SAFETY GUIDE

FOR JOURNALISTS

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INTRODUCTORY REMARKS

Within the scope of the “Strengthening media freedom in North Macedonia” project, supported by the Netherlands Helsinki Committee and Free Press Unlimited, the Association of Journalists of Macedonia (hereinafter AJM) prepared the new Guide for the Protection of Journalists, in accordance with the new legal amendments in the Republic of North Macedonia (hereafter RNM).

A democratic society and media freedom are interdependent, having a number of links and relationships that intertwine and complement each other. Security is an important segment in all relationships, and it should guarantee free thought, freedom of speech, but also improve the working conditions and the environment in which journalists and media workers carry out their professional duties. The safety of journalists and media workers is but one of the many prerequisites that must be met in order to maintain the rule of law, and the state has an obligation to promote high international standards to enable the unobstructed work of every professional who works in the public or general interest.

Safety is always in the focus of various institutions and it poses a strong challenge both for professionals and for the modern democratic society as a whole. Every segment

of human life demands a threat-free, fear-free and pressure-free environment, but also appropriate working conditions, being adequately compensated and valued for your work, being free to create actively without concern for basic safety. That is why it is important to stress the need for documents of this type, the primary purpose of which is to promote safety and the standards for security and protection in this particularly sensitive profession of public informing. Macedonia and the countries of the region note similar conditions for work and development of the journalist/media worker profession. The indicators that are regularly statistically processed provide data that all countries face similar challenges, and even the response to such challenges is similar.

This guide aims to present what is new in the legislation that refers to the additional protection of journalists and media workers, who, according to the amendments to the Criminal Code (CC) of 2023 receive a higher level of protection and an assault on them will be treated as assault on an official. In addition, the guide provides more useful advice on how journalists and media workers can protect themselves and others, how to better prepare when they have to report on events with varying degrees of risk and potential danger. The text also deals with the threats that can be received online and using social media, as well as the procedure in case a journalist/media worker is assaulted or falls victim of such an assault. The roles of the Ministry of Interior (MoI) and the Public Prosecutor's Office (PPO) in cases of assault are also addressed, as well as the inter-institutional cooperation with the AJM. The crimes for which the amendments to the Criminal Code have been introduced, as well as the obligations of the journalist/media worker when they are a witness, eyewitness or have information about a committed crime, have also been specifically addressed. Of course, the authors have paid adequate attention to the different forms of pressure that journalists/media workers may face, and at the end, a look into several international documents, recommendations, regulations, that is, the standards and practices for the safety of journalists is provided.

We are confident that this guide is a useful tool that will help journalists/media workers, especially when they need to prepare for reporting in conditions with varied levels of safety, and it will also steer them in cases where they feel threatened or attacked, whether it is physically, mentally, online or in any other way.

EXAMPLES FROM PRACTICE – CHARACTERISTIC CASES OF ATTACKS ON JOURNALISTS AND MEDIA WORKERS

Journalists and media workers both globally and in RNM face various types of risks while performing their work tasks. Since 2014, AJM has been keeping an online register of attacks, titled "Cases of violation of journalists' rights over the years"[1]. The register records the date of the event, the type of the incident, the place where the violation occurred, a brief description, the name and surname of the journalist - the victim of the attack, the name and surname of the attacker (if identified), as well as information on whether the event was reported to the authorities and what was their reaction, i.e. whether there was any resolution. The register, depending on the course of the procedure, whether it was initiated by the law enforcement authorities as well as the result thereof, is accordingly updated and supplemented with new information.

Types of attacks that journalists and media workers could face include, among others:

1. PHYSICAL ATTACKS

This type of attacks is characterized by the use of force and physical violence against journalists while they are performing a work task. From such attacks, journalists can suffer bodi-

1 Cases of violation of journalists' rights over the years". Available at https://znm.org.mk/povreda-na-novinari/

ly injuries of different nature and intensity, they can suffer fear, physical pain, as well as suffer material damage through the destruction of equipment and materials. In Macedonia, over the last ten years, a large number of physical attacks have been observed, especially against journalists and media workers engaged in investigative journalism, who work in the field, when taking statements, taking photographs and video recording. When carrying out these physical attacks against journalistic teams, tools/devices were used that could seriously injure the victim, there has also been pushing, forcefully taking away equipment, physical attacks using fists and the like.

2. PSYCHOLOGICAL ATTACKS

Characteristic of these attacks are verbal threats to use physical violence, which can be "offline" immediate/direct and "online", sent through any electronic form of communication, internet platform, social media platform, application, etc. These types of attacks are particularly risky for women journalists, because they are full of gender-based hate speech, sexism and misogyny. It is characteristic of Macedonia that more than half of the total attacks on journalists in 2020 and 2021 are against women journalists that were made through the use of internet platforms or social media platforms. Online threats continued in 2022 and 2023, they were made in Facebook comments under the victim's post or through a Twitter post by "tagging" the victim. RNM noted cases of hiring journalists with work contracts or authorship contracts, especially in online media. According to a survey conducted by the Independent Union of Journalists and Media Workers - SSNM and the Research Institute on Social Development - RESIS, more than a quarter of the surveyed journalists (28%) work more than the legally permitted working hours, and about a fifth of them do tasks that are outside the established job description. In addition, one fifth of journalists cannot exercise their right to two days off a week. The most worrying data is that over half of journalists (55%) are very often or often exposed to stress. Furthermore, in terms of income, it is noted that the journalistic profession is undervalued - more than half of journalists (55%) have incomes below the average monthly salary in RNM, and among media workers this percentage is higher (77%).[2]

3. LEGAL RISKS

Legal risks to the safety of journalists can manifest themselves in various forms, such as: arrests, detaining journalists

2 Trpevska, Snezhana, Професионален статус и работнички права на новинарите и медиумските работници (Professional status and labor rights of journalists and media workers), SSNM; RESIS, March 202 https://bit.ly/45JRk7k

in police stations, deleting recorded material during contact with the police, criminal prosecution, journalists under investigation by law enforcement authorities, civil actions for restricting the right to freedom of speech to determine insult or defamation and compensation of damages, so-called SLAPPs or strategic lawsuits against public participation aimed at financially draining the defendant and inhibiting the journalistic profession, private criminal lawsuits and other forms of legal pressures.[3]

4. ECONOMIC RISKS

The sustainability of the media is a key factor in ensuring the independence of journalists both at the European and national level. Threats to the socio-economic security of journalists can be manifested through precarious working conditions, low income, various forms of violation of labor rights and workplace pressures that can directly influence self-censorship and deviation from journalistic ethics and standards. In addition, journalists who face court proceedings are exposed to costs, which are not negligible at all and can affect their socio-economic situation. For these reasons, the Association of Journalists of Macedonia, through foreign donors and other sources, covers the legal expenses of journalists who face lawsuits and other proceedings brought especially by public officials, politicians, powerful people and businessmen.[4]

3 Spirovski, Milan, Показатели за степенот на слобода на медиумите и за безбедноста на новинарите за 2023г. и наративен извештај и извештај за безбедноста на новинарите за 2023г (Indicators for the degree of media freedom and the safety of journalists for 2023. and a narrative report and a report on the safety of journalists for 2023). AJM 2024

4 AJM, Бенефиции од членство (обезбедување правна помош) [Benefits of membership (providing legal assistance)] https://znm.org.mk/stanichlen/#1588750937106-8b8d6915-6c62

PRACTICAL TIPS FOR THE SAFETY OF JOURNALISTS

In this section, we will look at how journalists and other media actors should act while performing their tasks when they are sent to the field, especially when it comes to high-risk events.

