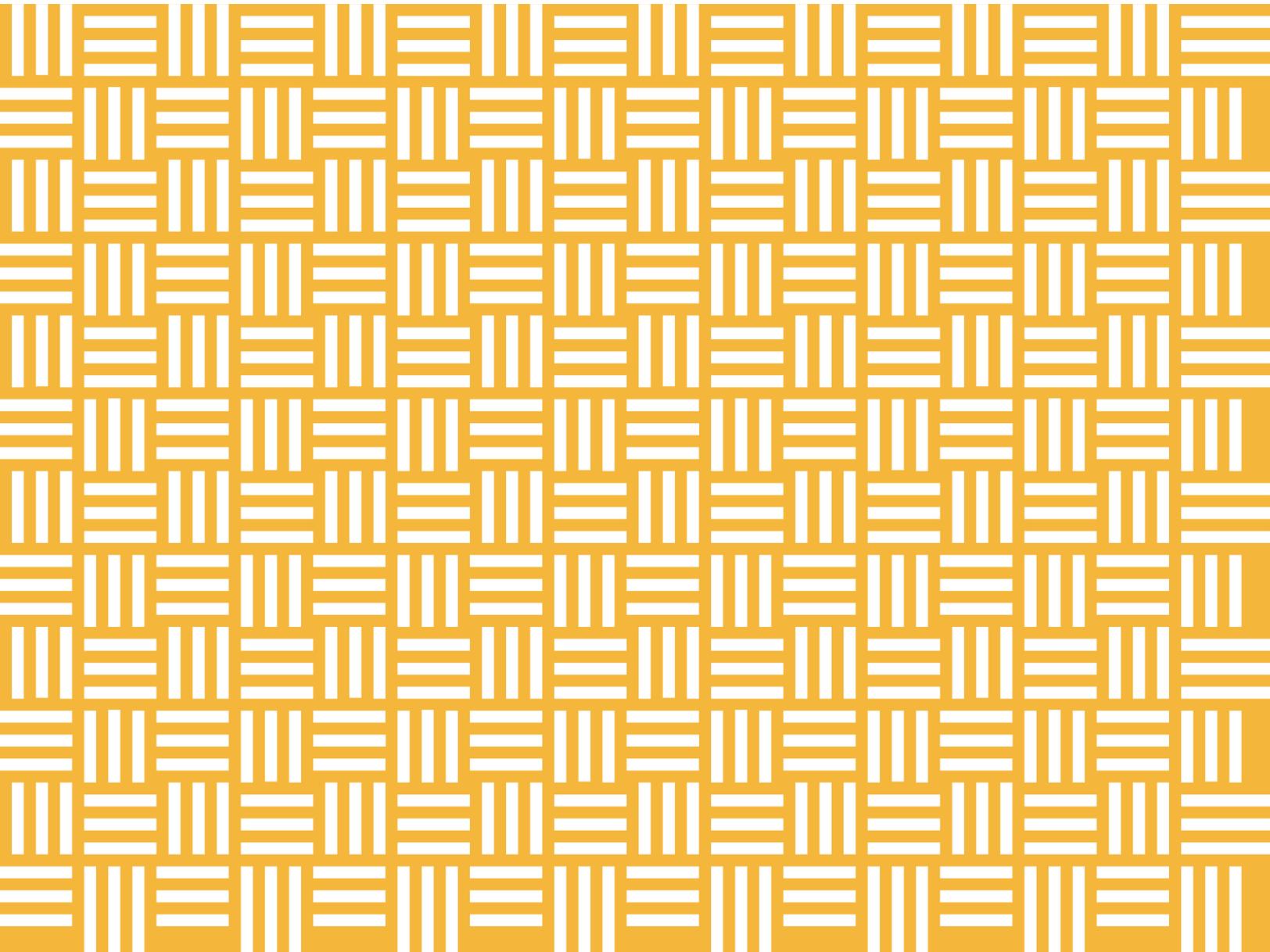




Регионална платформа на западен Балкан за застапување
на слободата на медиумите и за заштита на новинарите
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

Indicators on the level of media freedom and journalists' safety in Macedonia



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and journalists' safety in Macedonia

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Project Goals and Research Methodology

Macedonia

This report presents the findings of the research conducted within the regional project Western Balkans Regional Platform for Advocating Media Freedom and Journalists' Safety, which is implemented by the national journalists' associations in Bosnia and Herzegovina, Kosovo, Macedonia, Serbia and a trade union in Montenegro. This report is a follow up of the baseline study on legislation, socio-economic and political situation with respect to freedom of media and security of journalists, which identified the key challenges and recommendations for associations of journalists and other stakeholders¹. The main goal of the third research was to identify new developments and compare the current state of media freedom and security of journalists with the situation established in 2016 and 2017.

This research study was conducted by Besim Nebiu, Naser Selmani, Dragan Sekulovski and Deniz Sulejman following the common methodology of all five countries. The set of different qualitative and quantitative methods was used for data collection and analysis:

- Qualitative Documents Analysis (QDA) of: research studies and analyses produced by other research organisations, academia, NGOs, individual researchers etc.; official documents produced by public institutions (legal acts, by-laws, strategies, annual reports, minutes from meetings, press releases) and media coverage (texts, articles, news reports and other published materials).
- Qualitative interviews with 19 individuals (journalists, lawyers, media experts, representatives of public institutions and NGO's).
- Official statistical data requested from public institutions including municipalities and/or collected from available websites or other published sources.

¹ Association of Journalists of Macedonia, Indicators on the level of media freedom and journalists' safety 2016 -Macedonia, (Skopje: AJM, 2016). <http://safejournalists.net/wp-content/uploads/2017/01/Full-MK-ENG-Digital.pdf>

Summary

A. Legal protection of media freedom

A slight improvement is evident with respect to freedom of the media in 2018 in Macedonia, but serious systemic reforms that will create favorable environment for smooth development of the media and development of professional journalism are still lacking.

The Constitution of Macedonia guarantees freedom of the media; however, such guarantees are not entirely and precisely reflected in the laws and by-laws. A non-implementation or their selective implementation is serious problem. The new government, established in June 2017 pledged to improve the state of freedom of speech and freedom of information by improving the media legislation. None of the promised legal projects were adopted in the Assembly.

Only the amendments to the Law on Audio and Audiovisual Media Services are in advanced phase, but the adoption of the law is blocked by the opposition in the Parliament by submitting over 60 amendments and extending the debate to the Commission for Transport and Communications.

Other laws, such as the Law on Civil Liability for Insult and Defamation, the Law on Free Access to Public Information, and the establishment of model for subsidizing print media, are still at early stage. In principle, with these changes, the Government claims it wants to harmonize the defamation law with European standards and facilitate access to public information.

The amendments to the Law on AAMS were mostly in line with the journalistic and media community. However, the differences regarding the financing model of the Macedonian Radio Television remained. Journalists and media organizations insist one percent of the budget, which is about 30 million euros, annually to be allocated from the state budget for financing the public service. The government rejects this proposal with explanation that there is no money, and in the meantime changed the model for financing of MRT, presenting the measure as temporary until new amendments to the law on AAMS were adopted. It is compromise solution to a scale increase in the percentage of the budget to finance MRT, which in 2020 should reach up to one percent from the state budget. **(Section A.1)**

The public broadcasting service, the Macedonian Radio Television has no institutional autonomy due to politicized governing bodies and the absence of sustainable funding. In 2017, the Government halved MRT's budget by presenting it as interim measure, while the governing bodies in MRT are still related to the previous government.

At the stage of drafting the amendments to the Law on AAMS, the government tried to regulate journalistic standards by law. But, under the pressure of the journalist community, gave up the intention to sanction ethical standards in media reporting. There is tendency to improve the work of the Agency for Media, which in the past year is more active and its attitudes towards media problems are closer to the attitudes of professional media organizations, especially regarding discrimination and hate speech in the media. Such positive tendency for the work of the media regulator is also noted by the OSCE in the latest report on media reporting during the election campaign for the 2017 local elections. Media experts have similar opinion regarding the work of the regulator. **(Section A.2)**

Regarding the media coverage during the campaign in the local elections held in October 2017, the Media Agency filed 14 misdemeanor charges against media due to various violations of the Electoral Code. However, most of the applications were rejected by the courts, and three penalties were imposed with lower fines than foreseen in the law.

With the Government decision was abolished government advertising, introduced by the previous government, which used this type of advertising in the media as instrument for influencing the editorial policy of the media. Although the government abolished government advertisements, in the summer of 2018, in secret negotiations with the opposition new kind of financing political propaganda in the media, paid with public money was introduced.

The amendments to the Election Code envisaged the possibility for part of the public money for financing the parties to be used for paying political propaganda in the media during the election campaign, and the State Election Commission was given the authority to evaluate the coverage of the online media during the election campaign. This move was criticized by the journalist community as return to government advertising and the continuation of clientelists' ties between political parties and media owners, and as attempt to hinder access to the Internet.

Although Government has abolished government advertising, municipalities in Macedonia continued to spend public funds for financing local and regional media. The AJM survey showed that two-thirds of the municipalities in 2018 spent or by the end of the year intend to spend about half a million euro for advertising and engaging journalists with copyright contracts. **(Section A.3)**

The government did not align the Law on Civil Liability for defamation and insult with the new European trends, although it was foreseen in the Reform Plan 18. The defamation was decriminalized in 2012, and since then, the

number of lawsuits against journalists has been drastically reduced. At that time there were over 300 lawsuits against journalists before the criminal court, while this year before the Civil Court are about 30 active cases. Interviewed journalists believe that authorities less and less used defamation lawsuits to press critical journalism. Government representatives of Democratic Union for Integration are exception as are still raising lawsuits against critical media in Albanian. The extreme example was Civil Court in Skopje judgment and imposed fine of EUR 20,000 to the editor-in-chief of the daily "Lajm" Isen Saliu, as compensation for non-pecuniary damage for violation of the honor and reputation of the leader of DUI Ali Ahmeti. Appeal Court sent back the decision for re-examination.

The Civil Court in Skopje refuses to apply the Civil Liability Law for defamation of online media cases citing another law that they were not defined as media. This practice has been legalized by the Appellate Court in Skopje, while quite another case law exists in the other appellate courts, which process defamation lawsuits against online media. AJM assessed the behavior of the courts in Skopje as politically motivated in order to give false alibi to the Government to introduce stricter regulation of online media. AJM filed a request to the Supreme Court for harmonization of the case law, but so far, no opinion is received. **(Section A.2)**

In Macedonia, the journalist profession is not licensed, but in the Law on Media there is attempt to define the term journalist. Such attempt by the government was rejected by the journalist community, which requires the definition to be erased from the law. **(Section A.4)**

Sources of information in Macedonia are protected by law, but practice shows something else. Journalist Tomislav Kezharovski was convicted in 2013 for revealing the identity of the protected witness, and the main reason why he was persecuted was his refusal in pre-investigative step to discover the sources of information. **(Section A.5)**

The right to free access to information of public character is guaranteed by the Macedonian legislation, but the law has too many grounds based on which institutions reject the requests for free access by citizens, and the deadline of 30 days for receiving the information is too long for journalists. On the other hand, institutions continue to be non-transparent to journalists, who ignore journalists' questions or give incomplete information. **(Section A.6)**

B. The position of reporters in the editorial office, professional ethics and level of censorship

Studies conducted in Macedonia in the last year show that there are serious restrictions on journalistic freedoms. This perception arises from journalists' polls conducted by journalist organizations and interviews with media experts.

