**Summary of the Media Situation in Macedonia**

*June 2016, Macedonia, Skopje*

*Association of Journalists of Macedonia*

**INTRODUCTION**

Freedom of expression and media are seriously undermined in Macedonia. The EU and the US State Department, the UN Special Rapporteur on freedom of opinion and expression[[1]](#footnote-1), as well as renowned non-governmental organisations like Freedom House[[2]](#footnote-2) and Reporters Without Borders[[3]](#footnote-3), have all called attention to the decline of media freedom in the country. **The challenges most often highlighted, include: impunity of journalists, detained journalists, the government’s intrusion in media market through large advertising campaigns and politically and financially dependable media regulator and public broadcaster.** As a consequence of this journalists’ rights and the freedom of the media in Macedonia have been endangered.

Being the primary voice of journalists in the country, during the past years the Association of Journalists of Macedonia has been very actively involved in assessing the situation of media freedom and its portrayal in the international and domestic public opinion and political circles. In the past three years the problems in the media being identified by AJM and other international non-governmental and political organizations are divided in few sections:

1. **Obstructing the work of journalists in Macedonia**
* More than 30 attacks over journalists have noted by AJM in the last 4 years. The prosecutors’ office and court authorities haven’t been able to find and prosecute the perpetrators for any of these cases. The nature of these attacks is different and stipulates severe physical attacks by unknown masked groups in front of homes of some journalists, verbal threats against them personally and against close family members, burning journalists private vehicles, physical attacks during reporting on public events by members of police and/or protesters and other forms of violence like demolishing offices of media outlets. For all these events AJM had a public condemnation and appealed to the authorities to take measures to stop the impunity and to avoid creating bigger chilling effect and self-censorship in the media community.
* In October 2013 Macedonia became the country together with Turkey in South-East Europe with imprisoned journalists and unfortunately this is still a case. At the moment the journalist Zoran Bozinovski is under arrest and placed in detention in Skopje. Bozinovski who was wanted by Macedonian police, was arrested in 2013 in Novi Sad in Serbia where he spent more than 300 days in the detention center in Novi Sad. This is against Serbian legislation where the limit for extradition detention is maximum 4 months. The freelance journalist is among 20 people that Macedonian authorities accuse of being part of a high-profile spy ring that worked for an unnamed neighboring government. Bozinovski is well known for his political blog, Burevesnik, which is critical of the government. In October 2014 he was released by the Serbian authorities but in May 2016, two days before the parliamentary elections in Serbia, he was extradited in Macedonia and placed in the detention center in Skopje. Although more than two months has passed in detention, the prosecutor still did not raise a formal charge. In June 2016 the International Federation of Journalists brought an urgent resolution urging Macedonian authorities to release journalist Bozinovski[[4]](#footnote-4).
* Another negative example with imprisonment of Macedonian journalist is the case with **Tomislav Kezarovski**, from the daily “Nova Makedonija”, who was sentenced to four and a half years in prison[[5]](#footnote-5) for allegedly revealing the identity of a protected witness in a murder trial published in a journalistic text back in 2008. AJM and the Union of Macedonian Journalists and Media Workers (SSNM) organised two protests in front of the court in Skopje and conducted activities that raised the issue in the international media community. Currently, Kezarovski is free after serving a sentence of 1 year and 10 months in total.
* Since 2015, Macedonia is in a deep political crisis after the opposition boycotted the Parliament and published the wiretapping scandal. The opposition in the subsequent months published (February 2015 – May 2016) a series of phone conversations mostly between high representatives of the Government that raises suspicion for their involvement in serious unlawful activities, abuse of power and corruption. As part of this scandal it was claimed by the opposition that more than 100 journalists have been illegally wiretapped by the national security service. More than 15 journalists from different media outlets received transcripts proving that they have been subject to illegal wiretapping. AJM provided legal assistance to all journalists’ part of this wiretapping scandal and sued the Macedonian state for illegal wiretapping.
* Many journalists in the media cannot rely on any of the basic rights guaranteed by the Labor Law[[6]](#footnote-6). Journalists often are working without contracts, insurance, paid vacation, overtime hours and sick leave, and minimum wage is not regulated. There is still not collective labor agreement that provides social protection to journalists.
* In the face of fierce criticism from AJM, the government has reestablished a new association of journalists named Macedonian Journalists Association. The purpose of this association was to diminish critics towards government reforms in the media and impose artificial support for the newly adopted media laws[[7]](#footnote-7). The other role of this is to undermine the role of AJM in the society and to affect its credibility because the authorities obviously have problems to publicly argue with the criticism coming from AJM. According to the Progress Report by European Commission[[8]](#footnote-8) “*AJM has continued to draw attention to a number of important issues such as the impact of government advertising on the diversity of the media and the role of the media during the political crisis” as for MAN the statements is: “with the recently reactivated MAN tending towards pro-government stances on most issues”.*
1. **Governmental campaigns and advertisers**