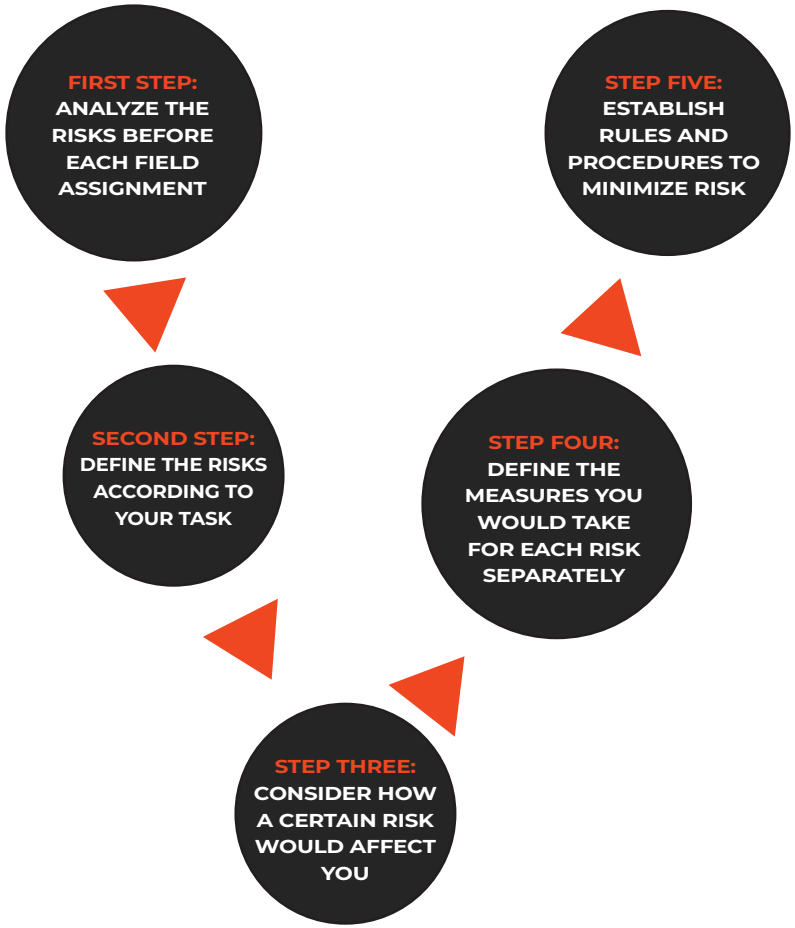
BEFORE THE TASK

Planning and risk assessment

A risk assessment model before journalists and media workers go on a field assignment would contain counter-measures to minimize potential security threats. Such a planning model should allow journalists to identify the risk before going out on field or during the execution of their job assignments. The model can be analyzed in a briefing together with editors and colleagues from the newsroom, maps out the environment in which the journalists would find themselves, identifies potential threats and risks, determines the location from which colleagues would report as well as contains a list of equipment, an exit strategy from the place of events if the reported event became violent and other advice.[5]

5 David Bevan, Cadre Consultants, Safety Handbook for Journalists, European Federation of Journalists (EFJ) 2023 https://european-journalists.org/safety4journalists/ebook/pre-assignment-planning/threat-model/

Steps that should be taken into account before going on a work assignment that would pose a risk to the safety of journalists and media workers.



STEP 1

When reporting high-risk events or events that pose a risk to journalists' safety, it is necessary to pay attention to the environment/location from which the report will be made, as well as the way in and out of the site. Furthermore, it should be taken into account which groups or organizations are present at that event and whether they would behave aggressively and violently towards journalists, photojournalists, videographers and other media workers. Analyze where the police and security services are positioned and where the news crews would be stationed to report from a safe location.

STEP 2

It is especially important to define the risks arising from your specific task. Pay attention to where you need to move to collect photo/video material, as well as where the movement

of the crowd is, where the security services are positioned and whether they are prepared to use means of coercion (rubber baton, tear gas, water cannons etc.).

STEP 3

Always pay attention to the behavior of the crowd and whether it would turn into aggression and violence. Finally, make an assessment together with your colleagues, what would be the risks to your psychological and physical health if certain threats to your safety are made and whether you should accept that task at all and risk your health and the health of your colleagues.

STEP 4

Together with colleagues from the newsroom and the editors, it is imperative that you determine the measures that would be taken and the procedures to implement those measures if the need arises from a security aspect. Always plan the shortest route to leave the location if things escalate, and always have a designated gathering place for journalists if you get separated.

STEP 5

For each type of potential risk to journalists' safety, a measure to minimize the danger should be determined and it should be decided how that measure would be implemented.

For these steps you can create a table like the one below, which is provided solely as an example:

TYPE OF RISK	MEASURE	REMARKS
Crowd movement	Position ourselves laterally from the crowd or behind the police cordon	Keep a safe distance from the crowd
Movement of police officers	A designated safe place for news crews	Always keep your distance and do not obstruct the work of police officers
Aggressive protests	Avoiding direct contact and keeping distance	Keep an eye on the police to see if they start breaking up the crowd
Tear gas	Wearing protective masks, water and milk to rinse the eyes	Be aware of where you stand in relation to security services. Always be behind the cordon.
Water cannons, rubber bullets (Note: the RNM Ministry of Interior does not use rubber bullets)	Wearing hard hats, helmets and body armor, avoid getting between the police and the crowd	200 meters minimum distance from water cannons, 300 meters from police using rubber bullets.

PRACTICAL SAFETY TIPS WHEN JOURNALISTS ARE ON A FIELD ASSIGNMENT OR AT RISKY EVENTS	
PREPARATION:	Health Checks: Before going on a high-risk assignment or an assignment where disturbances are expected, make sure you and your team are in good health.
	Personal equipment: Always carry protective equipment with you (hard hat, helmet and vest marked "PRESS") if you think the event you will be working on could escalate. Additionally, carry water, a protective mask or scarf and even first aid equipment.
	Analyze the situation well before starting a task and adhere to the guidelines given in point 4.1.1.
PERSONAL SAFETY:	If the situation escalates, be careful not to provoke those present and do not draw the crowd's attention to yourself.
	Always be aware of where your colleagues are, have a predetermined meeting point and a route to leave the event.
	Be aware of where you are in relation to the security teams and the crowd.
WHILE IN THE FIELD:	Maintain communication with colleagues or the newsroom at all times.
	Make sure all your electronic devices are working and their batteries are charged.
	Carry your journalist ID, but if you feel it would make you a target of the crowd, hide it. Always identify yourself to security teams.

ESCALATION:	Observe the behavior and emotional state of the crowd and identify potential points of violence. Understand the dynamics of the protest or demonstration.
	Ask the security forces for help if you need it, introduce yourself as a journalist/media worker and insist that they send you to a safe location.
	Position yourself in a higher place where you will be able to get a broad overview of the situation and avoid being caught up with the crowd.
OTHER SAFETY TIPS	Learn and practice de-escalation techniques to help you deal with conflict situations in a calm and safe way.
	Have a clear and practiced emergency plan for a variety of scenarios, including medical emergencies, evacuations, and other unexpected events.
	Pay attention to the socio-cultural composition of the groups and behave accordingly, avoiding the risk of provocation.

ON THE FIELD

High-risk events

Coverage of military conflicts and armed conflicts
This includes reporting from active war zones, terrorist attacks and civil wars.
Dangers: Physical injuries, kidnapping, death, psychological trauma.
Recommendations: Training for working in military conditions, protective equipment, security team.

Investigative journalism on organized crime and corruption
It involves investigating mafia groups, corrupt politicians and big companies.
Dangers: Intimidation, physical attacks, legal ramifications.
Recommendations: Anonymity, legal protection, support from the editorial office and journalistic associations.

Reporting directly from protests and mass demonstrations
Includes coverage of violent protests and social unrest.
Dangers: Physical injury, arrest, use of force by police, violent mobs.
Recommendations: Media passes, teamwork, protective gear, good organization.

When reporting from events where we there is a violent crime or terrorist attack, personal safety comes first. It is important for journalists to be careful because it is possible that the perpetrators are still in the vicinity, and there is a possibility of a repetition of the violence. Here it is extremely important to follow the directions of the police officers and to be careful not to make their work difficult in dealing with terrorists/thugs. Again, the journalist identification cards should be worn in a visible place. You should always take into account the location where the journalist is, that is, a place suitable for reporting and which will allow safety and a quick way of retreat in case of danger. Mandatory equipment includes: helmet and protective vest, backpack with a bottle of water, face mask in case of tear gas, protective eyewear, etc. It is recommended that only experienced journalists, photojournalists and videographers report from such events, or accompany younger colleagues.

Events that pose a medium risk

Reporting from areas with natural disasters
Includes coverage of earthquakes, floods, fires and other natural disasters.
Dangers: Accidents, health risks, infrastructure risks (building collapses/landslides, etc.).

Recommendations: Safety training, cooperation with rescue teams, health protection.
Covering political elections in risky regions
It includes monitoring electoral processes in regions where incidents are expected.
Dangers: Intimidation, violent incidents, legal risks.
Recommendations: Local contacts, careful planning, support from the newsroom, cooperation with the police.
Reporting on health crises and epidemics
Includes coverage of epidemics, pandemics and health crises.
Dangers: Infectious diseases, physical and mental stress.
Recommendations: Health protection, personal protective equipment, crisis management training.

When reporting on murders, traffic accidents, natural disasters and other similar events, the orders of the public prosecutor and police officers should be respected. If there is a misunderstanding, contact the focal points from the PPO and the Ministry of Interior.