Journalists easily lose their jobs because they have no legal protection from the institutions and because they do not know their rights. The wages are still low and are below the average monthly average income in the country, and only few journalists have secure job with permanent employment contract with secured social and labor benefits.

The average monthly net salary of the journalists is 18,800 denars, which is about 30% less than the average salary paid in the country in 2018. Half of them do not have employment contract for indefinite period, and smaller part is engaged with copyright contracts. According to the latest research by IUJMW, the majority of journalists are late for their pay. There are journalists in the other parts of Macedonia, who work even for wages lower than 12 thousand denars.

Due to this unfavorable situation of journalists, they become easily vulnerable to pressure in their editorial offices and practice self-censorship. They do not seek protection because they do not trust the institutions or because they will risk losing their jobs. Therefore, there is no single verdict related to mobbing to work against journalist. One of the indicators for the pressure in the editorial offices is the fact that most of the interviewed journalists insist on being anonymous because they fear they might have consequences for the work. **(Section B.1)**

Private media does not publish internal acts in their websites that guarantee the independence of the editorial collegium from media management. The most flagrant example of involvement of the management in the freedom of journalists is the director of the national private television station, who publicly admitted that he had ordered the editor-in-chief not to publish the statements of the president of the Association of Journalists of Macedonia. **(Section B.2)**

The situation is similar with the journalists in the Macedonian Radio-Television, where due to the politicization of the governing bodies and the unfavorable financial situation, they are exposed to pressure through the initiation of disciplinary measures, financial penalties, redistribution to other jobs, etc. On the other hand, "obedient" journalists "rewarded".

Professionals are marginalized and are given side topics to process, and this is reflected to the content of information programs. **(Section B.3)**

The pressure on non-profit media, some of which are engaged in investigative journalism, has decreased compared to the pressure that has been present in the last few years when journalists and editors from these media were often discredited in public on a personal basis and hate speech was used towards them because of their public criticism of the authorities and businessmen close to the government. (Section B.4)

Faced with this unfavorable position, journalists in the public and private media rarely work on sensitive topics, and mostly cover daily political events. Debates in private television are now more common, but in public, there is impression that the same experts, close to certain political and economic power centers, are part of the defile in those programs. **(Section B.5)**

C. Journalists' security and statistics on impunity

The number of attacks on journalists has decreased, but institutions have strong presence of policy of impunity for violence against journalists. In the past year, the Association of Journalists registered six attacks on journalists, one physical assault, and one death threat, two arbitrary detentions from the police, one case of destruction of journalist's property, and one case of interrupting photo reporters from reporting on a public event. Compared to the previous year, when there were 18 attacks, the number was reduced by three times.

It is positive that this year the institutions have broken the policy of impunity for violence against journalists, which lasted nearly ten years. Macedonian courts in this period brought two court verdicts with which the journalists' attackers are sentenced with imprisonment or fine. **(Section C.1)**

The reduction of pressure on journalists as result of the change in the political environment was noted by the European Commission in the report on the progress of Macedonia in 2018.² However, the Commission estimated that it is not enough for the authorities to just register and condemn the attacks, but the public prosecutor should seriously investigate and call the perpetrators on responsibility.

In September this year, the Skopje 1 Court of First Instance sentenced Matija Kanikov to six months in prison. Matija Kanikov in February last year, after the end of the protest for the Movement "For a common Macedonia" against the establishment of the new government, physically attacked the journalist from the portal A1 Aleksandar Todevski and cameraman Vladimir Zhelchevski. After a month, the police clarified the case and filed criminal charges against Kanikov³, and in September this year the court sentenced him to prison.⁴ The defense announced appeal to the verdict and awaits the decision of the Court of Appeal in Skopje.

The institutions conducted efficient procedure in the case of journalist Armando Braho from Struga, who was physically attacked by activists of the opposition Alliance of Albanians of Zijadin Sela in January 2018 in order to prevent him from reporting from the campaign

rally of this party.⁵ The police soon identified the invaders and filed charges before the Struga District Court. After six months, the court found guilty Braho's attackers and fined them. This court decision is appealed against by the defense.

What is most worrying about the safety of journalists in 2018 is the fact that the police arbitrarily detained several journalists at a police station and hindered them in carrying out their professional work. **(Section C.2)**

The first serious incident involving journalists from the interior ministry occurred in November 2017, when police officers detained the cameraman from TV 21 Ibrahim Mahmuti and the photo reporter from Kosovo Blerim Uka.⁶ They were detained at the station for more than six hours on charges that during the announcement of the verdict on the controversial case "Monster", they were drawing the judge in the courtroom.⁷ The two journalists were released after the international community intervened on the case, and representative of the OSCE talked with the officials in the police station. After this incident, the police did not initiate any action against its members due to detention of journalists.

An easy incident with a journalist, police triggered during the protest in June against the Treaty of Greece with the Parliament when the Infomax journalist Borislav Stoilkovich was detained, on the pretext that he was shooting the policemen in their faces and refused to legitimize.⁸

Worrying fact is that large parts of the attacks that have occurred over the last five years are not fully resolved or the procedures are inadequately guided. The new leadership of the Ministry of the Interior complained that they would not be able to find the perpetrators in number of cases because the previous government conducted the investigations unprofessionally, and in some cases, there was lack of evidence.⁹ Out of the 59 attacks on journalists that have occurred in the last five years, the police have completely resolved only seven with criminal charges filed against the perpetrators. **(Section C.3)**

2 European Commission, Skopje, 2018, <https://bit.ly/2qJP0Kv> accessed on September 5, 2018.

3 AJM, "MOI resolved the attack on the journalists of A1 On", Skopje, 2018, <http://znm.org.mk/?p=3119>

4 AJM, "The prison sentence for the attacker of the journalists from A1on is greeted", Skopje, 2018, <http://znm.org.mk/?p=4663>

5 AJM, "Conviction for the attack on the journalist in Struga", Skopje, 2018, <http://znm.org.mk/?p=4196>

6 AJM, "AJM condemns the detention of journalists in the police", Skopje, 2017, <http://znm.org.mk/?p=3866>.

7 AJM, "AJM condemns the detention of journalists in the police", Skopje, 2017, <http://znm.org.mk/?p=3866>.

8 Press24, "Video: Detained journalist during yesterday's protests - police dragged him to the van", Skopje, 2018, <https://bit.ly/2NvoUs5> accessed on July 24, 2018.

9 Tochka, "Spasovski: 15 unresolved cases for attacks on journalists, deliberately have not been resolved on time", Skopje, 2018, <https://bit.ly/2QcXx4F> accessed on September 28, 2018.

The police discovered the attacker of the owner of the portal Dokaz, Marjan Stamenkovski, who was physically attacked in the center of Skopje in 2015, and suffered serious bodily injuries. The attacker of the A1 journalist, who was physically attacked in downtown Skopje after the protest of the “For Macedonia” movement, was also discovered.

According to the report, the police so far have failed completely to resolve 13 cases of attacks on journalists, related to physical attacks and threats and destruction of property. The physical attacks and the destruction of the equipment of several journalists by participants in the protests of the “For Macedonia” movement, which violently entered the Parliament on April 27, 2017, prevented the formation of the new government. Police failed to detect even the perpetrators who set fire to journalist Branko Trickovski in 2015.

The police completed the investigation for eight attacks, and filed request for initiation of misdemeanor procedure, out of which, four cases relate to physical attacks, i.e. in two cases the journalists were exposed to visible injuries. These heavier attacks are treated in the same manner as other attacks when journalists receive slaps or threats that they will be physically attacked.

The police did not complete its work for other eight cases, when after completing the investigation, instead of submitting appropriate applications, only submitted notifications to the Public Prosecutor’s Office. This can be interpreted as attempt by the police to mask the cases in order to lure them into police-prosecutorial labyrinths.

Such is the case of police officer who beat the journalist in protest against the abolition of senior officials of VMRO-DPMNE accused of crime in 2016, in front of the Office of President Gjorge Ivanov in the center of Skopje. In addition, it was established that the police officer had overstepped his official authority, but the police refused to file complaint against him, but only informed the Prosecutor’s Office about this, which has not taken any action regarding this case.

Seven cases are considered by the police as closed as they have instructed the damaged journalists to protect their rights by filing private lawsuits. In the report there is data whether the police identified the invaders and provided evidence that were made available to the victims in order to have more effective court proceedings.

For the two cases and inaccessibility to detect the invaders, the MoI filed criminal charges against unknown perpetrators and closed two other cases because it

considered that there were insufficient elements to open investigation.

In inability to detect the attackers of journalists, in two cases the police raised criminal charges against unknown perpetrator. This is the case of journalist from Ohrid, who was attacked by unknown persons with metal rods, causing him serious bodily injuries.

Sometimes, insults towards journalists, threats, and even death threats, are resolved by the police only by written or oral warning for the perpetrators. In this manner, the police believe has resolved ten cases of verbal attacks and threats to journalists. There was only warning for the person who in 2010 physically threaten journalist Borjan Jovanovski in front of the restaurant because of his critical attitudes towards the then government. There was only oral warning for the private security at the Trade Center in Shtip, which in 2017 prevented journalist from TV 24 News to record the construction work in the Center and damaged his camera.

In Macedonia, there are no special mechanisms for monitoring and reporting on the attacks and threats against journalists. Based on reports from the Ministry of Interior and the Public Prosecutor’s Office, there is negative phenomenon in the conduct of investigations into the attacks against journalists. These two institutions are blaming each other for dragging down the investigations. On the one hand, the police claim that many cases have been resolved and delivered before the prosecution, and from there they say that the police did not identify the invaders and did not provide enough evidence for the efficient conducting of the proceedings.

No state institution in Macedonia maintains register of attacks and threats to journalists. In addition, with the exception of the police, prosecutors and the judiciary, they are generally closed for sharing information related to attacks on journalists.

The government declaratively condemns all incidents and attacks on journalists.¹⁰ Prime Minister Zoran Zaev and other senior government officials regularly condemn these attacks and urge the law enforcement authorities to investigate and punish the attackers.

So far, the military and police have not adopted internal documents, which will teach their members how to deal with journalists. These institutions do not have any rulebooks that prohibit threats, intimidation or attacks on journalists.

10 Government, “Reaction to the threat for the president of AJM Naser Selmani”, Skopje, 2018, <http://vlada.mk/?q=node/14224>, accessed in September 2018.

The new government in Macedonia showed greater readiness to cooperate with the Association of Journalists to clarify all attacks on journalists. In December 2017, the Ministry of the Interior signed Memorandum with the AJM, which envisaged organizing joint activities to end the policy of impunity for attacks against journalists.¹¹ Two trainings¹² were organized in Skopje¹³ and five in other major cities in Macedonia.

