for the assailant.

In 2022, as in previous years, in meetings with the Ministry of Interior, as well as in public reactions, AJM constantly insists on faster and more effective investigations of attacks on journalists, as well as on improving the working conditions of journalists and media workers when they report from the premises of this institution.

After AJM continuously pointed out the need to keep a record of the attacks on journalists and media workers, the Ministry of Interior started to keep a record of the attacks, which is not publicly available, although, upon request from AJM, it is provided for internal needs of the office of the Association. In May 2019, AJM and the Ombudsman signed a Memorandum of Cooperation, in which both institutions committed to work actively in the future on topics related to the safety of journalists. Despite this memorandum, no specific joint activities were taken by AJM and the Ombudsman in 2022, and the rights of journalists, as well as the right to freedom of expression, are not part of the annual human rights report of this institution.

Attacks on journalists are also noted in international reports that gauge the level of democracy and freedom of expression in Macedonia. The European Commission's report on the country's progress for 2021 states that the Ministry of Interior recorded eight cases of attacks on journalists, and ten such cases in 2020. The European Commission states that the existing legal framework and the commitment to international standards provide sufficient mechanisms for the institutions to penalise the perpetrators, yet the same is not evident in practice and the procedures are assessed as insufficiently fast and efficient. The European Commission concludes that politicians at all levels of government and public officials should constantly set an example of high standards of respect for media freedom in their interactions with journalists.

Does the state provide adequate training for the police, prosecutors, lawyers and judges on the protection of freedom of expression and journalists? Do they organize these trainings in cooperation with journalists' associations?

The AJM and Council of Europe, as part of their joint activities, organized a seminar on "Improving cooperation between journalists and law enforcement with the aim of greater accountability and transparency", where journalists participated, as well as representatives of the Ministry of Interior, who work in the field of public relations. The purpose of the event was to strengthen the cooperation between journalists, members of the Ministry of Interior and other media actors in the exchange of public information. The conclusions drawn from the event were that the use of the police bulletin, which contains the basic information needed to inform the public, is of key importance. However, if the journalist needs more detailed information, the services of the Ministry of Interior, within the limits of their capabilities, will provide the information. The publication titled "Improvement of the Co-operation between Journalists and Law Enforcement for Better Accountability and Transparency" was also presented at the event.⁶⁸ The study titled "Journalists' views and perceptions of judicial transparency in North Macedonia" was developed as a result of the close cooperation and sharing of experiences. It was published by AJM, and promoted in September 2022, at the Criminal Court in Skopje⁶⁹. This event encouraged a discussion between the stakeholders, as well as hope and a desire for deeper cooperation in the future and solving the problems and constant obstacles on the way that complicate the work of journalists, on the one hand, and prosecutors and judges, on the other.

⁶⁸ *Ibid.*

⁶⁹ AJM, Press release: "Conference – Transparent Justice for Professional Journalists" 29.9.2022. Accessed on 18.12.2022 <https://bit.ly/3HQERVB>

Conclusions and Recommendations

Conclusions

Towards the end of 2022, the amendments to the Law on Civil Liability for Defamation and Insult were voted in parliamentary procedure in the Assembly. Amendments to the Criminal Code, with a view to greater protection of journalists and media workers, did not take place in 2022 either, although the Ministry of Justice announced that a new draft law is being prepared, which should be submitted to the government for consideration, and then reach a parliamentary procedure before the MPs in the Assembly. Despite the announcement of a new Criminal Code, the amendments guaranteeing greater protection for journalists are announced to be adopted in the course of 2023.

It is important to note that after several years of insistence by AJM, the Basic Public Prosecutor's Office Skopje, in October 2022, appointed Iskra Hadji Vasileva, public prosecutor working in said institution, as a contact point in relation to cases related to the safety of journalists under the remit of the Basic Public Prosecutor's Office Skopje.

The issue of concern from the aspect of protection of political pluralism is paid political advertising, which is not explicitly prohibited outside of elections, and during an election campaign it is covered by funds from the Budget. AJM's position is that paid political advertising in the media should be eliminated at all times because it is an alley for "bribing" the owners of media outlets, and this practice has a negative impact on the editorial policy of the media and "displaces" the balance of opposing views in the public sphere. AJM was also against the possible amendments to the Law on Audio and Audiovisual Media Services, which would allow advertising of public institutions in au-

dio-visual media. AJM constructively insists on the creation of a Free Media Fund, which would support projects of public interest, journalistic products, which would allow the financing of projects for investigative and analytical journalism, for documentary, educational and educational content. This would provide the most practical support for journalism, at the same time influencing the improvement of the incomes of journalists and media workers. It is also a way to avoid reverting to the situation in the media industry as it was five years ago, when astronomical sums were paid to media outlets in a non-transparent manner, using state funds, without any criteria. The reforms of the public broadcasting service have hardly even started, and the financial independence and sustainability of the public broadcaster remain an open question, while, in 2022, MRT was allocated an even smaller budget compared to previous years.