The most important responsibility of anyone who first finds themselves at such an event is to protect themselves, by identifying certain potential risks, such as traffic, downed power lines (electricity), leaks of flammable substances, gases or chemicals. As in other situations, journalists should be close enough to have an overview of the event, but without putting themselves or others at risk, or interfering with security or rescue operations. Photojournalists and videographers should follow the same rules. In such cases, the PPO and the police set up a perimeter where movement is not allowed, but care should be taken to provide the journalists with a place through which they will have a clear view of the event, while not endangering the scene and the general safety. In order to achieve this goal, there should be constant communication between the responsible persons and journalists, through which common guidelines for reporting such events will be established. Journalists keeping press cards in a visible place when reporting on urgent events is extremely important.

Journalists should always carry the necessary identification documents with them: ID card, press card, journalist accreditation, travel authorization or other similar document.

The journalist should never wear weapons or other signs or clothing that can lead to misidentification, a military uniform, etc.

Movement routes should be planned carefully to avoid risk zones, especially during protests or other events where incidents are expected. Information about the location should constantly be sent to the newsroom. Pay attention to the curfew, if there is one. When reporting from a large gathering or event where incidents are expected, the grounds should be checked and the location where they will take shelter in case of violence should be identified.

Another danger is that media outlets with a low degree of professionalism could use inappropriate/exaggerated terminology without considering the effect it can cause.

An election campaign is a perfect terrain for inappropriate expression, which arises from political debates, and which can turn into violent speech. The risk is exacerbated even further when elections are organized in a country that is deeply politically polarized. The electoral process can upsurge divisions and differences. Due to the high number of challenges arising from an election process, journalists should adhere to the basic ethical principles of the journalistic profession. The information they publish must be precise, verified, balanced, neutral and human dignity must be respected. Journalists should always keep in mind that they are protecting the interests of the people as a whole.

In the case of police breaking up a crowd, journalists should not get in the way of the police officers and get mixed in with the crowd. Journalists should normally move behind the police who are securing the space when they are breaking up a crowd and they shouldn't obstruct the work of the police. It is necessary for journalists to know well the area where a public protest is taking place and in case the protest turns violent, for them to distance themselves if necessary. In cases where there are two or more protests in the same space, it is very important that journalists do not find themselves caught between two opposing crowds. Instead, they should move laterallhy, parallel to the people who are part of the protest. For any problems and misunderstandings with the police officers, contact the focal point in the Ministry of Interior and the AJM, in order to quickly and efficiently overcome the problem.

Low-risk events

Reporting on cultural and sports events

Includes coverage of concerts, festivals, sports matches and cultural events (sports matches can also be ranked as medium-risk events due to the risk of escalation and violence).

Dangers: Minor incidents, technical problems, risk of physical injury and destruction of equipment.

Recommendations: Organizational support, technical preparation

Interviews and press conferences

Includes taking interviews from public figures, participating in press conferences.

Dangers: Verbal conflicts, technical problems.

Recommendations: Good preparation, professional conduct, technical support.

Local reports and covering local events

Includes coverage of local news, various gatherings, educational events.

Dangers: Minor verbal conflicts, organizational problems.

Recommendations: Local cooperation, good communication, organizational support.

WHAT IS NEW IN THE CRIMINAL CODE RELATED TO THE PROTECTION OF JOURNALISTS IN THE PERFORMANCE OF THEIR WORK ASSIGNMENTS

The amendments to the CC, adopted by the Parliament on February 13, 2023, introduced a qualifying[6] form for certain criminal acts if the acts were committed against journalists and stricter penalties were prescribed for them. These are the criminal acts: murder, preventing an official from performing an official action, threatening the safety and coercion. The journalist's official capacity is reflected in situations in which they appear as the injured party of a crime, and their protection is based on the fact that in Chapter 13 of the Criminal Code, in the glossary of terms, a journalist is defined as a person who performs duties of public interest[7]. At the same time, with the amendments of the CC adopted on February 13,

6 **Qualifying circumstances** - Circumstances that give a crime a more serious form (occurrence of more serious consequences, especially serious circumstances related to the time, place and way of committing the crime) due to which a more severe punishment is provided for in such cases

Qualified forms of criminal acts - Criminal acts that represent a more serious form of a criminal act considering the occurrence of serious consequences and the circumstances under which the crime was committed. These serious forms of crimes represent an increased degree of social danger, therefore special criminal sanctions are prescribed for them. *[Лексикон на македонски медиумски и правосудни термини (Lexicon of Macedonian media and judicial terms), a publication of the Council of Europe within the framework of the Joint Program of the EU and the Council of Europe "Reinforcing judicial expertise on freedom of expression and media in SEE (JUFREX)"*, 2019].

7 Article 122 paragraph 9, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/ 2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

2023, the definition has been further specified that a journalist is a person who **professionally** performs functions, duties or works of public, i.e. general interest.

From the point of view of legal practice, this imposes the obligation to prove during the court proceedings that a person who was professionally performing a journalistic task at the time when the crime was committed has been injured, or that the reason for the attack is precisely the professional capacity of the journalist or media worker. For those reasons, during the procedure, it may be necessary to present evidence of the journalist's professional engagement solely in order to secure a final court verdict against the perpetrator.

In the future, law enforcement and judicial authorities should also build an appropriate practice for recognizing attacks on journalists in their official capacity, which will be broad enough to cover the various media workers who may be the target of attacks, as well as freelance journalists.

With other criminal acts (Bodily injury, Serious bodily injury, Violence, Threatening with a dangerous weapon during a fight or quarrel, as well as Inciting national, racial and religious hatred, discord and intolerance) the journalist as an official is not protected, but the journalists, during execution on their tasks can fall victims of such crimes as a result of the attacks on them.

CRIMINAL ACTS AGAINST THE PHYSICAL SAFETY OF JOURNALISTS

Murder (Article 123 of the Criminal Code)

This is the most serious crime, that is, the most serious form of attack, which results in the loss of the victim's life. With the latest amendments, the murder of a journalist or other media worker is sanctioned as a special qualifying form of committing the crime, in the same point where homicide is sanctioned of a judge, public prosecutor while performing their function, i.e. activity, lawyer, doctor or health worker or other person who performs works of public interest during the performance of professional tasks or in connection with the performance of professional tasks undertaken within the scope of his powers or an official or person in military service during the performance of public or state security tasks or the duty of maintaining public order, catching a perpetrator of a crime or keeping a person detained. A prison sentence of at least 10 years or life imprisonment is provided for this type of crime[8]

8 Article 123 paragraph 2 point 8, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

Coercion (Article 139 of the CC)

An essential element of this crime is the use of force or a serious threat in order to compel the journalist or media worker to do or not do something or suffer through something. For coercion of a person in this professional capacity, which is a more serious form of qualification, a prison sentence of six months to three years is proscribed. Also punishable by law is an attempt to coerce a journalist and media worker.[9]

Threatening the safety (Article 144 of the CC)

A person seriously threatening the life or threatening a physical attack against a journalist or a media worker or threatening the life or physical attack against a person close to a journalist or a media worker with the intention of disturbing or intimidating them is committing the act of threatening the safety, for which a prison sentence of three months to three years is foreseen. Endangering the safety of an information system as a form of online threat is separately sanctioned.[10] (See *Threats to journalists' online safety*)

Preventing an official from performing an official action (Article 382 of the CC)

A characteristic criminal act in which, with the amendments to the Criminal Code from February 2023, the journalist's official capacity comes to the fore, and the basis of protection is the right not to be hindered in the performance of their journalistic duties. Whosoever, by force or serious threat to directly attack the life or body, prevents an official - a journalist or another media worker - from performing an official action or forces them to perform an official action shall be sanctioned. The foreseen prison sentence is from six months to five years.[11] The first verdicts have already been issued for such crimes, in which the perpetrators are usually identified immediately after the physical attack on the journalistic teams and very often they themselves admit that they committed the crime.

9 Article 139 paragraph 3, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/ 2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

10 Article 144 paragraph 4, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/ 2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

11 Article 382 paragraph 3, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/ 2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

Bodily injury and serious bodily injury (Article 130 and Article 131 of the Criminal Code3)

Whosoever causes bodily injury to another (journalist or media worker) or impairs their health will be punished with a fine or imprisonment for up to three years. The penalties are somewhat higher if the injury is caused to a woman, out of hatred or to members of certain particularly vulnerable categories. However, the prosecution for such lighter forms of physical injury is undertaken either by private lawsuit[12] or by proposal[13], which means that it is necessary for the injured party (in this particular case, a journalist or media worker) to maintain the will to criminally prosecute the perpetrator until the end of the court process.