In attempt to break the policy of impunity for violence against journalists, AJM representatives in January met with the public prosecutor of Macedonia, Ljubomir Jovevski.¹⁴

In Macedonia, the prosecution and judiciary investigations for the violence against journalists are inefficient and ineffective. Their actions are difficult to follow because the two institutions are closed. The results of the prosecution's report on the conducted investigations are not at all encouraging. Out of ten open cases, in four cases, the Prosecution rejected the criminal charges because, according to their assessment, it is threat to security, which is not prosecuted ex officio.

The other five cases are still at the beginning of the investigation, although one of the attacks took place four years ago and another one was two years ago. The prosecution argues that it is still working to determine the identity of the attackers and to obtain credible evidence. In two cases, the police did not even act upon the Prosecution's request to identify the attackers. Only in one case, the investigation is advanced, where the attacker is identified by the police, and the prosecution works to determine the factual situation, followed by prosecution decision.

In the judicial and prosecution system in Macedonia there are no separate departments working on investigations into cases of persecution, protection and restitution of journalists in order to ensure their safety and to prevent the policy of impunity. The analysis of reports on the manner police and prosecutors conduct procedures for attacks and threats to journalists confirms that institutions not only can not punish inspirers and contractors of attacks on journalists, but they are largely unable to identify them and punish the perpetrators of the attacks.

Institutions responsible for resolving attacks on journalists on their own initiative have never organized trainings for their employees about the importance of protecting and promoting freedom of speech.

11 AION, "AJM and MOA signed Memorandum of Cooperation", Skopje, 2017, <https://aion.mk/archives/838401>, accessed in September 2018.

12 AJM, "To end the policy of impunity, to punish the abusers", Skopje, 2018, <https://znm.org.mk/?p=4370>, accessed in September 2018.

13 Safejournalists.net, "Trainings with police for greater security of journalists in protests", Skopje, 2018, <https://bit.ly/2CWpnPX>, accessed in September 2018.

14 AJM, "AJM Representatives met with the Public Prosecutor", Skopje, 2018, <http://znm.org.mk/?p=4173>, accessed in September 2018.

A

Legal protection of media freedom

A.1. Does national law provide guarantees of media freedom and are they effectively implemented in practice?

The constitutional guarantees¹⁵ regarding the freedom of the media are not fully transformed into legal guarantees. The legal and bylaw regulations are not in full harmonized with the recommendations of the Council of Europe and the practice of the European Court of Human Rights in Strasbourg. The non-respect or selective application of the law additionally impedes the freedom of the media. Interventions in the legal framework that will be discussed in this report refer to changes in four laws: 1) The Law on Audio and Audiovisual Media Services; 2) The copyright law; 3) Law on Free Access to Information of Public Character; and 4) Electoral Code.

Similar to the previous year, media freedom in the last 12 months was one of the hot topics of political and expert public debate in Macedonia. In the course of 2018, the Government through Plan 18, pledged to improve the ambience of media freedom in the Republic of Macedonia in the forthcoming period. The Plan envisaged changes in the Law on Civil Liability for Insulting and Defamation, preparation of separate Report on the Implementation of the Agreement between the Ministry of Internal Affairs and the AJM on cases of violence against journalists, model for assistance to the printed media has been established, and are planned amendments to the Law for the establishment of PE Macedonian Broadcasting.¹⁶ Regarding the previous Plan 3-6-9 from 2017, new elements in Plan 18 are the changes in the first three aforementioned laws, and can be noted that from the initial plan 3-6-9 only the promises regarding stopping the advertisements in the media were achieved, though there was a moratorium before.

Do the strategic documents on media reform and media legislation have been developed in transparent and inclusive process?

The basic legal framework for the media in Macedonia consists of the Law on Media¹⁷ and the Law on Audio and Audiovisual Media Services (LAAMS).¹⁸ In the

period covered by this report, there were several interventions in the existing legal framework concerning the media.

The changes in the LAAMS have been prepared since the period of the so-called Przhino process 2015-2016, when at that time leading parliamentary parties agreed on certain reforms in the media sphere, as media field was marked as critical for the democratic development of Macedonia. This was highlighted in the Priebe's Report and was part of the Urgent Reform Priorities.¹⁹

In September 2017, the Government prepared Draft Amendments to the Law on Audio and Audiovisual Media Services.²⁰ The basis for the proposed legal text with some amendments and additions was the text proposed by five media organizations in 2016 as part of the media reform request. The explanation of the proposed amendments states, "the main reason for this is the fact when in 2013 the Law was adopted the Government and Parliament which ignored the journalists and media organizations remarks. In addition, the key recommendations of the Council of Europe and OSCE experts regarding the reduction of political influence on the media, the public service and the media regulator were not incorporated."²¹

However, at the public debate on the proposed legal changes, AJM had remarks to the inconsistency in the views of government officials by stressing that at the beginning of the mandate they signed the statement to support self-regulation, while with the proposed text, the Government added provisions (Article 61) with which tried legally to regulate ethical standards in the reporting which in fact, could have resulted with the abolition of self-regulation.

Most of the remarks in the public debate concerned the public broadcasting service and its funding. Although AJM and other media civil society organizations demanded that the funding of PBS to be one percent of the budget, in the proposed changes the Government accepted 0.7 percent, which would not provide consolidation and financial sustainability of the public service²².

In the public hearing, AJM presented number of other proposals and views regarding the proposed solutions, mostly in the sections that dealt with: a) the public ser-

15 Constitution of the Republic of Macedonia.

16 Page 14, Plan 18 the Government of the Republic of Macedonia.

17 Law on Media of the Republic of Macedonia

18 Law on Audio and Audiovisual Media Services of the Republic of Macedonia.

19 European Commission, Emergency reform priorities for the Former Yugoslav Republic of Macedonia https://eeas.europa.eu/sites/eeas/files/urgent_reform_priorities_mk.pdf Accessed on July 11, 2018.

20 META, "The text of the amendment proposal", Skopje, <https://meta.mk/wp-content/uploads/2017/09/ID-Zakon-za-AAVMU.doc> dated 15 August 2018.

21 Introduction, page 1 of the Draft Amendments to LAAMS.

22 Academic, "Public Discussion on Draft Amendments to the Law on Audio and Audiovisual Media Services", Skopje, 2018 <https://www.akademik.mk/javna-diskusija-za-predlozenje-izmenite-vo-zakonot-za-audio-i-audiovisual-media-services/> accessed on June 14, 2018.

vice reform - the Macedonian Radio Television (MRT); b) the regulator - the Agency for Audio and Audiovisual Media Services, as well as c) obligations towards private broadcasters. According to the final proposal that MISA sent to review to the EC, part of the AJM proposals were accepted, while some were rejected.

The biggest criticism and remark by the AJM referred to the reform of the Macedonian Radio-Television. According to the AJM, there are no real reforms in the media sphere without serious reform of the Macedonian radio-television. The departisation of governing bodies and the provision of sustainable system for public service funding are key to strengthening its independence and professionalism.

AJM's criticisms also apply to the amendment in Article 11 that is amending Article 48 and refer to Special prohibitions proposing deleting the words "belonging to marginalized group" and replacing them with "sexual orientation". In addition to this, AJM proposed the formulation of "other types of beliefs" in the text of the law to be erased and replaced with the words "anti-Semitism and xenophobia".

The main remark of the existing law on AAMS was about Article 92, which is interfering in the program scheme of private national televisions by imposing serious obligations on broadcasters in relation to the content of the broadcast program.²³

In the period of writing this report, the Draft Law on Audio and Audiovisual Media Services has been mired in the parliamentary procedure, as according to the Government, the opposition VMRO-DPMNE blocks the adoption of the Law by lengthening the amendment debate.²⁴

Does the authorities tried to limit access to the Internet and whether there were cases of blocking media content on the Internet?

In the period between August-September 2017 and August 2018, to which this report applies, there was no attempt by the Government to censor or filter Internet content. In the framework of the debate on media reforms, it was intensively debated on the need for regulation of internet (online) media. At the debate were presented different opinions as to whether or not to have registration or only evidence of the online me-

dia. AJM, as well as other vocal media organizations, including the Media Ethics Council, as well as the Independent Journalists' Union are opposed the idea of regulating online media, as it influence the freedom of speech and the media.

Does the media regulator perform its work independently and impartially?

Regarding the independence of the regulator and the public broadcasting service, new laws and by-laws in the current year that were supposed to strengthen the independence of AAAMS and MRT were not adopted. The remarks on the regulator's dependence on the political influences ascertained in the previous reports still stand.

All interviewed journalists and experts confirm that there is tendency to improve the work of AAAMS. Improvements are perceived as increased "proactively in relation to various occurrences and problems in the media sphere, as well as increased coordination and joint action with professional media organizations regarding the occurrence of discrimination and hate speech in the media, as well as for unprofessional media reporting."²⁵ Tamara Chausidis from IUJMW assesses the AAAMS as "quite different from before, which only confirms that the Agency functioned under party dictation, and in this interregnum, tried to show that they knew, but could not."

Is there a practice of state advertising in the media and is it misused to influence editorial policy in the media?

Progress has been made in this section over the past year. The Government gave up advertising in private media with public money. This was the practice of the previous Government, which was strongly criticized for this by the domestic and international public. The measure was welcomed by the AJM as very positive step towards the termination of the clientelistic ties between the government and the media owners²⁶.

However, as exception was left the advertising on social networks, as well as the statement that further "communication will take place through the public service"²⁷.

23 Media Observatory, "The law is only tool, and it is not the key for free and professional media", Skopje, 2018 <http://mediaobservatorium.mk/zakonot-e-samo-alatka-a-ne-e-kluch-za-slobodni-i-professional-media/> accessed on August 8, 2018.

24 Government, "MISA Mancevski for the Law on AAMS: I appeal for support and faster releasing of the reforms in the media sphere", Skopje, 2018 <http://vlada.mk/node/14925> Accessed on August 7, 2018.

25 Marina Tuneva, interview with a member of the AJM team, July 2017.

26 AJM, «Honored Abolition of Government Advertising», Skopje, 2018 <http://znm.org.mk/?p=3671>, accessed on July 25, 2018.

27 Media Observatory, "Amendments to the key media law are prepared", Skopje, 2018, <http://mediaobservatorium.mk/podgotveni-se-izmenite-na-kluchni-ot-mediumski-zakon/> Accessed on August 8, 2018.

Are there subsidies for the production of media content of public interest and if they exist, how are functioning in practice?

Currently there is no system solution for subsidizing media content of public interest. Towards the end of 2017, with the help of AJM, Association of Printed Media was established with aim to lobby the government for the subsidy of the newspapers. The Model²⁸ that the APM proposes consists of help to cover half of the printing and distribution costs to all printed media, as well as additional 20 per cent for helping the media of smaller ethnic communities to meet the criteria of the UNESCO conventions and the EU to help the media of smaller communities, in order to protect and promote their cultural and linguistic identity.

There is widespread interest at the Government to support the newspapers, and this is why it is envisaged in Plan 18, which is document for strategic policies for reforms of the Government.