The general assessment is that in 2022, the socio – economic position of journalists was not significantly improved, compared to the past years, when the pandemic and the health crisis had a great impact, i.e., there was a reduction of revenue from advertising in the entire media sector, although in certain outlets there are minimal raises in the monthly incomes of media workers. The employment status of many journalists, especially in the private media, is uncertain, because journalists mainly have fixed-term contracts or freelance contracts, some of them are not paid pension and social security benefits, their incomes are low, and they are also denied other labour rights. In light of that, journalists are much more vulnerable to pressures from management structures, owners and politicians. The pressures are mostly hidden, only slightly visible, and journalists refrain from speaking openly about these practices and rarely file a report when their basic rights are violated. Although it is assessed that journalists in newsrooms generally have more freedom, there are still many forms of influence on their day-to-day work, which are not as evident, i.e., there is more self-censorship than direct pressures. Journalists in local and regional media are worse off in this regard, considering the poor financial state of these outlets, and the fact that in small areas, local people in power can exert pressure more easily. The working status and position of women journalists in newsrooms does not differ much from that of their male colleagues, with the exception of the fact that there are fewer women in management positions in the media.

In 2022, the number of attacks on journalists increased. However, although the number of verbal and physical threats is generally decreasing compared to the past 10 years, it is worrying that journalists and media professionals are increasingly subjected to threats and harassment on social media, some of which were serious threats to the physical safety of journalists who investigate corruption and other negative social phenomena. It is important to note that in December 2021, a court

verdict was passed in favour of the AJM for an online threat made to all journalists, written on the Facebook page of AJM. This is the first example of the prosecutor's office and the court investigating and sanctioning a serious online threat directed at journalists. Another example that sheds a positive light is the quick investigation on the February attack on Nevrij Ademi from Tetovo, which ended with a court verdict, but this is only one positive example that can be highlighted. Impunity is still a big problem, because the competent institutions do not cooperate enough and rarely initiate indictments against the perpetrators of threats or attacks, and in cases where investigations are initiated, they are conducted slowly and inefficiently. Of particular concern is hate speech and labelling of journalists and media workers by politicians and other public office holders, as well as the trend of doubling the number of defamation and insult lawsuits compared to last year. Furthermore, competent institutions and courts still do not keep sufficiently up-to-date records of threats and attacks against journalists, nor do they publish such data. However, it is positive that the competent institutions are open to cooperation with AJM and, through joint consultations, show a willingness to work on improving the safety of journalists and media workers by taking more prompt measures and prosecuting the perpetrators of attacks and threats.

Recommendations

Revisions in the legislation and improvement of the implementation of laws:

- Implementation of the procedure for election of members of the AAVMS Council and the MRT Program Council by the Assembly of RNM. The procedure should be carried out in a transparent manner, with a public hearing of all candidates, while the principle of a two-thirds majority should be maintained in the decision-making process of the Assembly.
- An analysis of the provisions of the Law on Audio and Audiovisual Media Services and other relevant laws is needed, in terms of improving the financial situation of private media and introducing mechanisms for tax relief and similar benefits for the media.
- A debate should urgently be opened on the possible establishment of a media fund, particularly focusing on the objectives and criteria of the financial support (encouraging program diversity, improving the status of journalists, etc.), the method of funds distribution, independence and objectivity in the implementation of the procedure.
- The Electoral Code should be amended in a way that will simplify the rules for media campaigns and

reduce the possibility of abuse of paid political advertising in the private media.

- Initiating amendments to the Code of Ethics for journalists in the public broadcasting service MRT, to strengthen internal self-regulation in this media.

Strengthening journalists' safety:

The Assembly passing the amendments to the Criminal Code in two directions: 1) Amending and supplementing the provisions defining hate speech in accordance with the practice of the ECtHR, and 2) Amending and supplementing the part regarding the authorisations of the Public Prosecutor's Office for ex officio actions in the event of an attack on a journalist and/or media worker, as well as the provision of higher penalties for criminals.

- Establishment of special registers for cases of lawsuits against journalists, within the basic civil and criminal courts, including the PPO.
- Effective implementation of laws for greater safety of journalists and media workers.
- A continuous capacity building process for journalists, attorneys, judges and prosecutors on topics related to the sanctioning of attacks on journalists, and the general interpretation of Article 10 of the ECtHR.

- Improving cooperation with the newly elected representatives of the RNM Assembly on topics related to freedom of expression and media policies.
- Continuation of AJM's lobbying for the introduction of protocols and improvement of internal procedures in the institutions, with the aim of preventing violence against journalists and effectively sanctioning it.
- With the support of the OSCE Mission in Skopje, improving the cooperation with the Ombudsman.

Improving journalists' labour rights:

- Continuation of ITUJMW's efforts, with the support of AJM, in signing new collective agreements with private media outlets.
- Running campaigns and organising trainings to better familiarise journalists and the media with their basic labour rights.
- Continuing the provision of legal aid and advisory services to journalists and media workers by the journalist guild associations.
- Intensification of the cooperation and dialogue with institutions in the interest of protecting the labour rights of journalists and media workers.