If it is a case of serious bodily injury or serious health impairment, the sentence is imprisonment from six months to five years. The most serious consequences are more severely sanctioned – endangering the life of the injured party, an important part of the body or organ permanently destroyed or weakened, disfigurement or death as a result of the serious bodily injury.[14]

Threatening with a dangerous weapon during a fight or quarrel (Article 133 of the CC)

This article stipulates that whosoever, during any fight or quarrel, reaches for a weapon, a dangerous tool or any other means with which the body can be seriously injured or the health seriously impaired, shall be punished with a fine or imprisonment up to six months. This has been applied in several cases of attacks on journalists before the adoption of the amendments to the Criminal Code.[15]

Violence (Article 386 of the CC)

Whosoever mistreats, grossly insults, threatens the safety or commits gross violence against another commits the criminal act of violence, but the witnesses of the event itself are an essential element, that is, the event should have caused a

12 **Prosecution by private lawsuit** - for acts that are prosecuted by private lawsuit, the public prosecutor is not the authorized plaintiff, but it is the private plaintiff (the injured party). A private lawsuit is filed directly in the competent cou

13 **Prosecution at the proposal of the injured party** - when the prosecution of a criminal offense depends on the proposal of the injured party, the public prosecutor cannot initiate an investigative procedure or submit an indictment or a proposal for issuing a criminal order until the injured party submits a proposal. The consent (proposal) of the injured party is key for the procedure.

14 Article 130 and Article 132, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7 /2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

15 Article 133, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/ 14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23))

feeling of insecurity, threat or fear in the public. Depending on whether the crime was committed as an individual, in a group or at a sports event, whether the consequence is minor or if it is a serious injury or death of a person, the penalties range from three months to 10 years. A fine is also foreseen for a legal person - organizer of a sports competition where violence occurred. [16]

Causing national, racial and religious hatred, discord and intolerance (Article 319 of the CC)

It is not a frequent case, but there are situations in which certain journalists or media workers are being attacked on the basis of their national or religious affiliation. In that case, the attack on them could cause wider national or religious hatred, discord and intolerance, and a prison sentence of one to five years is foreseen for that. The crime includes coercion, harassment, threatening the safety, which caused more serious consequences, and if the crimes caused disorder and violence against people or significant property damage, the prison sentence can be up to ten years.[17]

16 Article 386, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/ 14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

17 Article 319, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/ 14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23))

THREATS TO JOURNALISTS' SAFETY ONLINE

The development of technology and modern communication flows contribute to the safety of journalists and media workers being at risk not only from physical attacks, but threats and attacks against them being registered online well. According to statistics, in recent years, online threats and attacks are even more numerous than attacks on the physical integrity, and women journalists and women media workers are the most frequent victims. The online safety of journalists directly affects the quality of democracies and society's right to access information.

HOW TO RECOGNIZE AND HOW TO OBTAIN PROTECTION AGAINST ONLINE THREATS TO THE SAFETY OF JOURNALISTS

In addition to being frequent, threats to the safety of journalists and media workers made online and through other means of information also represent a challenge for the institutions in terms of their timely detection and recognition, as well as the collection of the necessary evidence for the identification of the perpetrators and their effective criminal prosecution. That is why it is necessary to take actions to recognize, protect and sanction such threats:

Get informed and take all measures for online safety.

Adherence to digital safety rules is important to protect journalists, their sources and the information they have. Newsrooms and journalistic associations should provide support and training to journalists and media workers facing the risks of online harassment and abuse.

Correctly assess the type of attack and the appropriate institutional response.

A large part of the comments and announcements online fall into the category of published slanders and insults to journalists and media workers, for which civil-law protection is provided for in the Macedonian legislation. More serious threats, threats to safety and other criminal acts can be reported to the Cybercrime Department of the Ministry of Interior, at the e-mail address cybercrime@moi.gov.mk, as well as in the competent public prosecutor's office.

Document and report threats immediately.

Early reporting is key to securing evidence for the identification of the offender and for his prosecution. It is important to save the exact URL link of the threatening post, to make a print screen of the page in question, to save photos that have been published, as well as any other document that may help the investigation.

Cooperate with investigative authorities.

During the entire procedure, the investigative authorities may request additional information important for the investigation or a statement from the attacked journalists and/or media workers. This is important for securing the evidence against possible perpetrators.

How should journalists and media workers act when they are attacked online:

The Department for Cybercrime (DCC) at the Ministry of Interior is in charge of such cases, but the organizational Cybercrime Units at the individual Sectors for Internal Affairs also take actions for such matters. DCC acts on reports of criminal acts in the field of cybercrime, which are prosecuted ex officio.

In relation to the reporting process, a record of receiving a report is submitted to the DCC or to the nearest police station. If the event is reported via e-mail (at the address cybercrime@moi.gov.mk), that letter is recorded by the Ministry of Interior as a report and it is acted upon. If it is not complete, the person who made the report is contacted for clarification and delivery of evidence to confirm the reported event. Furthermore, with an appropriate report, the competent Public Prosecutor's Office is notified and the instructions given by the Public Prosecutor (PP) are followed.

If the perpetrator is known, he is invited to an official interview and further measures and activities, operational and investigative actions are taken under the direction and coordination of the Public Prosecutor's Office, with the aim of documenting and providing data and information as material evidence, for the successful conduct of the criminal proceedings. After documenting the criminal event and determining the identity of the perpetrator, a criminal report is submitted to the competent PPO.

MAJOR ONLINE CRIMES

Stalking (Article 144a of the CC)

Another significant innovation with the amendments to the Criminal Code from February 2023 refers to the introduction of new criminal offenses as part of the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The incorporation of the standards contained in the Istanbul Convention into the Criminal Code included the criminalization of stalking as a new crime, with provisions providing sanctions for perpetrators. Although journalists are not the only victims of this crime, their public profession also brings public exposure, which is why journalists, and especially women journalists, are among the more frequent potential victims. The person who **repeatedly** follows, persecutes or otherwise interferes in the personal life of another without authorization, or establishes or tries to establish unwanted contact with them by going to the location where that person is, by abusing personal data, by using means of public information or other means of communication or otherwise psychologically abuses, harasses or intimidates them and thereby causes a feeling of insecurity, anxiety or fear for their safety or the safety of a person close to them, shall be punished with a fine or imprisonment for up to three years.[18] An important aspect is the repetition of the actions, that is, such unauthorized following and pursuit must last for a long period, as well as the fact that for this criminal act, the prosecution is initiated by a proposal.[19]

Spreading racist and xenophobic material via computer system - Article 394 of the Criminal Code3

The concept of this crime includes journalists as frequent victims, but also as frequent perpetrators. In practice, there

18 Article 144-a paragraph 1, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/ 14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

19 See p.3.3

have been situations in which both the accused and the complainant are journalists for the same event that falls under the description of this crime. The offense is committed by the person who, through a computer system or through other means of public information, publicly shares racist and xenophobic written material, an image or other representation of an idea or theory that aids, promotes or incites hatred, discrimination or violence against any person or group, based on race, colour, nationality or ethnicity, and religion. A prison sentence of one to five years is foreseen, and if the crime was committed by abuse of position or authority, or if those crimes led to disorder and violence against people or significant property damage, the prison sentence can be up to ten years.[20]

Threatening the safety – Article 144 of the CC (special section on online threats)

As we pointed out in the section that refers to *What is new in the Criminal Code related to the protection of journalists in the performance of their work assignments, in the criminal case* - Threatening the safety, a qualifying form has been introduced that refers to committing a crime against journalists and media workers.[21] However, paragraph 4 also provides for a special form of committing this crime, if the perpetrator publicly or through an information system threatens to commit a crime for which a prison sentence of five years, i.e. a heavier sentence is prescribed, if the threat is directed against a person due to their race, colour, origin, nationality or ethnicity, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, citizenship, social background, education, religion or religious belief, political affiliation, other belief, disability, age, family or marital

20 Член 394-г, Кривичен законик („Службен весник на Република Македонија“ број 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 и 36/23)

21 See p. 3

status, wealth status, health status, personal capacity and social status or any other basis provided by law or international agreement ratified in accordance with the RNM Constitution. Again, according to practice, journalists can find themselves in the role of both perpetrators and victims of the specific crime, especially on the basis of their gender, nationality or social status, but also on other grounds.[22]

22 Article 144 paragraph 4, Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/ 2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

PROCEDURE IN CASE OF THREATS TO JOURNALISTS' SAFETY

MINISTRY OF INTERIOR

Journalists or media workers should report an attack or threat to the Ministry of Interior, regardless of whether the incident occurred while the journalist was on a work assignment (field assignment), or the attack or threat occurred outside of working hours. In situations where the attack on a journalist or media worker was made by an official who is a member of the Ministry of Interior, the procedure is the same as in all other cases. The case is reported, which automatically involves the Department for Internal Control, Criminal Investigations and Professional Standards (DICCIPS) at the Ministry of Interior. In cases where bodily injuries have been inflicted, it is necessary to seek medical help, and then to request a medical report in which the injuries will be listed. This is important because later the report can be used as evidence in proceedings to protect the rights of the injured party before the competent courts.