Although the Government adopted decision not to spend public funds in private media and it is mainly respected by institutions that are part of the central government, this practice is different at the local level. For the purpose of this report, AJM has submitted requests to all municipalities to inform how much funds they have spent in the first half of 2018 and how much they plan to spend in private media, but also directly through copyright agreements with journalists. Two thirds of the municipalities responded, while the rest of the municipalities did not respond, and according to the data received in the first half, more than 15 million denars were spent on advertising purposes, and another 15 million denars are planned for the second half. According to this data, about 500.000 euro of public money will be spent in regional and local media or various advertising purposes. The amount is probably bigger, given that 18 municipalities did not respond.

What are the mechanisms for financing the media that report in the languages of the communities?

Within the public broadcasting service, there are services in the languages of the nationalities in the Republic of Macedonia - in the radio and TV program.

There are no other mechanisms for financing media in the languages of nationalities.

Are the independence and autonomy of MRT guaranteed and protected? Does the funding model provide independent and stable funding?

The public broadcasting service has no financial independence and stability. The position of the AJM is that the Government and the opposition are working jointly, "behind the scenes" against the implementation of the European Commission's recommendations on public service reform. The government attacks the financial independence of MRT by halving the financial sources, while the opposition by obstructing amendments and to the Law on AAMS tries to keep its party soldiers on the grounds in the management organs of the public service.

AJM believes that the Government violates the institutional autonomy and independence of MRT, the senior government officials publicly calling on the public service managers to resign, instead to find systematic solution to the politicization and partisanship of the governing bodies of the institution. It enters the MRT funding system contrary to the law, which provides for 0.5% of the budget to be used to fund the public service, which, on the other hand, is still treated as public company.²⁹

AJM proposed compromise solution with progressive increase of the budget for public service by start of 0.8 % in 2018 and ending with 1% of the budget in 2020.

28 Slobodna Evropa "Subsidies are needed, not new corruption of the newspapers", Skopje, 2018 <https://www.slobodnaevropa.mk/a/28943545.html> accessed on July 25, 2018.

29 AJM, "Reform of MRT with more money and with less party influence", Skopje, 2018, <http://znm.org.mk/?p=4469> accessed on August 7, 2018.

A.2. Does laws on libel cause effect of intimidation at journalists?

The defamation and the insult were decriminalized in 2012 with the adoption of the Law on Civil Liability for Slander and Defamation³⁰. In the past year, no changes have been made to this law, although, as noted above, the Government in Plan 18 foresees legal interventions that according to the announcements should correspond with the new European trends on these acts.

In the period from 2013 to 2015, numbers of disputes were initiated in the courts in which high-ranking government officials appeared as plaintiffs, and as defendants, journalists critical to the government. According to the data collected by AJM, in 2016 and 2017 it was trend of decreasing of such cases, i.e. about 30 cases per year. There is no precise record of the percentage of these cases initiated by civil servants or politicians, but the general impression gained from the interviews and the continuing monitoring of court practice is that authorities less use slander and insult as form of pressure towards critical journalism.

The exceptions are defamation lawsuits that senior DUI (Democratic Union for Integration) representatives have raised against critical media in Albanian language. DUI is coalition partner of SDSM in power, and was part of the previous government coalition with VMRO-DPMNE in the last 10 years. As illustration of this trend, the verdict of 20,000 euro for the journalist and editor-in-chief of the newspaper "Lajm" - Ilsen Saliu, was brought after the lawsuit filed by the leader of DUI Ali Ahmeti. The verdict was passed for article published in February 2016.

Do this judgment or behavior of DUI causes effect of self-censorship by the journalists?

The Macedonian courts do not fully apply the Law on Civil Liability for defamation and insult. They have different jurisprudence for slanderous pronouncements published in online media. The Skopje Court of First Instance and the Court of Appeal reject the defamation lawsuits against online media because they were not treated as media in the Law on Media, although the Law on Civil Liability for Defamation and Insult has special article regulating the manner of court acting where defamatory statements are published in online media. Unlike Skopje courts, the other appellate courts in Bitola and Ohrid are processing defamation lawsuits against the online media and deciding on the merits.

30 Official Gazette of RM, 143/2012.

AJM criticizes this practice as unacceptable as it is attempt to license the media. "Such practice of the court has political background, which should discredit the online media and provide false alibi to the government to introduce tougher regulation for them, contrary to the European standards for freedom of the Internet."

AJM submitted written initiative to the Supreme Court of Macedonia, requesting in the shortest time to harmonize the case law and in the future, the Civil Court and the Skopje Appellate to process the cases.

In the latest report on the application of the Law on Civil Liability for Defamation and Insult in the judicial proceedings against journalists in which are analyzed several court proceedings, the following conclusions are shared.

"1. The number of court proceedings against journalists is significantly lower in this four-year period and no high court fines are issued to journalists with the exception of individual court proceedings (for example: Mijalkov vs. the weekly Focus). 2. The procedures in which parties were public officials took place more quickly, and during the judges actions there was tendency for ungrounded protection of the honor and reputation of the officials. 3. The costs for conducting proceedings before the civil courts are very high, which allows those who sue journalists to have high monetary claims from the court; and 4. Despite the efforts of the Academy for Training of Judges and Public Prosecutors, AJM and other organizations, there is large number of judges who are still under-trained in court proceedings concerning insult and defamation as well as the use of the case-law of the European Court of Human Rights.³¹"

31 AJM, «The application of the Law on Civil Liability for Defamation and Insult in the Judicial Proceedings against Journalists», Skopje, 2018, <http://znm.org.mk/wp-content/uploads/2016/03/%D0%9F%D1%80%D0%B0%D0%BD%D0%B0%D0%BC%D0%BD%D1%81%D0%BD%D0%BE%D1%82-%D0%B7%D0%B0-%D0%B3%D1%80%D0%BE%D0%BE%D0%BE%D0%BE%D0%BE%D0%B0%D0%B8%D0%B8%D1%82%D0%B0%D1%82%D0%B0%D0%B2%D1%80%D0%B5%D1%81%D0%B0%D0%BA%D0%B8%D1%82%D0%B8%D0%B8%D1%82%D0%BF%D1%80%D0%BE%D1%82%D0%B8%D0%BD%D0%B8%D0%BD%D0%B0%D1%80%D0%B8.pdf>. accessed on August 22, 2018.

A.3. Is there sufficient legal protection for political pluralism in the media before and during the election campaigns?

During the period covered by this report, local elections were organized on 15 and 29 October 2017. During this election cycle, compliance with legal obligations by the media followed AAAMS, which tracked potential violations and complaints to the competent court. AAAMS systematically monitored the media coverage of the election campaign and regularly published reports on its website.

The Agency has initiated 14 misdemeanor proceedings against nine media outlets for violations related to paid political advertising, unbalanced reporting, public opinion polls, and injuries to the pre-election silence. The basic courts made decisions in four cases, three of which imposed fines lower than those prescribed in the Electoral Code and in one case only issued an official warning. Two decisions were appealed by AAAMS because of low fines.

According to the OSCE / ODIHR report, "AAAMS proved its professionalism during the elections, fully realizing its mandate, but the effectiveness of the decisions on media complaints was undermined by the fact that the courts missed the legal deadlines and awarded fines under those prescribed by law."³²

Regarding the media coverage by MRT, the assessment of the international observation mission was that MRT provided the presentation of all candidates, free of charge and in prime time. However, this opportunity was not used by all candidates. One of the conclusions in the report is that "... MRT lacked in-depth reporting, that limited analytical information available to voters, and provided scarce coverage for female candidates and politicians."

The OSCE / ODIHR commented on MRT's legal requirement to devote certain amount of time at all news for covering the parties' campaign activities. According to them, this solution should be replaced by more general requirement to allow "fair access and information coverage of smaller parties and independent candidates, as well as preserving the balance between the principle of equal opportunities between participants, pluralism of views and journalistic freedom".

Compared to previous election cycles when was identified the lack of fair coverage of the campaigns of the opposition parties at that time, the position of the OSCE Mission was that this time there was better rep-

resentation of political parties in private electronic media. According to OSCE monitoring, in the first round, SDSM received 40%, VMRO-DPMNE 35%, and DUI 9%. In the newspapers, the OSCE concludes that in both rounds, the monitored newspapers generally provided the most coverage for the two main parties, SDSM and VMRO-DPMNE, and were neutral in tone, except the newspaper Sloboden pechat.

All monitored media outlets, with the exception of the newspaper Sloboden pechat, respected the period of election silence in both rounds³³.

With the previous amendments to the Electoral Code in 2016, AAMMU was also supposed to monitor the online media. However, despite the legal obligation, AAAMS did not monitor the reporting of online media because there is no such regulatory practice in Europe.

On July 25, 2018, in a completely non-transparent manner, without proper public debate, the government and the opposition reached political agreement on the amendments and supplements to the Electoral Code. With the changes, the paid political advertising of the parties in the media during the election campaign is paid with public money.

In addition, the amendments to the Election Code give the State Election Commission the authority to register the online media reporting on the elections, as well as to monitor and evaluate the manner of reporting. Due to the unbalanced reporting, the SEC could impose fines for the media in the amount of 4,000 euros. The fees will be determined by body that will function within the SEC. In addition, Article 3, paragraph 11, instructs the participants in the election process to submit media plans for political advertising, which will then be paid from the Budget of the Republic of Macedonia to private media.

Previously, the position of AJM and other media organizations, which were known to the parties, is to abolish paid political advertising during election campaigns in private media. The amendments to the Election Code not only made it legal, but also ensured the maintenance of the old clientelistic relations between political parties and media owners established with government advertisements and the system of subsidizing the domestic program of national televisions. Therefore, AJM, together with IUJMW and CMEM, strongly reacted to these amendments to the Electoral Code, assessing that they directly endanger the media freedom allowing the parties to control their editorial policy.³⁴ The attitude of many organizations and media ex-

32 Final Report of the OSCE / ODIHR Election Observation Mission Page 20.

33 Final Report of the OSCE / ODIHR Election Observation Mission Page 23.

34 AJM, «Amendments to the Electoral Code endanger the work and freedom of the media», Skopje, 2018, <https://znm.org.mk/?p=4571> accessed on August 16, 2018.

perts is that these amendments to the Electoral Code are not in favor of the planned media reforms and will negatively affect the work of the media and the overall democratic environment during the pre-election campaign.

A similar line was also the reaction and AAAMS, which evaluated them as scandalous.³⁵ According to AAAMS, there were isolated cases for reimbursement of the costs of the media from the state budgets during the elections in European practice only for the media that are imposed obligations for free political representation of the participants in the elections in circumstances when it is forbidden to pay political advertising, which is not the case in the Republic of Macedonia.

Both AJM and AAAMS assessed these legal provisions as catastrophic decision that enters in the editorial freedom of the media, as the participants in the election campaign will prepare media plans for paid political advertising, instead of the media themselves. With the support of the AJM position, the European Federation of Journalists³⁶ issued statement, and on the same line, the Council of Europe Platform³⁷ for the protection of freedom of speech announced alert that these amendments could limit the freedom of the media.

A.4. Are the freedom of journalistic work and association guaranteed by law and is the law enforced?

The journalistic profession is not licensed in Macedonia, but in the Law on Media the term journalist is defined as “a person who collects, analyzes, processes or classifies information published in the media and is employed by the media or has agreement to work with or person who carries out journalistic activities as independent profession”.