The media business in Macedonia has been increasingly under attack over the past few years. Macedonia has around 200 media outlets, but unfortunately, that does not make the situation better. They all compete in a small, distorted market, covering just around 2 million citizens, where they cannot survive financially unless they align their interests with the governing parties and politically connected large businesses. Apart from the public broadcaster (MTV), the vast majority of the country’s press is in private hands. However, the government comes out top among the largest advertisers in the country in 2012 and in 2013 is on the first place[[9]](#footnote-9) with twice more campaigns in the private media than the larger local mobile operator T-Mobile. The Progress Report for Macedonia by the European Commission for 2015[[10]](#footnote-10) raised this as a serious concern stating that: *“Government advertising provides the largest single source of funding and has a major influence on the media market at both national and local level. There is no systematic or detailed reporting on government advertising”,* and the DG Enlargement report of June 2013[[11]](#footnote-11) says that at least 1% of the annual national budget (20 million Euros) is invested in media outlets through government campaigns and advertising. This highlights the authorities’ huge influence in the media sphere and was again repeated as a major concern also in Progress Report by EC for 2014[[12]](#footnote-12): *“Government influence on media output is exercised through, inter alia, state-financed advertising”*.

Governmental media campaigns are mostly used for daily propaganda in which government projects are marketed. The campaigns do not serve a public interest and are used as an alibi to allocate funds to pro-government media outlets. The end goal of this is to affect and control editorial policies of the media. Professionals are fired and people with personal integrity are replaced by obedient mouthpieces, while a huge number of journalists are living in professional insecurity. Behind the veil of “economic reasons”, critical media are vanishing.

1. **DEPENDABLE PBS AND MEDIA REGULATOR**

In April 2013 the government introduced new media legislation which wasn’t in line with the recommendations of the Council of Europe. This legislation does not fulfill institutional autonomy and independent editorial policy of PBS and independent and professional media regulator. The main findings are the politically influenced managerial structure and the lack of independent and sustainable financing. The majority of members of the Programing Council of PBS and the Council of the Agency of Media are nominated by political institutions. The annual budget of PBS is on average around 12 million euro, while almost half the budget comes from the license fee of the media outlets.

As a consequence of this the PBS is biased towards the ruling parties and the Agency of Media is inclined towards the private media outlets who are also biased in favor the government. Hereby the Progress Report by EC for 2015 reports that: *“The largest television outlets with concessions to broadcast nationally (SITEL, KANAL5, ALFA and MRT, the public broadcaster) favour the government and report selectively on opposition or civil society activities.”[[13]](#footnote-13)*

1. **Court practice regarding media cases**

In 2012 Macedonia decriminalized the defamation that contributed to decrease the number of lawsuits against journalists.

Before the decriminalization there were 350 active cases against journalists and after adoption of the Law on Civil Liability of Defamation and Insult there all these cases were revoked. Based on the monitoring of AJM[[14]](#footnote-14) conducted in 2015, the number of cases are decreased by 10 times. There is a positive tendency of decline of court cases against journalists. In June 2014 there were 54 cases and in June 2015 there were 31.

Despite this positive trend the courts are selective when the plaintiff is a high level government official. Regarding this in January 2014 the first convicting law suit was brought by the Primary Civil Court in Skopje about the case of weekly magazine “Fokus”. The plaintiff was the Director of Office for Security and Counter Intelligence and the non pecuniary fine for the editor was 5000 Eur and for the journalist 1000 Eur. In total, the fines and administrative obligations for the weekly “Fokus” were more than 9000 EUR[[15]](#footnote-15). AJM managed to gather these funds on behalf of “Fokus” through different solidarity events.

This case was appealed by the defendants to the Appellate Court where the verdict by the Primary Court was confirmed. This case is rude violation of the court practice of ECHR hence the courts missed the opportunity to reject unfounded lawsuit submitted by a high government official.