In case the journalist is detained by an official, it is necessary to remain calm, for the journalist to emphasize that they are reporting in an official capacity and that they are on a work assignment and immediately show a press card and an identification document. For the journalist, as for all other citizens, the laws apply and they should be respected and if an official asks a journalist to identify themselves, according to the law they are obliged to do so, and carrying an ID card is mandatory according to the law.

Journalists, like all other citizens, have the legal opportunity, if they believe that a police officer has exceeded his authority and acted against the law, to turn to DICCIPS, but also to the Ombudsman, who has the legal authority to oversee the operation of the police.

The police and PPO should cooperate with journalists and media workers at high-risk events and show them how to protect themselves, protect them and ensure conditions for unimpeded reporting. For any misunderstanding, use the points of contact to resolve the misunderstandings. Joint

trainings should be organized and communication between journalists, the police and the prosecutor's office should be encouraged.

COMPETENT PUBLIC PROSECUTOR'S OFFICE

The local jurisdiction of the public prosecutor's offices is tied to the jurisdiction of the courts of the area for which they were established. The jurisdiction of a specific public prosecutor's office usually derives from the place where the crime or attempt was committed. For those reasons, a possible attack or threat to the safety of a journalist or media worker can be reported to the relevant basic public prosecutor's office in the area where the crime was committed. A criminal offense can be reported to another public prosecutor's office on the territory of the state, but in that case, the case will be forwarded to the competent public prosecutor's office for competent action. The public prosecutor can also act on the basis of rumours heard or on the basis of direct observation of a crime.[23] The prosecutor's office builds a case and immediately issues orders and guidelines for taking appropriate actions to verify the allegations in each criminal complaint. If evidence is provided that points to the features of a criminal act, the competent public prosecutor criminally prosecutes the perpetrator.

Public prosecutors in charge of following cases related to the safety of journalists

In order to more efficiently monitor the proceedings, in October 2022, the basic public prosecutor of the Basic Public Prosecutor's Office Skopje nominated a special public prosecutor for coordination and monitoring of actions in cases related to the safety of journalists. From November 2023, by decision of the State Public Prosecutor, this mechanism was expanded and such public prosecutors were appointed in three more basic public prosecutor's offices – in Bitola, in Tetovo and in Stip. Although the appointed public prosecutors do not act directly in all cases related to the safety of journalists, they keep detailed records and monitor the course of proceedings. They can inform journalists and journalist associations about the stage in which the proceedings are. Also, nominated public prosecutors are available to journalists and media workers for possible consultation before filing the criminal report for a specific event. The appointment of such public prosecutors was noted as a positive step in terms of protecting the safety of journalists in several international reports that evaluate the freedom of expression in the country.

23 The procedure for submitting a criminal complaint to the public prosecutor's office is described in detail on the following: https://jorm.gov.mk/postapka-za-prijavuvane-krivichno-delo/

INTER-INSTITUTIONAL COORDINATION AND COOPERATION WITH AJM

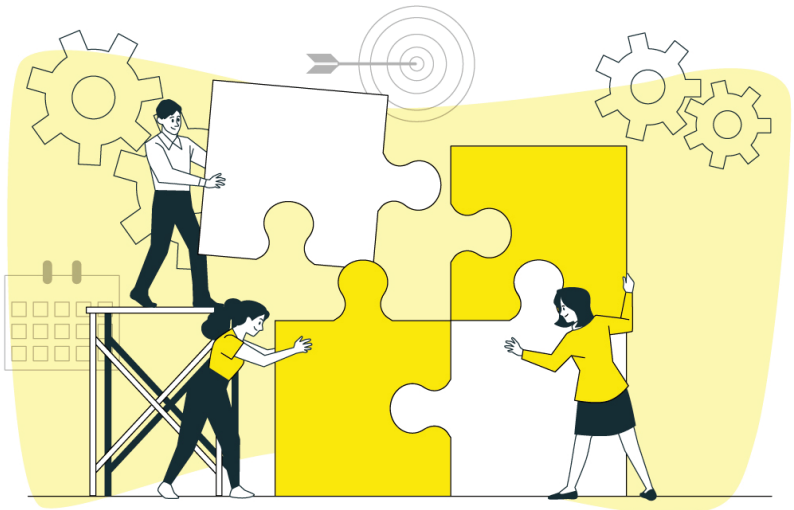
For a more effective protection of the safety of journalists and an adequate institutional response to all forms of threats and pressures on journalists and media workers, the inter-institutional coordination and cooperation established between AJM and the investigative authorities - the Ministry of Interior and the Ministry of Justice - is extremely important. Through this cooperation, mechanisms were built that enable more efficient criminal prosecution of perpetrators of crimes, which is also evident from the statistics of attacks on journalists and media workers, from which it can be seen that for most of the attacks in the last period, the perpetrators were quickly identified and already have been convicted for the crimes committed. An effectively conducted investigation and timely evidence often results in convictions based on guilty pleas.

Since AJM keeps detailed records of attacks on journalists, the PPO and MoI also use those statistics for easier monitoring of reports and procedures in cases. This makes it possible to avoid any abuse of the professional capacity of journalists by persons who do not perform professional tasks or work of public or general interest as journalists.

A significant step towards institutional coordination is the development of the Protocol for the Online Safety of Jour-

nalists (with a focus on women journalistsт[24]. *he protocol offers practical steps for journalists when they receive a threat through social media and, in general, online, through the proactive involvement of the Ministry of Interior in the protection of media workers. This is one of the series of activities that is jointly implemented by the Ministry of Interior and the AJM to improve the safety of journalists, since 2017, when a Memorandum of Cooperation was signed.*[25] he cooperation between the Ministry of Interior and the AJM dates back to 29.12.2017, when a memorandum on the safety of journalists was signed with the aim of increasing the safety of journalists through joint cooperation, which resulted in several joint activities.[26]

Within the scope of the project "Strengthening Media Freedom in North Macedonia" financed by the Kingdom of the Netherlands and implemented by the Netherlands Helsinki Committee and Free Press Unlimited, on 24.02.2023 AJM and the Judicial-Media Council signed a Memorandum of Understanding aimed at improving cooperation with the judicial and media authorities through joint activities, consultations and campaigns, especially important for *journalists who regularly report on the work of the courts as well as the experiences of the judicial authorities from the media reports on the court processes, and all this in favour of the public interest, but also of the professional journalism and the independence of the judges.*[27]



24 ZNM, The Protocol for the Safety of Journalists (with a focus on female journalists) on the Internet, https://bit.ly/3VxUkyV
25 ZNM, ZNM and the Ministry of the Interior with a protocol for the safety of journalists on the Internet 22.03.2022 https://bit.ly/4b4Wf3S
26 ZNM; Memorandum signed with the Ministry of the Interior on the safety of journalists 29.12.2017 https://bit.ly/3XuLwfN
27 AJM, Signed Memorandum of Understanding between AJM and the Judicial-Media Council 24.02.2023 https://bit.ly/3VynPR9

THE JOURNALIST AS A WITNESS TO A CRIME

A witness is any person who may have certain knowledge about a crime, about a perpetrator of a crime, or other circumstances. Journalists, while performing their tasks, especially at events with a high security risk, can be in a situation of directly witnessing or registering a crime. In addition, through their sources, they can also obtain indirect knowledge that points to evidence of a committed crime. Such findings can pose an additional risk to the safety of journalists. Therefore, in the event of learning or witnessing a crime, the journalist must first take all measures for personal protection and safety, protection of the materials (recordings or notes they've made), and then they should report their knowledge to the competent institutions, which can provide them with additional protection.

Respect the recommendations of the authorities. In situations where the journalist attends events where crimes are committed, they should follow the specific recommendations of the police officers on the ground, carefully maintain a safe distance, not provoke the participants in the incidents and not obstruct the work of the police. Access to the crime scene is secured in order not to compromise the evidence. Competent authorities should enable journalists to perform their journalistic tasks from a position that will not hinder the actions of investigative authorities.