The profession of journalist is not licensed in Macedonia partly due to the constant and loud insistence of the journalist community and journalistic associations when adopting the Law on Media. AJM with other media organizations were and still are against the definition of the journalistic profession by law, because it creates the basis for limiting the freedom of the journalists. Professional journalism can only be subject to self-regulation, and not to legal regulation. Therefore, the AJM’s commitment is to completely delete this article from the Law.

For the first time after prolonged period of deterioration, in the international organizations reports on the assessment of media freedom, Macedonia has noticed some improvement. Thus, in the Freedom House report, the situation is rated at 5, which is improvement from last year’s score 5.25. Similarly, in the annual ranking of Macedonia in the report of Reporters without Borders, Macedonia registered a slight increase from 111th to 109th place.³⁸

Media experts interviewed for the purpose of this report generally express these assessments:

“Yes, the situation with media freedom has improved, but the word ‘drastically’ is still inadequate. I would say that the situation is potentially improved.”³⁹

“I would not say it has improved drastically. I would say that there has been one movement of things, from bottom point for the freedom of the media to the point when it slowly began to create the hope that it will enter period of real reforms that will do good to journalism and the media in general.”⁴⁰

In Macedonia, in recent years, on several occasions, the circles close to the authorities raised initiatives for introducing licenses for the journalistic profession and

35 Pravidko, “AVMU: Scandalous decisions in the amendments to the Electoral Code”, Skopje, 2018, <https://www.pravidko.mk/avmu-skandalozni-reshenja-vo-izmenite-na-izborniot-zakonik/#more-65905> accessed on August 22, 2018.

36 AJM, “EFJ support from the AJM about amendments in the Electoral Code”, Skopje, 2018, <https://znm.org.mk/?p=4607> accessed on August 16, 2018.

37 AJM, “The Council of Europe alarmed on the restrictive amendments to the Election Media Law”, Skopje, 2018, <https://znm.org.mk/?p=4597> accessed on August 22, 2018.

38 Reporters without borders, Macedonia’s ranking for 2018, <https://rsf.org/en/republic-macedonia>.

39 Tamara Chausidis, an interview with a member of the ZNM team, July 2017.

40 Marina Tuneva, interview with a member of the AJM team, July 2017.

for regulating the online sphere with the main argument that there is lot of unethical and unprofessional journalism. The prevailing understanding was that the journalistic profession and the work of all media should be defined or covered by some general media or other law with aim to introduce order, especially in the online sphere. This tendency was also supported by the decisions of some courts not to accept defamation lawsuits or insults presented in online media, as any media law does not cover these media. This creates climate in the public that can again lead to public support for the licensing of online media. Moreover, with such decisions the courts, de facto beyond their legal competence, arbitrarily arguing who can be journalist, and who cannot, this is contrary to democratic practice in developed countries. Against the regulation of the online media were some of the interviewed contributors:

“The regulation of online media is unacceptable and unknown practice in democratic societies. At most what can be discussed is online media notification / registration as with print media. The study, made by the Council of Europe, also refers to this.”⁴¹”

It is fact that some of the media and journalists, criticizing violations of journalistic standards and copyrights by the media themselves, become supporters to the legal regulation of the profession. According to Marina Tuneva: “What is worrying is that ignorance is part of the media community, which is also supporting such tendency. Failure to cope with copyright infringement and the absence of self-regulating market resort to favoring regulatory compliance.”⁴²”

The general conclusion from interviews with 13 journalists realized for the needs of this report, regarding the freedom of journalistic work in the editorial board and outside it, is that in the past period it has noted slight improvement.

Most of the journalists are organized in professional associations. The largest and oldest association is AJM, founded in 1946, and it is member of the International Federation of Journalists (MFJ) and the European Federation of Journalists (EFJ). It is independent, non-governmental and non-political organization with goal to protect and promote freedom of speech and ethical journalism.⁴³ Since 2010, following the amendments to the Statute, the leadership of AJM is elected at free elections, in which all members of the organization participate, according to the principle one member - one vote. The next elections for the new leader-

ship of AJM will be organized in December 2018 when it is expected the new management of the Association to be chosen.

The Macedonian Journalists Association (MAN) was established in 2003 and was reactivated in 2013. All of its attitudes regarding the situation in the media sphere were almost identical to those of the previous Government of VMRO-DPMNE. In July this year was held in new electoral assembly, and around 20 journalists participated. MAN does not have its own website and it is not clear who is member, how many members and what are the methods by which it communicates with the membership and informs the public. MAN also does not have own code of ethics for journalists.

The Independent Syndicate of Journalists and Media Workers (ISJMW)⁴⁴ is an organization that was established in 2010 and is the only trade union organization for journalists and media workers. Although has emerged information in the media about establishment of new i.e. parallel, “pro-governmental” trade union of journalists, which will include journalists from media close to the former ruling party, as a counterpart of the MAJ, i.e. pro-government journalist association, this initiative was not realized after the previous a ruling party went in opposition.

The Council Media Ethics of Macedonia (CME) exists since 2013 as body for self-regulation in the media and their work is mainly based on determining public moral sanctions for those media that do not respect professional / ethical standards, the Code of Journalists and the Principles of International Federation of Journalists.

41 Zoran Trajceviski, an interview with a member of the ZNM team, July 2017.

42 Marina Tuneva, interview with a member of the AJM team, July 2017.

43 Information about the Association of Journalists of Macedonia can be found on its website: http://znm.org.mk/?page_id=719&lang=en.

44 Information about IUJMW can be found on the following website: <http://ssnm.org.mk/?lang=en>.

A.5. What is the level of legal protection for journalistic sources?

The Constitution of the Republic of Macedonia guarantees the right to confidentiality of the source of the journalist⁴⁵, according to which the journalist has the right not to disclose the source of information or to reveal information that will reveal the identity of the source.

The Criminal Code has no limit on the protection of journalistic sources. However, it is important to note that in spite of non-existence of restrictions, in 2013, the court used another legal provision for not disclosing protected witness's identity in order to put in jail a journalist due to the fact in the investigation procedure he refused to reveal his source for the story published in 2008.

The Law on Civil Liability for defamation and insult regulates civil liability for damage to honor and the reputation of natural and legal persons by defamation or insult, but it also determines that journalists cannot be imposed disclosure of their sources. The court may require the journalist to disclose information to verify the truth of published statements without identifying the source of the information.

During the reporting period, no new cases of violation of the right to secrecy of sources of information have been identified.

A.6. What is the level of protection of the right to access to information?

The Law on Free Access to Public Information was adopted in 2006 and has been amended several times⁴⁶. As noted in last year's report, the Law is not fully in line with the basic principles established in international law. The 30-days deadline for obtaining public information is too long for journalists and there are numerous grounds by which public institutions can deny citizens right to access to certain information. In practice, in 2016 and 2017 was also noted that the Law is generally or incompletely implemented. 87% of surveyed journalists in 2016, whose requests were answered, rated the answers as incomplete.

In 2017, AJM along with several other media organizations requested amendments to the Law on Free Access to Public Information in order to establish shorter deadline for access that would allow journalists quickly to obtain the requested information and documents (preferably between 7 and 10 working days). In addition it will minimize the grounds for refusal of requests for free access to public information i.e. not leave space for institutions for arbitrary interpretation of the grounds for refusal in order to hide information and to disable the right of access.⁴⁷

This year, a process for amending the Law has begun; the latest information regarding the legal project is from March 2018. The Commission for Free Access to Public Information is dysfunctional, because three out of five members of the Commission have resigned. Within this third survey, AJM requested access to public information from all municipalities with request for information on spent and planned advertising assets in 2018. Within the legal deadline, 62 municipalities replied to the request, while 18 did not. Some of the municipalities, such as Kavadarci and Strumica submitted answers that did not correspond with their answers received by journalists on the question how much funds they spent in the first half of 2018, i.e. how much they plan to spend by the end of the year.

One of the significant legal projects that are being placed into procedure is the Draft Law on Amending the Law on Free Access to Information of Public Character. The reason for the proposed amendments is the incomplete implementation of the Law and the absence of its consistent application, resulting in the need to improve its text. This was also noted in the past versions of this report as difficulty that journalists encounter when performing their professional tasks, and the AJM itself, is confronted with the same difficulties in its work, including obtaining relevant data from the institutions in the preparation of their reports.

46 Law on Free Access to Information of Public Character.

47 IUJMW, "Systemic Media Reform Requirements", Skopje, 2017, <https://ssnm.org.mk/%D0%B1%D0%B0%D1%80%D0%B0%D1%9A%D0%B0-%D0%B8%D0%B0%BC%D0%B8%D1%81%D1%82%D0%B5%D0%BC%D0%D0%BE%D0%B8%D1%80%D0%B8%D1%83%D0%BE%D0%D1%80%D0%BC/> accessed on July 25, 2018.

45 The Constitution of the Republic of Macedonia, Article 16.

B

**Legal protection of
media freedom**

This year, the analysis shows that there are still serious restrictions on journalistic freedoms in Macedonia, as result of the poor economic and social status of journalists. Furthermore, the salaries of journalists remain low and are below the average monthly average income in the country, and the percentage of journalists who have a secure job with a permanent employment contract with secured social and labor benefits remains low.

For this part of the report, a group of journalists and representatives of media organizations and institutions were consulted through a pre-designed questionnaire, in order to obtain answers to questions related to the professional, economic and social status of journalists.

These data are gathered from interviews with journalists and representatives of media organizations and institutions, realized for the needs of this research, which is related to the professional, economic and social status of journalists. In addition, annual publications and reports from several domestic and international organizations that analyzed the situation regarding the freedom of expression and the rights of journalists in the Republic of Macedonia were taken into account.

In 2018, the trend of closing media continues, and there are currently national televisions for which bankruptcy proceedings have been opened and are ongoing. This directly affects the reduction of the number of employees in the media sector.

Often, reporters who are out of work open informative online media or transfer to existing ones, which usually have very small number of employees. This affects the quality of published content and often violates professional and ethical standards. In conditions when journalists are exposed to pressures inside the editorial offices, often with fear, but also due to lack of knowledge on their workers' rights, they do not sue. **Therefore, in Macedonia there is still no court case for mobbing initiated by a journalist.**

B.1. Is the economic situation of journalists misused in order to limit their freedom?

The economic independence of journalists is one of the first prerequisites for professional journalism and it is therefore necessary to have protective mechanisms that will enable journalists to perform their work without pressures.

The economic situation of journalists continues to be misused to limit their freedom. From the questionnaires submitted to the membership of the AJM, according to the received answers, the average salary of journalists is 18,800 denars net per month, which is about 30% less than the average salary in 2018. Half of them do not have employment contract for indefinite period, and smaller part is engaged with copyright contract. These findings are confirmed by the results of the latest analysis of the Independent Union of Journalists and Media Workers (IUJMW) conducted in July and August 2017, which involved 127 media workers.⁴⁷ According to this analysis, 85% of journalists have a salary of less than 500 euro per month, and 45% of their salary is lower than the national average.