1. **Case of 24th of December 2012**

One of the most striking example of the situation Macedonian media finds itself in, took place on 24th December in 2012. Journalists reporting on the parliamentary session were expelled from Parliament by security forces[[16]](#footnote-16) without any reasonable explanation. The Association of Journalists of Macedonia (AJM) used all available legal measures to fight this, but so far no public official has been held liable for this breach of Article 16 of the national Constitution, which guarantees citizens the right to objective information. This case left a negative mark on the press freedom in the country on global level and seized the Institutional Dialogue form improving the situation in the media among journalists and the Government that was championed by the Association of Journalists of Macedonia.

The Constitutional Court in Skopje in April 2014 brought a Decision to reject the request of the Association of Journalists to protect the freedoms and rights of the Macedonian Constitution relating to freedom of public expression[[17]](#footnote-17). The request was submitted by AJM in February 2013 and this was the last national legal remedy. In October 2014, AJM through its legal representative submitted a compliant for the case of 24th of December to the ECHR in Strasbourg.

The Association of Journalists of Macedonia (AJM) is an independent, non-governmental and non- political party organization whose purpose is to be the protector and promoter of professional standards and freedom of expression.
AJM was founded in 1946 and it is member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ).

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1. UN Document A/HRC/26/30/Add.2, 1 April 2014; Paragraphs 101.72-101.86, Report of the Working Group on the Universal Periodic Review, The former Yugoslav Republic of Macedonia, UN Document A/HRC/26/10, 26 March 2014 [↑](#footnote-ref-1)
2. Consequently the country is placed in the “non-free countries” on the world map and this is also case for 2016 https://freedomhouse.org/report/freedom-press/2016/macedonia [↑](#footnote-ref-2)
3. 2016 Worlds Press Freedom Index by Reporters Without Borders is placing Macedonia on 118th place out of 180https://rsf.org/en/macedonia [↑](#footnote-ref-3)
4. http://znm.org.mk/?p=2378 [↑](#footnote-ref-4)
5. http://www.balkaninsight.com/en/article/macedonia-jails-journalist-tomislav-kezarovski [↑](#footnote-ref-5)
6. Research of the Independent Union of Journalists and Media Workers http://ssnm.org.mk/niskite-granki-na-makedonskoto-novin/ [↑](#footnote-ref-6)
7. PRESS Statement: Public officials are pushing for membership in MAN http://www.znm.org.mk/drupal-7.7/en/node/647 [↑](#footnote-ref-7)
8. Progress Report of EU for Macedonia for 2015 http://ec.europa.eu/enlargement/pdf/key\_documents/2015/20151110\_report\_the\_former\_yugoslav\_republic\_of\_macedonia.pdf [↑](#footnote-ref-8)
9. The Government is the biggest advertiser in 2013 in private media outlets / source: Agency for Media Report as of March 2014 / Report of the First Public Meeting http://www.avmu.mk/index.php?option=com\_content&view=article&id=1246%3Ajaven-povik&catid=94%3A2013-03-04-09-53-19&Itemid=427&lang=mk [↑](#footnote-ref-9)
10. http://ec.europa.eu/enlargement/pdf/key\_documents/2015/20151110\_report\_the\_former\_yugoslav\_republic\_of\_macedonia.pdf [↑](#footnote-ref-10)
11. <http://www.speakup2conference.eu/files/cms1/wbt-media-study635062109588840375.pdf> pg.23 [↑](#footnote-ref-11)
12. <http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-the-former-yugoslav-republic-of-macedonia-progress-report_en.pdf> pg.2 [↑](#footnote-ref-12)
13. http://ec.europa.eu/enlargement/pdf/key\_documents/2015/20151110\_report\_the\_former\_yugoslav\_republic\_of\_macedonia.pdf [↑](#footnote-ref-13)
14. Assessment of cases of defamation and insult December 2015 by AJM, <http://bit.ly/25UZcB4> [↑](#footnote-ref-14)
15. http://www.znm.org.mk/drupal-7.7/en/node/724 [↑](#footnote-ref-15)
16. http://globalvoicesonline.org/2012/12/25/journalists-opposition-thrown-out-of-macedonian-parliament-amid-street-protests/ [↑](#footnote-ref-16)
17. http://www.ustavensud.mk/domino/WEBSUD.nsf/ffc0feee91d7bd9ac1256d280038c474/433e10d9d74747b5c1257cd00024d23a?OpenDocument&Highlight=2,%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8 [↑](#footnote-ref-17)