When you are a direct eyewitness or what you know can help discover a crime, for the journalist/media worker, as well as for all other citizens, the provisions for summoning and questioning witnesses from the Criminal Procedure Law apply. Every person who is summoned as a witness is obliged to respond to the summons, and unless otherwise determined by law, they are also obliged to testify. Journalists and media workers, according to the Criminal Procedure Law, do not belong to the group of persons who cannot testify or who are exempted from the duty to testify only on the basis of their professional capacity.

If you have recordings of a criminal event, as a journalist you have the obligation to inform the police officers or the public prosecutor that you have such recordings, and if there is a need for it, to allow for the recordings to be used during the procedure. Especially when it comes to recordings made during mass events: sports competitions, public gatherings and protests where violent reactions escalate, in the case of possible use of firearms or other dangerous instruments, the recordings can serve to fully understand the event, direct checks and identification of the perpetrators of a crime. The person who provided these recordings can also be called as a witness during the procedure, if there are justified reasons for it.

Protect further proceedings and the presumption of innocence when publishing information. The publication of information and knowledge about a committed crime should be done carefully, so that the disclosure does not cause the destruction of evidence that can be used in the further course of the procedure, compromising the investigation or new crimes. Article 2 of the Criminal Code provides a direct obligation for the media to respect the principle of presumption of innocence, which implies that a person accused of a crime shall be considered innocent until their guilt is established by a final court verdict. Public statements about the ongoing procedure must not violate the rights of the defendant and the injured party, as well as judicial independence and impartiality. These obligations are not contrary to the right to timely and objective informing of the public.

Protection of sources that reveal indirect information about a crime. According to the Criminal Procedure Law, a court order cannot be used to confiscate records of facts made by journalists and their editors in news media from the reporting source nor can it be used to confiscate data that they have learned while doing their job and that were used during the editing done by the news media, which are in their possession or in the possession of the editorial office in which they are employed. No one can force the journalist to

reveal the source from which they got the information. However, journalists and investigative authorities should cooperate because their common goal is the effective fight against crime and protection of the public interest.

FORMS OF PRESSURE

INSULT, SLANDER, PRESSURE, THREATS AND INTIMIDATION

The basic guarantees for the freedom of expression and the independence of the media, apart from the Constitution, are incorporated in the media laws and in several other laws. At the end of 2022, the RNM Assembly adopted a new Law on Civil Liability for Insult and Defamation, which significantly reduced the amount for non-material damages to be paid by journalists, editors, their deputies and legal entities – the media organisations, if they are sued and they lose a defamation lawsuit. The possibility of unprincipled and malicious lawsuits, especially those filed by powerful people, is limited, and we will address this in more detail below in the text.

In the past year (2023), according to the data received from the Basic Civil Court Skopje as of 31.12.2023, the number of lawsuits for defamation and insult has decreased and the total number is 19. Over the last few years, with some exceptions, lawsuits for defamation and insult have not caused pressure on professional journalism. In 2012, for example, when this offense was decriminalized, there were as many as 330 lawsuits, 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 a party is journalist or a media outlet. But in 2022, the number of defamation and insult lawsuits increased, so that the total number of active cases involving a journalist or media outlet rose to 54, compared to 20 in 2021.[28]

Defamation lawsuits against journalists and the media can represent a risk to the safety of journalists, that is, to their socio-economic status and certainly represent a reputational risk. Although journalists, especially investigative journalists, cannot completely avoid the risk of being sued for defamation, there are still measures they can apply in their work to minimize the risk.

Recommendations to reduce the risk of defamation lawsuits:[29]

- Adhere to the best journalistic principles and practices according to the Code of Journalists of Macedonia.[30]
- Be thorough, fair and accurate in what you post, cite your sources and quotes carefully, record conversations – with prior consent – whenever possible, don't word statements in such a way as to create implications you don't intend on or don't have the evidence to support.
- Be aware of what you say and say only what you can prove, control the accuracy of statements and avoid ambiguity.
- Keep records of your research and other documents. If you want to make a potentially strong statement about a company or individual, you must be able to prove that your statement is true and that it is based on facts, and you should collect evidence whenever possible.
- If the records include audio or video recording, it is important to obtain express consent from the subjects in writing, unless you can demonstrate a high public interest for publishing the recording.
- Always verify your information and use reliable sources. Don't automatically assume that something written elsewhere is correct.
- Remember that you may be liable for republishing a defamatory statement. So be careful when it comes to repeating allegations.

28 Spirovski, Milan, Показатели за степенот на слобода на медиумите и за безбедноста на новинарите за 2023г. и наративен извештај и извештај за безбедноста на новинарите за 2023г (Indicators for the degree of media freedom and the safety of journalists for 2023. and a narrative report and a report on the safety of journalists for 2023) AJM 2024

29 GIGN, A Journalist's Guide to Avoiding Lawsuits and Other Legal Dangers https://bit.ly/4cpGKog

30 ZNM, Кодекс на новинарите на Македонија 2001 (Code of Journalists of Macedonia 2001) https://znm.org.mk/kodeks-na-novinarite-na-makedonija/

- If you are giving your personal opinion on something, make it clear that it is your subjective assessment and that it is expressed in good faith.
- If you are in doubt as to whether certain content may contain elements of defamation, AJM's legal aid includes, among other things, legal advice with an assessment of whether certain media content may contain defamation.

Often, due to the public exposure they get in their line of work and the views they present to the public, journalists themselves become victims of slander and insults. It is important to distinguish these cases from criminal acts for endangering the safety of journalists. Namely, insult and defamation are aimed directly at the victim with an established or unequivocally obvious identity. At the same time, the perpetrator intentionally makes disparaging, humiliating or completely untrue claims, in order to disparage and injure the honour and reputation of the journalist in question.[31] In such cases, journalists should seek protection in civil court.

Other forms of verbal threats and intimidation affect women journalists to a greater extent, who are the target of such attacks, especially online. The problem regarding a positive resolution of such cases and penalisation of the attackers was the interpretation of Article 144 of the Criminal Code "Threatening the safety". The practice showed that the law enforcement authorities rarely prosecuted the perpetrators ex officio, with the reasoning that such a crime is prosecuted by a private lawsuit, because the threats did not contain an explicit threat to commit a crime punishable by a prison sentence of more than five years.

STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION (SLAPPS)

The acronym "SLAPPs" or Strategic lawsuits against public participation is defined as lawsuits used to silence and harass critics, forcing them to spend money to defend themselves against these baseless lawsuits. The plaintiffs of such lawsuits do not go to court to seek justice. Rather, these lawsuits are intended to intimidate those who disagree with them or their actions, by draining the defendant's financial resources. These lawsuits are effective because even a meritless lawsuit can take years and a lot of financial resources to defend. To end or prevent such a lawsuit, those who speak up

31 Law on Civil Liability for Insult and Defamation (Official Gazette of RNM No. 251/22)

about matters of public concern often agree to remain silent, apologize, or "correct" their statements.[32]

The first and basic goal of filing strategic lawsuits against public participation is to financially exhaust the defendant, who may or may not be a journalist, often such lawsuits are filed against people who speak up about topics of public interest, about topics that relate to for the work of public officials, influential persons from the political and business sphere. These lawsuits aim to deter the defendant from continuing to speak up on the subject of the lawsuit, due to fear of financial exhaustion. *SLAPPs are aimed at depleting the defendants' resources, including their motivation to continue working on a particular story, project, or gather information in order to further publicise it*[33]

Strategic lawsuits against public participation can be criminal, civil or even administrative, that is, they pose a risk to the safety of journalists from both a criminal and civil point of view.

Macedonian jurisprudence has a large number of defamation lawsuits filed against journalists, especially after the decriminalization of these acts in 2012 with the adoption of the Law on Civil Liability for Insult and Defamation (LCLID) (Official Gazette of RNM no. 251/2022 dated 22.11.2022). Such cases claim exorbitant amounts as compensation for damages, which is the first and foremost characteristic for a civil action to be categorised as a SLAPP. A second feature is that the plaintiff in many cases is a public official and former office-holder, a politician, a famous businessman, a powerful person, etc., and the defendants are not always journalists. In Macedonian case law, there are cases where a person who

32 Public Participation Project, What is a SLAPP? https://anti-slapp.org/what-is-a-slapp

33 Dr. Aleksov, Zharko, M.Sc. Hadji-Zafirov, Zharko, ANALYSIS - Како до поефективна заштита од стратешки тужби против учеството на јавноста (SLAPP)? How to get more effective protection against strategic lawsuits against public participation (SLAPPs)?, AJM, UNESCO's Global Media Defense Fund (GMDF) https://znm.org.mk/wp-content/uploads/2024/02/MK_Analiza-SLAPP-02-12-1.pdf

speaks up about topics of public interest and about the work of organizations that perform public activities that are financed from the state budget is sued by those organizations and by the authorized persons in them. A positive development in this context is the adoption of the new Law, which reduced the maximum compensation for non-material damage caused by insult or defamation for a journalist, editor and legal entity to 400, 2000 and 5000 euros, respectively. This amendment has a positive impact on mitigating the effect of civil lawsuits against journalists, especially malicious lawsuits claiming high amounts for compensation of damages.