Some of the members of the AJM who responded to the questionnaires say that they are working for less than 12,000 denars monthly income, and another striking indicator is the large difference in the incomes of journalists working in the other towns in the country compared to colleagues working in the media in Skopje. Regarding the regular payment of the monthly

47 IUJMW, "Media wage stuck below the average", Skopje, 2017, <https://ssnm.org.mk/plata-medmedija-slavenka-pod-pr/> Accessed on August 4, 2018.

salary of journalists, according to the latest survey of IUJMW⁴⁸, more than 55% of journalists are late for their salaries. In this regard, Dr. Snezana Trpevska commented:

“Together with security, the issue of socio-economic and working status is crucial. One journalist can withstand pressures in the short term, but if he does not receive regular and sufficient salary for years, he is not sure about the job, he does not feel protected during his employment, and he will gradually succumb to the pressures. “

Censorship in the media is still present, and journalists are afraid to report it. In that direction, Trpevska adds:

“The fear comes from their insecurity in terms of workplace, salary, weight of the profession itself. For years, they have become conformists, it’s not easy to be journalist, and especially it’s not easy if you are not protected, if you know that colleagues have lost their jobs, they were threatened by the director or the owner. Editors are, in my opinion, the key link in the protection and encouragement of journalists. If they are professional and independent, they will affect the overall atmosphere in the editorial office.”

The reason for not reporting censorship in the editorial offices is directly related to the socioeconomic problems that journalists have. In this regard, Tamara Chausidis, president of IUJMW, says:

“The fear is justified, not only will they be punished with dismissal (in the first given opportunity), but they will not receive support from colleagues, and the chances of new employment are reduced because they will be labeled as ‘problematic.’”

An additional indicator that there is fear among journalists to speak publicly about pressures by editors or media management is the fact that most journalists who responded to the questionnaires in this study asked to remain anonymous.

A positive development in 2018 is the announcement of a bargaining agreement⁴⁹ to sign collective agreement between the Macedonian Information Agency (MIA) and IUJMW, a process supported by the Ministry of Labor and Social Policy. If MIA in the near future signs the IUJMW proposal-collective agreement, this will be positive example, especially for other news agencies, but also for commercial media, and will contribute to greater social protection for journalists and media workers.

Regardless of the poor economic situation in which the media and journalists are located, it must be emphasized that in the last year there has been improvement in the manner in which the media reports and greater presence of public criticism towards government policies. One of the reasons for this is the total democratization of the public sphere that happened with the change of government, which reduced political pressure on the media.

The number of journalists and media workers remains unclear this year too, but it is assumed that there are fewer journalists compared to previous years. Official indicators are only for the audiovisual sector published by the media regulator. Thus, **in 2017, the total number of employees in the broadcast media was 2258, and in 2016, it amounted to 2416, which means that in 2017, 158 broadcasters worked in all broadcasters, including MRT, compared to the previous year.** Out of these people, in 2017 most of them were employed in the Macedonian Radio-Television (847 persons in total). In the private sector, most of them were employed by the five national terrestrial television stations, 612, and the least in the commercial radio stations at the state level.

48 Tamara Chausidis, an interview with a member of the ZNM team, July 2017.

49 IUJMW, «Negotiated Start of Negotiations for a Collective Agreement in MIA», Skopje, 2018, <https://ssnm.org.mk/government-page-of-pregovor-za-kol/> Accessed on 11 August 2018.

B.2. What is the level of editorial independence from media owners and management bodies?

On the web pages of private media are not published internal organizational acts separating the management from the newsroom, although the Media Act in this section prescribes certain rules. Thus, for example they do not respect obligation pursuant to Article 10 from the Law in Media⁵⁰ i.e. the publisher of the medium who is legal entity is obliged within 90 days of the commencement of the work, to adopt general act that will regulate: the composition of the editorial office, the rights, obligations and responsibilities the editor-in-chief, the editors and journalists, the mutual rights and obligations between the publisher of the media, the editor-in-chief, the editors and the journalists, the name and address of the media, the name of the issuer's responsible person as well as the editors in accordance with the internal organization.

Journalists do not sue editors and media owners when their rights are violated. Thus, at the moment, it is not known whether there is ongoing court case where journalist sues for mobbing, and there is also no effective verdict for this act. Although there were announcements in the public that journalists would file lawsuits for mobbing in the journalist union, however, according to President Tamara Chausidis, there were no such cases registered in the past year. This does not mean that the rights of journalists and media workers are not violated, but the reasons are often the ignorance of the general labor rights, and especially the right to protection from mobbing by journalists, mistrust in the courts, and the unfavorable working contracts that are most often concluded on fixed time.

On the other hand, the connection between the owners of individual media and power centers is often at the expense of journalists working in these media. Although the media regulator has not indicated such connection or hidden media concentration, in the past years there were numerous speculations in the public that some of the national media had only a formal owner behind power centers related to the business elite and the political parties. Some of these media, during the ruling period of VMRO-DPMNE, were financed largely by the funds from the budget allocated for public campaigns, which were artificially maintained on the market. After the interruption of state advertising, their

financial position deteriorated drastically, which also affected the position of journalists employed in those media. Thus, for example, TV Alfa registered serious reduction in revenues after the interruption of government campaigns that were paid with public money and for which there is moratorium since June 2015. The second example is the national radio Free Macedonia, which in 2018 lost the license for work, and it is known that seven out of nine regional media that were opened in 2014 and had huge public money revenues are already closed. Furthermore, the national cable television TV Nova, which is currently in bankruptcy, also had huge revenues from public funds, and it remained unclear the fact that this television used part of the MRT equipment.

Such examples, according to Zoran Fidanoski, member of the AVMU Council, are indicators that the media were often used to achieve political goals, and journalists were exposed to everyday pressures: *"I personally witnessed when in one media, one of the journalists read from his phone the text he received shortly before the news as a message."*

The only code that applies to all professional journalists is the Code of Journalists of Macedonia, adopted in 2001, according to which the Council of Honor of the AJM and the Ethics Council in the Macedonian media acted.

Most of the influential private media are members of the Council for Media Ethics in Macedonia (CMEM), a self-regulatory body established in 2014. They are thus formally obliged to adhere to the Code of Journalists. Except for the Code, over 90 private media are obliged to respect the Charter of Ethical Reporting during the election process.⁵¹ However, the few media with the greatest influence on public opinion often violated these principles.

50 AAAMS, «Law on Media», Skopje, 2017, http://avmu.mk/wp-content/uploads/2017/05/Zakon_za_mediumi_mkd.pdf Accessed on July 25, 2018.

51 IUJMW, «Charter for Ethical Reporting of Elections», Skopje, 2017, <http://semm.mk/novosti-4/2015-08-11-15-03-18/499-povelba-za-etichko-izvestuvanje-za-the-elections-were-held-on-november-27-2017>.

B.3. What is the level of Editorial independence of journalists in PBS?

Sustainable and independent financing of public services is one of the preconditions foreseen in the recommendations of the Council of Europe regarding the establishment and operation of public services. In conditions when MRT is one of the largest debtors in the Republic of Macedonia and has smaller budget each year, and its obligations are increasing according to the law, one cannot expect that this media will be independent and that journalists will be free to choose the topics and manner of reporting.

MRT in 2017, as a statutory obligation, after several years of announcements, adopted the Code of Ethics for journalists, creative personnel and all employees in MRT.⁵² This code has encountered more criticism from the journalistic community, due to the contents of the document, but also because of the lack of transparency in the process of creating it. The biggest shortcoming of the Code is the interference of journalistic ethics and working discipline with the rights and obligations of journalists arising from the labor relations.⁵³

Pressure on journalists in MRT remains the same given that there are no changes in the management of this medium and it is different from that of journalists who work in commercial media. In MRT, journalists primarily feel internal pressure and it is exercised through disciplinary measures by presumptuous, financial punishments, redistribution of other jobs, etc. In this regard, a journalist from MRT 1, who wanted to remain anonymous, for the purposes of this report says: “The subtle pressure for ordered articles continues, *journalists who are obedient are elected and then are rewarded in various ways from management, such as variables, business trips abroad, etc.*”

Particularly endangered category are correspondents who are only few in number and usually have temporary engagement contracts that can be easily broken up, which in fact has been the practice in the last few years.

B.4. What is the level of editorial independence of journalists in the non-profit sector?

Non-profit media are considered to cover radios that broadcast mostly content for young people on the Internet, as well as online media dealing mostly with journalistic research stories and financed predominantly or entirely by donor assistance from the international community.

Although the number of media broadcasting media is small, and there were only three such media in 2017⁵⁴, however, along with several online media that deal with investigative journalism, they are considered to have great independence in the selection of topics for reporting. Some of these media also have regular research stories on topics related to corruption, abuse of power, and the like.

Most of the informative online media are registered as civic associations⁵⁵ i.e. as civil organizations, but so far, no detailed analysis of their work and the status and independence of journalists have been conducted in this type of media editorial offices. What is remarkable is that the editions of these media are small and involve several journalists working on daily basis, funding is unstable and unsustainable given that these media depend on foreign donations and grants.

The pressure on non-profit media, some of which are engaged in investigative journalism, has decreased compared to the pressure that has been present in the last few years when journalists and editors from these media were often discredited in public on a personal basis and hate speech was used towards them because of their public criticism of the authorities and businessmen close to the government.

52 MRT, “Ethical Code of MRT for journalists, creative personnel and all employees in MRT”, Skopje, 2017, http://www.mrt.com.mk/sites/default/files/%D0%95%D1%82%D0%B8%D1%87%D0%BD%D0%B8%D0%BD%D0%B0%20%D0%9C%D0%A0%D0%A2_0.pdf Accessed on November 29, 2017.

53 AJM, “To postpone the adoption of the Code of Ethics of MRT”, Skopje, 2017, <http://znm.org.mk/?p=3102> accessed on November 27, 2017.

54 State Audit Office of the Republic of Macedonia, announcement for activity in the broadcasting from May 31, 2018.

55 Pina.mk; Prism.mk; New TV; BIRN is part of the well-known media that are registered as “non-profit organizations”.

B.5. How much freedom do journalists have in the news production process?

Due to the unsafe environment in which journalists work and especially because of the practice of impunity, as well as the poor economic conditions in which they operate, journalists from traditional media, including MRT, this year rarely deal with sensitive topics. In the news programs of the national media there are almost no critical topics that are outside the coverage of daily political events and developments. However, there is increase in TV debates in national televisions, while in the public, there is impression that there is no diversity of participants and that they are mostly the same experts, which are close to certain political and economic centers of power. They are experts for everything and are invited by media to take part in any debate, no matter what kind of topic is being processed.

The choice of reporting topics in regional and local media is even greater problem for journalists due to the small environment in which these media function, as well as the prominent clientele ties of owners with mayors and other local powers.

In the public service, a journalist who was interviewed, and asked to remain anonymous, said:

“Professionals are marginalized and are given secondary topics to process, which this reflects the content of information programs, such as news, current affairs, morning programs, and even contact shows with citizens.”

Additionally, according to the interlocutor, prevails favor towards the former ruling party, and the leadership in MRT in 2018 remains politicized, and this reflects on the choice of topics in the public service.

The situation in national televisions regarding the topics is different, and those televisions that strongly supported VMRO-DPMNE in their policies in the last year have changed the editorial policy. In the last year, they give way to the new Government, and at some of them, there is restraint in the support of VMRO, which was not the case before. This is yet another proof that journalists in these media almost do not have the right to choose topics, but the editors or managers of these media choose them. An example of this is the public statement of the director of Kanal 5 from August 2018, according to which he has given ban on broadcasting information from the Association of Journalists of Macedonia and considers this as editorial policy of the media, and not as a pressure for free information.



Legal protection of media freedom

The security of journalists in Macedonia in 2018 is improved compared to the previous year. The number of physical attacks and threats against journalists has dropped drastically. In the period from September 2017 to September 2018, the Association of Journalists of Macedonia registered six attacks on journalists, which compared to the previous year when there were 18 attacks, is three times less.

In the last year, police led investigations for the attacks on journalists more efficiently, however, the policy of impunity continued, especially when it comes to attacks on journalists by members of the police. The police did not investigate the detention of three journalists at the police station on charges of painting a judge in courtroom and police during a public protest. The incident involving the detention of a TV 21 cameraman and a photo journalist from Kosovo into a police station, fact which is part of the OSCE report on the local elections held in December 2017.⁵⁶

Certain improvements in the conduct of investigations and court cases in the attacks on journalists is noted in the work of the prosecution and the judiciary, but most of the cases are still trapped in court labyrinths. The Court Skopje sentenced a person to six months in prison for physically assaulting a journalist, while the Struga Magistrate Court sentenced five citizens with fine for the same crime. The two judgments are not valid, since the convicts have filed an appeal. However, the sentences handed down to the perpetrators of the attacks are very important, as it has ended the long-standing policy of impunity of the institutions for the violence against journalists.

The reduction of pressure on journalists as result of the change in the political environment was noted by the European Commission report on the progress of Macedonia in 2018.⁵⁷ However, the Commission estimates that it is not enough for the authorities just to register and condemn the attacks, but the public prosecutor should seriously investigate and call for the account of the perpetrators.

Worrying fact is that large parts of the attacks that have occurred over the last five years are not at all resolved or the procedures are inadequately guided. The new leadership of the Ministry of the Interior complained would not be able to find out the perpetrators for number of cases because the previous government conducted the investigations unprofessionally, and in some cases, there was also lack of evidence.⁵⁸

C.1.1. Attacks against journalists and other threats

In 2018, the Association of Journalists of Macedonia registered six attacks on journalists. Compared to the previous year when there were 18 attacks, this year the number of attacks has been reduced by three times. Last year there was only one physical attack on a journalist, one verbal threat to life, two unlawful detentions from the police, one incident in which the property of a journalist was destroyed and interruption of photo-reporters to portray a public event by a government of official.

It is positive that this year the institutions have broken the policy of impunity for violence against journalists, which lasted nearly ten years. Macedonian courts in this period brought two court verdicts with which the attackers of journalists are sentenced with imprisonment i.e. fine.

In September this year, the Basic Court Skopje 1 sentenced Matija Kanikov to six months in prison. Matija Kanikov in February last year, after the end of the protest for the Movement "For a common Macedonia" against the formation of the new government, physically attacked the journalist of the portal A1 He Aleksandar Todevski and camera operator Vladimir Zhelchevski. After a month, the police clarified the case and filed criminal charges against Kanikov⁵⁹ and in September this year the court sentenced him to prison.⁶⁰ The defense of the convicted announced appeal on the verdict and awaits a decision of the Court of Appeal in Skopje.

The institutions conducted efficient procedure in the case of journalist Armando Braho from Struga, who was physically attacked by activists of the opposition Alliance of Albanians of Zijadin Sela in January 2018 in order to prevent him from reporting from campaign rally of this party.⁶¹ The police soon identified the attackers and filed charges before the Struga District Court. After six months, the court found attackers of Braho guilty and fined them. This court decision is appealed against by the defense.

It is worth pointing out the positive practice of the new government, which in the past period publicly condemned the attacks on journalists and called on the competent institutions to punish the intimidators.⁶²

56 OSCE Final Report on October 2017 Local Elections, page 23 <https://www.osce.org/mk/odhr/elections/fyrom/372751?download=true> accessed on 5 September 2018.

57 European Commission, Skopje, 2018, <https://bit.ly/2qJP0Kv> accessed on September 5, 2018.

58 Tochka, "Spasovski: 15 unresolved cases of assault on journalists, deliberately not been handled in time", Skopje, 2018, <https://bit.ly/2QcXx4F> accessed on September 28, 2018.

59 AJM, "MOI resolved the attack on the journalists of A1 He", Skopje, 2018, <http://znm.org.mk/?p=3119>

60 AJM, "The prison sentence for the attacker of the journalists from Aton is greeted", Skopje, 2018, <http://znm.org.mk/?p=4663>

61 AJM, "Conviction of Journalist Attack in Struga", Skopje, 2018, <http://znm.org.mk/?p=4196>

62 Government, "Reaction to the threat to the President of AJM Naser Selmani", Skopje, 2018, <http://vlada.mk/?q=node/14224> accessed on July 25, 2018.

Prime Minister Zoran Zaev, Interior Minister Oliver Spasovski, and other senior government officials publicly condemned the attacks on journalists.

What is most worrying about the safety of journalists in 2018 is the fact that the police arbitrarily detained several journalists at police station and hindered them in carrying out their professional work.

The first most serious incident involving journalists was caused by interior ministry occurred in November 2017, when police officers detained in the police station camera operator from TV 21, Ibrahim Mahmuti and photo reporter from Kosovo Blerim Uka.⁶³ They were detained at the station for more than six hours on charges that during the announcement of the verdict on the controversial case “Monster”, they were shooting the judge in the courtroom.⁶⁴

Immediately after the journalists were detained, representatives of the AJM personally requested explanation from the heads of the police station, however, none of the responsible persons wanted to give any information or discuss with them. The two journalists were released after the international community intervened on the case, and a representative of the OSCE talked with the officials in the police station.

After the release, the journalists informed the AJM that during the hearing police investigators questioned not only the alleged shooting of the judge when the “Monster” verdict was announced, but also for other issues with security character. After this incident, the police did not initiate any action against its members due to detention of journalists.

Police caused an easy incident with a journalist before the Parliament, in June during the protest against the Treaty of Greece when the Infomaks journalist Borislav Stoilkovic was detained, on the pretext that he shot the police officers in his face and refused to legitimize.⁶⁵

AJM condemned the practice of arbitrary detention of journalists from the police, reminding that no law prohibits journalists from shooting police officers in protest because it is in the public interest to inform about the possible unlawful treatment of the police by the protesters.⁶⁶ In addition, the AJM rejected the police’s argument that the journalist refused to legitimize when it was clearly when detained, he had at prominent place his journalistic card.

Although the AJM called for responsibility for detaining journalists, the MoI refused to conduct investigation because it considered that there had been no violation of procedures and obstruction of journalists’ work.

In the last year, there was incident in which the reporter’s car was damaged. In September 2017, the journalist of the weekly Focus, Viki Klincharova complained that she received threats from a person from a criminal milieu, and few days later, she had her car damaged.⁶⁷ This case has not been investigated, although the AJM reacted to it and informed the media.

Police also have introduced bad practice in which unreported attacks are treated as if did not happen, no matter what the public reacted. The latest attack on a journalist occurred in July this year, when a government official prevented photo-reporters from taking a picture of a public event and insulted them.⁶⁸ The head of the Government’s Public Relations Department Marjan Zabrchanec prevented photo-reporters from photographing Prime Minister Zoran Zaev during the leadership meeting for alleged security reasons. After the incident, Zabrchanec received the photo reporters at a meeting and publicly apologized.

63 AJM, “AJM condemns the detention of journalists in the police”, Skopje, 2017, <http://znm.org.mk/?p=3866>.

64 AJM, “AJM condemns the detention of journalists in the police”, Skopje, 2017, <http://znm.org.mk/?p=3866>.

65 Press24, “Video: Reported journalist on yesterday’s protests - police dragged him to the van”, Skopje, 2018, <https://bit.ly/2NvoUs5> accessed on July 24, 2018.

66 AJM, “Conviction of attacks on journalists at the protest in front of the Assembly”, Skopje, 2018, <http://znm.org.mk/?p=4486>.

67 AJM, “Conviction of the damage to the vehicle of journalist Klincharova”, Skopje, 2017, <http://znm.org.mk/?p=3733>.

68 AJM, “Conviction of the incident with photo-reporters in the Club of Members of Parliament”, Skopje, 2018, <http://znm.org.mk/?p=4552>.

C.1.2. Murder of journalists and cases in the last 15-20 years

In the last ten years in Macedonia, two journalists were killed in very vague and strange circumstances. The official investigation claimed that it was a suicide, i.e. a car accident.

The first tragic event occurred in 2008, when the journalist from Utrinski vesnik Vlado Tanevski, a suspect for series of murders in Kichevo, reportedly committed suicide in Tetovo prison. According to the autopsy report, he committed suicide in a prison cell, drowning himself in a bucket of water. This autopsy report came to public resentment, due to the illogical explanation of how a person could drown in a bucket, but there were no official reactions to this controversial event.⁶⁹

The second tragic incident happened in 2013, when the journalist and owner of the independent weekly magazine Fokus, Nikola Mladenov⁷⁰ was killed in car accident near Skopje. The official investigation found that it was accident and denied the public's suspicions that it was murder.⁷¹ The then opposition, SDSM, cast doubt on the reliability of the official investigation and published information that the cause of Mladenov's death was supposedly not accident.⁷² In addition, the AJM then requested independent investigation in order to determine exactly under what circumstances the journalist died.⁷³

C.1.3. Pressure towards media, media and guild organizations

During this reporting period, there was one death threat towards the journalist and president of the Association of Journalists of Macedonia, Nasser Selmani by close relative of a local party official of the ruling Democratic Union for Integration in Skopje. The death threat to Selmani and his family was sent from the Facebook profile of Beqir Asani's brother, chairperson of the ruling DUI in Skopje. The threats came after Selmani publicly denounced Asani's bullying behavior against police officer who tried to punish him for improper parking by means of social networks.

Due to such brutal threats and the mild reaction of the authorities, the journalist community organized protest in front of the Government⁷⁴, where institutions were asked to put end to the pressures and threats on journalists. The Government and the international community quickly condemned the attack. OSCE High Representative for Freedom of the Media, Harlem Desire, condemned the threats and urged the institutions to investigate the case.

The case was immediately reported to the police, which take measures within its activities. However, the Skopje Public Prosecutor's Office refused to open investigation believing that there was no threat in the message. After the public reactions, the prosecutor Spasenka Andonov, however opened investigation and called both sides to give statements. After six months, prosecutor Andonova has not raised charge against Beqir Asani's brother, Bejtula Asani.

69 Večer, "How did he manage to drown in a bucket?!", Skopje, 2008, <https://vecer.mk/kako-uspeal-da-se-udavi-vo-kofa>, accessed in September 2018.

70 MKD.MK, "Famous journalist Nikola Mladenov was killed in a car accident", Skopje, 2013, <https://bit.ly/2Mw3UwR>, accessed in September 2018.