The conclusion we can reach is that any lawsuit filed against a journalist causes negative psychological and physical consequences, instils fear and insecurity, potentially affects the socio-economic standing of the journalists, thus affecting the general safety. Because of the risk of SLAPPs, the state is obligated to take specific measures in the form of economic, legal and social assistance to the victims of such lawsuits. Currently, the Association of Journalists of Macedonia offers free legal aid covering attorney's fees for the defence counsel and representation in SLAPP proceedings as well as psychological help for the journalists who are the victims, with free consultations with psychology and psychiatry professionals.

WORKPLACE HARASSMENT

Promoting the general safety of journalists inevitably includes the protection of labour rights, by strengthening the dignity and rights enjoyed in the workplace. In our country, workplace harassment, including psychological and gender harassment, are serious problems that could have a negative impact on the work environment and the mental health of employees, including journalists and media workers. These forms of abuse can manifest in different ways and have significant negative consequences on the personal and professional life of journalists.

Workplace harassment can often result in:

- Reduction of productivity and quality of work.
- Increased stress and anxiety among journalists.
- Potential occurrence of psychosomatic diseases as a result of stress.
- Reduced ability to research and report on sensitive topics due to fear of repercussions
- Demotivation and loss of interest in the profession.

- Increased rate of professional burnout and career change.
- A decline in the quality of journalistic content, which directly affects public informing..

Recommendations for protecting journalists and media workers from harassment in the workplace::

- Education of workers and employers on recognizing and dealing with mobbing and harassment.
- Establishing clear and efficient mechanisms for reporting and processing cases of harassment
- Support and protection of victims through psychological and legal assistance.
- Promoting a culture of respect and decency in the workplace.

Collective agreements in the private media sector are essential to solving many of the pressing problems faced by journalists, editors, videographers, editors and other media workers today. Such a proposal dates back from 2015 with a draft prepared by the Union of Journalists and Media Workers of Macedonia.[34] The proposed collective agreement for the media industry proposes a minimum wage for a journalist, it proposes that the media outlet pay the fine of the journalist who has climbed up the editorial ladder, proposes mechanisms for safeguarding the right to uninterrupted annual vacation as well as mechanisms for protection against structural mobbing.

34 Branch collective agreement for journalists and media workers, SSNM 2015 https://bit.ly/3x2x6sQ

DE-ESCALATION AND MECHANISMS FOR NON-VIOLENT CONFLICT RESOLUTION

The safety of journalists and media workers is of critical importance, especially when they are in the field covering events that may escalate into conflict. There are several methods and forms of de-escalation that journalists can use to reduce risks and stay safe:

1. Communication techniques

Active listening: Listening without interruption and with interest in what the interlocutor is saying helps reduce tension. This shows respect and willingness to understand.

Clear and calm communication: Avoid an aggressive or provocative tone. Use a calm and tempered tone of voice and convey clear messages to avoid misinterpretation.

Asking open-ended questions: This helps in understanding the interlocutor and demonstrating a genuine interest in their opinion and feelings

2. Physical posture and gesturing

A non-aggressive attitude: Keep your hands visible and avoid aggressive gestures. Keep a sufficient distance from the interlocutor so they do not feel threatened.

Controlling body language: Keeping your hands down and a relaxed posture help create a relaxed atmosphere.

3. Planning and preparation

Research the context and the background of the situation or event you are covering. This helps anticipate possible sources of conflict.

Be prepared with an emergency plan and make sure you are informed about the nearest safe exits and the locations of security services.

4. Digital security

In cases of online threats or harassment, avoid communication with agitators. Use the block and report options for offensive, provocative and threatening content on social media.

Privacy Protection: Limit information about your location and personal information online to avoid physical and other risks.

5. Professional support

Teamwork: Working in teams and constant communication with colleagues and the editorial staff can provide additional security.

Support from the newsroom: The media outlet you work in should provide training on conflict management and have clear policies to protect journalists

6. Emotional and psychological support

Self-Control: Learn self-control techniques like deep breathing and mental breaks to keep calm in stressful situations.

Psychological support: Seek support from professionals or colleagues for post-traumatic stress or work-related anxiety.

The application of these methods can significantly reduce the risk of conflict escalation and provide better protection for journalists in their work. Make sure you are well informed and prepared for any situation in order to maintain your safety and professionalism.

INTERNATIONAL STANDARDS AND PRACTICES FOR THE SAFETY OF JOURNALISTS

SIGNIFICANT DOCUMENTS FROM THE COUNCIL OF EUROPE (COE)

Recommendation CM/ Rec (2016)4[35] of the Committee of Ministers of the Council of Europe is aimed at protecting journalists and other media actors. The main objective of this recommendation is to strengthen measures to protect freedom of expression and to ensure a safe and favourable environment for journalists.

Some of the key points of the recommendation are:

1. **Prevention of threats and violence:** Member states should adopt appropriate measures for prevention and protection against threats and violence directed at journalists. Member states should ensure effective legal and institutional measures to deal with such incidents.

2. **Protection through legislation:** The legal norms should ensure the protection of journalists from threats and violence. It is necessary to ensure that all cases of violence against journalists are effectively investigated, prosecuted and sanctioned.

35 Council of Europe, Recommendation CM/Rec(2016)4 https://bit.ly/3RpCSeQ

3. **Ensuring a safe environment:** Governments should create and promote a safe environment in which journalists and other media actors can do their work without fear of violence or intimidation. Measures to raise awareness of the importance of media freedom and the protection of journalists should be promoted.

4. **International cooperation:** Member states should cooperate with international organizations and bodies for the protection of journalists. This includes the exchange of information and good practices for preventing and dealing with attacks on journalists.

5. **Monitoring and reporting:** It is necessary to establish mechanisms for monitoring and reporting attacks and threats against journalists. Data and public reports on the safety of journalists should be collected regularly.

This recommendation reiterates the fact that the protection of journalists is essential to maintaining democratic societies and ensuring the public's right to information. The Council of Europe calls on member states to implement these measures and strengthen efforts to protect journalists and media freedoms.

On April 5, 2024, the Committee of Ministers of the Council of Europe adopted **Recommendation CM/Rec (2024)2**[36], on countering the use of strategic lawsuits against public participation (SLAPPs), which are used as a means of harassment or intimidation of the defendants, seeking to prevent, inhibit, restrict or penalise free expression on matters of public interest.

Some of the key measures that signatory states should take are:

Strengthening the legal and political frameworks:

Develop and adopt laws that will provide structural and procedural measures against SLAPPs.

Introduction of legal means for protection and compensation of victims of SLAPPs.

Support for victims:

Providing financial and legal assistance to victims.

Establishing mechanisms to support and protect victims..

Raising awareness:

Implementation of educational and training programmes for legal professionals, journalists, activists and the general public.

36 Council of Europe, Recommendation CM/Rec(2024)2 https://bit.ly/4bmNbaL

Raising awareness of the negative effects of SLAPPs on freedom of expression and public participation.

Transparency and monitoring:

Introducing measures for transparency in the processes and decisions related to SLAPPs.

Monitoring and reporting of SLAPP cases and the effectiveness of the measures taken.

Cooperation and coordination:

Encouraging international cooperation to prevent and resolve cross-border SLAPPs.

Coordination between various governmental and non-governmental organizations to implement the recommendations.

SIGNIFICANT DOCUMENTS FROM THE UNITED NATIONS (UN)

The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity[37], adopted in 2012, is a global initiative aimed at protecting journalists and combating impunity for crimes committed against them. This plan identifies key strategies and measures to be taken by states, international organizations and civil society to ensure a safe and free media environment.

Key aspects of the Action Plan:

1. Creating a safe environment for journalists:

The plan recommends the adoption of appropriate laws and regulations that protect journalists and media freedom.

It includes measures for the prevention of violence, threats and intimidation against journalists, especially in conflict zones.

2. Fight against impunity:

The plan calls for efficient investigations and prosecution of all cases of violence and murders of journalists.

It encourages cooperation between states to share information and good practices in tackling impunity.

3. Promotion of awareness and education:

The plan emphasizes the importance of educating the public, the police and judicial authorities about the importance of media freedom and the protection of journalists.

It includes organizing campaigns and trainings to raise awareness of the problems faced by journalists.

4. International cooperation and coordination:

37 United Nations (UN), Plan of Action on the Safety of Journalists and the Issue of Impunity https://www.unesco.org/en/safety-journalists/un-plan-action

The plan encourages coordinated actions at the global, regional and national levels among various actors, including governments, international organizations, media houses and non-governmental organizations.

It foresees the establishment of mechanisms for regular monitoring and reporting on the progress in the implementation of the measures.

5. Support for journalists:

The plan provides support and assistance to journalists at risk, including legal aid, safeguards and emergency relocation programs.

The UN Action Plan aims to create a global framework that will strengthen efforts to protect journalists and ensure that crimes against them do not go unpunished. Through this initiative, the United Nations seeks to promote a free and safe media environment, which is essential for the maintenance of democracy and human rights.

PLATFORMS FOR MEDIA FREEDOM AND SAFETY OF JOURNALISTS AND MEDIA WORKERS

A regional platform for advocating journalists' safety in the Balkans, which aims to improve the level of safety of journalists and promote media freedom in Southeast Europe, established in 2016 with the support of the European Commission. The project was developed by six regional news organizations in response to increasing restrictions on media freedoms by creating an informal network, also aiming to build their own capacities for monitoring the level of media freedoms and safety of journalists by creating an online database of attacks against journalists.[38]

What the SafeJournalists.net platform provides:

Regional network: The platform was created by a regional network of news and media organizations from the Balkans, in order to collaborate and share information about threats and attacks against journalists..

38 Regional platform for the protection of journalists in the Balkans https://safejournalists.net/

Monitoring and reporting: The platform collects data on incidents related to the safety of journalists and media freedom. The data is analysed and used to create reports that highlight the main threats and trends in the region.

Support for journalists: The platform offers various forms of support for journalists facing threats or attacks. This includes legal aid, advice and support in case of emergency situations.

Raising awareness: The platform works to raise awareness about the problems faced by journalists in Southeast Europe. This is achieved through campaigns, public appearances and cooperation with international organizations.

Providing resources: The platform provides a variety of resources, including guidelines, reports, and legal documents that can help journalists understand and protect their rights.

Analyses and reports: The platform regularly publishes reports and analyses that highlight the key problems faced by journalists in the region, as well as recommendations for improving the safety and freedom of the media.

SafeJournalists.net is an important initiative to protect and support journalists in Southeast Europe. Through its work of monitoring, reporting and providing support and resources, the platform contributes to improving the safety of journalists and promoting media freedom in the region.

The Platform to promote the protection of journalism and safety of journalists[39] is an initiative of the Council of Europe, created with the aim of improving the protection of journalists and promoting the safety of media workers across Europe.

Purposes and functions of the Platform:

Monitoring of threats and attacks: The platform collects and publishes information about incidents of threats or attacks against journalists and media organizations. This includes physical attacks, intimidation, legal threats that limit media freedoms, and other types of pressure.

Cooperation and information: The platform works in cooperation with partner organizations that are active in the field of media freedom and safety of journalists. These partners include international and national journalism organizations, human rights organizations and other relevant bodies.

39 Council of Europe, Platform for the Promotion of the Protection of Journalism and the Safety of Journalists https://fom.coe.int/en/accueil

Publicly available data: The platform provides a publicly available database of information on incidents related to the safety of journalists. This helps raise awareness of the problems that journalists face and enables wider public support for their protection.

Informing the authorities: The information collected through the Platform is used to inform states and international organizations, in order to take specific measures to protect journalists. This includes recommendations for improving legislation and practice affecting media freedoms.

Reporting and Analysis: The platform regularly publishes reports and analyses that highlight trends and specific issues in the field of media security. These reports help in the creation of policies and strategies to protect journalists.

The platform for the promotion of the protection of journalism and the safety of journalists is a significant tool that improves the protection of journalists through monitoring, reporting and promotion of specific measures for their protection. By collecting and publishing information about threats and attacks against journalists, the Platform contributes to increased awareness and action in the protection of media freedom.

Another international platform for monitoring attacks on the safety of journalists is **Mapping media freedom**[40], which provides documentation of incidents throughout Europe when journalistic safety is violated.

In addition, the platform provides multimedia statistical data divided by the type of attack, the type of attacker, place (country) where the incident took place, etc.

40 Mapping Media Freedom https://www.mappingmediafreedom.org/

APPENDIX 1: IMPORTANT CONTACT POINTS

MINISTRY OF INTERIOR		
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REFERENCES

1. Trpevska, Snezhana, Професионален статус и работнички права на новинарите и медиумските работници, SSNM; RESIS, March 2024 https://bit.ly/45JRk7k

2. Spirovski, Milan, Показатели за степенот на слобода на медиумите и за безбедноста на новинарите за 2023г. и наративен извештај и извештај за безбедноста на новинарите за 2023г. AJM 2024

3. Dr. Aleksov, Zharko, M.Sc. Hadji-Zafirov, Zharko, АНАЛИЗА - Како до поефективна заштита од стратешки тужби против учеството на јавноста (SLAPP)?, AJM, UNESCO's Global Media Defence Fund (GMDF) https://AJM.org.mk/wp-content/uploads/2024/02/MK_Analiza-SLAPP-02-12-1.pdf

4. David Bevan, Cadre Consultants, Safety Handbook for Journalists, European Federation of Journalists (EFJ) 2023 https://europeanjournalists.org/safety4journalists/ebook/pre-assignment-planning/threat-model/

5. Criminal Code ("Official Gazette of the Republic of Macedonia" no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132 /14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18 and 36/23)

6. Law on Civil Liability for Insult and Defamation (Official Gazette of RNM No. 251/22)

7. Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" no. 150/2010; no. 100/12 and no. 198/18)

ONLINE SOURCES

1. https://AJM.org.mk/povreda-na-novinari/ „Случаи на повреда на правата на новинарите низ годините", accessed on June 10, 2024

2. AJM, Бенефиции од членство https://AJM.org.mk/stanichlen/#1588750937106-8b8d6915-6c62, accessed June 5, 2024

3. AJM, Протоколот за безбедност на новинарите (со фокус на новинарките) на интернет, 12/2022 https://bit.ly/3VxUkyV, accessed 5 June 2024

4. АЈМ, ЗНМ и МВР со протокол за безбедност на новинарите на интернет 22.03.2022г. https://bit.ly/4b4Wf3S, accessed June 5, 2024

5. АЈМ; Потпишан Меморандум со МВР за безбедноста на новинарите 29.12.2017г. https://bit.ly/3XuLwfN, accessed June 5, 2024

6. АЈМ, Потпишан меморандум за соработка помеѓу ЗНМ и Судско-медиумскиот совет 24.02.2023г. https://bit.ly/3VynPR9, accessed June 5, 2024

7. АЈМ, Кодекс на новинарите на Македонија 2001 https://AJM.org.mk/kodeks-na-novinarite-na-makedonija/, accessed June 5, 2024

8. Постапка за пријавување на кривично дело пред Јавното обвинителство, available at https://jorm.gov.mk/postapka-za-prijavuvane-krivichno-delo/, accessed June 17, 2024

9. GIGN, A Journalist's Guide that Avoiding Lawsuits and Other Legal Dangers https://bit.ly/4cpGKog, accessed June 5, 2024

10. Public Participation Project, What is a SLAPP? https://anti-slapp.org/what-is-a-slapp, accessed June 11, 2024

11. Грански колективен договор за новинари и медиумски работници, SSNM 2015 https://bit.ly/3x2x6sQ, accessed June 10, 2024

12. Council of Europe, Recommendation CM/Rec (2016)4 https://bit.ly/3RpCSeQ, accessed June 24, 2024

13. Council of Europe, Recommendation CM/Rec (2024)2 https://bit.ly/4bmNbaL, accessed June 24, 2024

14. United Nations (UN), Plan of Action on the Safety of Journalists and the Issue of Impunity https://www.unesco.org/en/safety-journalists/un-plan-action, accessed June 17, 2024

15. Regional Platform for the Protection of Journalists in the Balkans https://safejournalists.net/, accessed June 14, 2024

16. Council of Europe, Platform to promote the protection of journalism and the safety of journalists https://fom.coe.int/en/accueil, accessed June 21, 2024

17. Mapping Media Freedom https://www.mappingmediafreedom.org/, accessed June 22, 2024

www.znm.org.mk