71 Slobodna Evropa, "Prosecution: The death of Nikola Mladenov - an accident", Skopje, 2013, <https://bit.ly/2Mu29QM>, accessed in September 2018.

72 Faktor, "Opposition with shocking data on Nikola Mladenov's death", Skopje, 2013, <https://bit.ly/2OoLBLE>, accessed in September 2018.

73 AJM, Skopje, 2015, <http://www.znm.org.mk/drupal-77/mk/node/887>, accessed in September 2018.

74 DW, "Journalist's protest in front of the government: tie up the dogs!", Skopje, 2018, <https://bit.ly/2CBRTt>, accessed in September 2018.

C.2.1. Do state institutions and political actors act appropriately to protect journalists?

The new government, which was formed in June 2017, declared zero tolerance for violence against journalists. One of the key points of the Reform Plan 3-6-9⁷⁵ was the fight against the policy of impunity.⁷⁶ The plan envisioned the Ministry of Interior Affairs to prepare special report on all attacks on journalists. The Report⁷⁷ was published in May this year, and the results clearly confirmed that Macedonia has clear policy of impunity for violence against journalists.

Out of the 59 attacks on journalists that have occurred in the last five years, the police have completely resolved only seven so far, with criminal charges filed against the perpetrators. According to the report, the police so far have failed completely to resolve 13 cases of attacks on journalists, and other 10 treated as resolved as it has warned the attackers in writing.

For eight attacks, the police completed the investigation and filed request for initiation of misdemeanor procedure, and in the same number of other cases, the Mol submitted a notification to the Public Prosecutor's Office.

The police considered seven cases by as resolved as the journalist were instructed to protect their rights by filing private lawsuits. The report does not note whether the police identified the attackers and provided evidence that were then made available to the victims in order more to effectively lead the court proceedings.

The Mol filed criminal charges against unknown perpetrators for two cases as were not able find attackers and closed two other cases because it considered that there were insufficient elements to open an investigation.

Out of the fully discovered attacks on journalists, for which police have filed criminal charges, most of them relate to physical attacks on journalists, and one incident for property damage and serious threat. The police discovered the attacker of the owner of the portal Dokaz, Marjan Stamenkovski, who was physically attacked in the center of Skopje in 2015, and suffered serious bodily injuries. The attacker of the A1 journalist, who was physically attacked in downtown Skopje after the protest of the "For Macedonia" movement, was also discovered.

Out of the 13 not resolved attacks on journalists, most of them relate to physical attacks, threats, and destruction of property. The physical attacks and the destruction of the equipment of several journalists by participants in the protests of the "For Macedonia" movement, which entered the Parliament on April 27, 2017 violently, prevented the formation of the new government. Police failed to detect even the perpetrators who set fire to journalist Branko Trickovski car in 2015.

It is unclear why the police cannot resolve who is attacker on journalist Borjan Jovanovski, who was spat and insulted in restaurant, the entire event that was reported by the thugs on YouTube. Later Jovanovski recognized one of the attackers at news conference of former Prime Minister Nikola Gruevski, but the police did not show interested in this testimony.

It is incomprehensible that the police treat as unresolved the councilors violent chasing out local journalist from session of the Municipality of Berovo. The journalist notified the police of the identity of the councilors, but the police so far have treated the case as unresolved.

In inability to detect the attackers of journalists, in two cases, the police raises criminal charges against unknown perpetrator. This is the case of the journalist from Ohrid, who was attacked by unknown persons with metal rods, causing him serious bodily injuries.

In eight cases, the police filed request for initiation of misdemeanor procedure. This means that the procedure is still at its inception, although years have elapsed since the occurrence of these attacks. It is also noteworthy that the police are not consistent with the qualification of the offenses when journalists are attacked. Due to unclear reasons, police treat similar incidents as one case as a criminal act and another, as a misdemeanor. Four attacks on cases for which misdemeanor charges have been filed relate to physical attacks on journalists, in two of them journalists had visible injuries. These heavier attacks are treated the same way as other attacks when journalists received slaps or threats that they will be physically attacked.

The police did not completed work for other eight cases, when, after completing the investigation, instead of submitting appropriate applications, only submitted notifications to the Public Prosecutor's Office. This can be interpreted as police attempt to mask the objects in order to lure them into police-prosecutorial labyrinths.

One of these cases is the case of a policeman who in 2016 with a police baton beat a journalist at the protest against the abolition of senior officials of the VMRO-DPMNE accused for committing criminal acts in front of the Office of the President, Gjorge Ivanov, at the center of Skopje. In addition, it was established that the police officer had overstepped his official authority, but the police refused to file complaint against

75 Government, "Plan 3-6-9", Skopje, 2017, <https://bit.ly/2Mqi21l>, accessed in September 2018.

76 Makfax, "Popovski: Every physical or verbal attack on journalists will be sanctioned", Skopje, 2018, <https://bit.ly/2Ni3wA0>, accessed in September 2018.

77 Makfax, "Spasovski: 15 unresolved cases of assault on journalists, deliberately have not been treated on time", Skopje, 2018, <https://bit.ly/2xjvpUC>, accessed in September 2018.

him, but only informed the Prosecutor's Office about this, which did not take any action regarding this case.

Police acted similarly with the case of journalist Borjan Jovanovski, when unknown persons in 2015 left a burial wreath in front of the house. In addition, the attack on the journalist from Voice of America, Isak Ramadani ended with reporting to the prosecution. Ramadani in 2014 was slapped by a participant at the protest against the verdicts of the "Monster" case before the Skopje Basic Court, but the police cannot resolve this case, although the attacker hit the journalist in front of the cameras, and there were many witnesses. The police and the Prosecutor's Office have not yet filed a complaint for a reported case where there was an explicit hate speech against journalists on social networks.

Sometimes, the police resolve insults, threats, and even death threats to journalists only by written or oral warning for perpetrators. In this way, police is at opinion that ten cases of verbal attacks and threats to journalists are resolved. There was only warning for the person who in 2010 physically threaten journalist Borjan Jovanovski in front of the restaurant due to his critical attitudes towards the Government at that time. There was only oral reprimand for the private security of the Trade Center in Shtip, which in 2017 prevented the journalist from TV 24 News to record the construction work in the Trade Center and damaged his camera.

The police have resolved seven attacks on journalists by advising the damaged journalists to protect their rights by filing private lawsuits against the attackers. These cases relate to threats and insults against journalists, as well as the destruction of their property. In two cases of assaulting journalist, the police did not open investigation because there was not enough evidence. It is interesting the case of a journalist from Skopje who was practically unlawfully deprived of his freedom by the private security of the supermarket, allegedly suspected of stealing. After the police investigated the case, it was found that the journalist did not steal anything from the supermarket, but no measures were taken against the private security.

C.2.2. Are there specific mechanisms through which attacks on journalists are followed?

There are no special mechanisms for monitoring and reporting on the attacks and threats against journalists in Macedonia. A declarative effort to combat the impunity of violence against journalists exists among all institutions, the police, the prosecution and the judiciary, but investigations are still running very slowly. The Ministry of Interior publicly acknowledges that most of the attacks cannot be clarified due to bad investigations conducted in the past, and in some cases, even evidence has been destroyed. AJM insists that the police call on its members for responsibility due to unprofessional and unlawful conduct.

Based on reports from the Ministry of Interior and the Public Prosecutor's Office, there is negative phenomenon in the conduct of investigations into the attacks against journalists. These two institutions are accusing each other for prolonging the investigations. On the one hand, the police claim that many cases have been resolved and delivered to the prosecution, and from there they say that the police did not identify the attackers and did not provide enough evidence for the efficient conduct of the proceedings.

No state institution maintains a register of attacks and threats to journalists in Macedonia. In addition, with the exception of the police, prosecutors and the judiciary, they are generally close for sharing information related to attacks on journalists. Despite persistent insistence, the prosecution only provided half-yearly information to the AJM about the cases related to journalists even after two months, while the Skopje Basic Court did not provide information about the proceedings before this court related to the attacks on journalists due to justifying formal reasons.

Solely the Association of Journalists of Macedonia manages a permanent and updated register of attacks and threats to journalists, which is publicly available on the website of the Association.⁷⁸

78 AJM, "Cases of violation of the rights of journalists - June 2018", Skopje, 2018, http://znm.org.mk/?attachment_id=4643, accessed in September 2018.

C.2.3. Are attacks against journalists recognized by government institutions?

The Government declaratively condemns all incidents and attacks on journalists.⁷⁹ Prime Minister Zoran Zaev and other senior government officials regularly condemn these attacks and urge the law enforcement authorities to investigate and punish the attackers.

The most important institutions in the country for conducting effective and efficient investigations on journalists' attacks, such as police, prosecutors and the judiciary, do not distinguish between attacks on journalists and ordinary citizens. From the current cooperation with them, it is clearly seen the tendency to equate attacks against journalists by attacks against other citizens. They do not recognize these attacks as an attack on freedom of speech and on democracies in general.

C.2.4. Are there documents within the police or military that serve as guide in case of violation of the rights of journalists?

So far, the military and police have not adopted internal documents, which will teach their members how to deal with journalists. These institutions do not have any rulebooks that prohibit threats, intimidation or attacks on journalists.

C.2.5. Do state institutions cooperate with the organizations on journalists' on security issues?

The new Government in Macedonia showed greater readiness to cooperate with the Association of Journalists to clarify all attacks on journalists. In December 2017, the Ministry of the Interior signed Memorandum with the AJM, which envisaged organizing joint activities to end the policy of impunity for attacks against journalists.⁸⁰

Within this cooperation, AJM and the Ministry of Interior with the assistance of the OSCE Office in Skopje organized joint trainings for journalists and members of the police for reporting from crisis events, such as protests or investigations. Two trainings⁸¹ were organized in Skopje⁸² and five in other bigger cities in Macedonia. The joint trainings aim was to get to know each other and to publish a Guide for Journalists and police for crisis reporting, which is still under construction.

In an attempt to break the policy of impunity for violence against journalists, AJM representatives in January met with the public prosecutor of Macedonia, Ljubomir Jovevski.⁸³ At the meeting, the representatives of the AJM asked the prosecutor for more effective investigation on cases of attacks on journalists. It was agreed to organize joint trainings for journalists and prosecutors aimed at better mutual recognition and informing about the importance of media freedom in a democratic society.

Such training⁸⁴ was organized in February 2018, when former judge at the European Court of Human Rights, Mirjana Trajkovska, delivered lecture to prosecutors and journalists on the ECHR case law on freedom of speech. Prosecutor Ivana Trajchevska was referring to the results of the investigations related to the attacks on journalists.

C.2.6. What is the last case of illegal wiretapping and monitoring of journalists and how do state institutions deal with this?

Apart from the big wiretapping affair in 2015, when hundreds of journalists were on the list of wiretapping by the secret police, AJM does not have information that in 2018 a journalist was exposed to electronic monitoring by the authorities. The legal dispute that AJM has initiated on behalf of the wiretapping journalists is still at the very beginning, since first a verdict should be issued confirming that there was wiretapping and then to request compensation from the state.

79 Government, "Reaction to the threat to the president of AJM Naser Selmani", Skopje, 2018, <http://vlada.mk/?q=node/14224>, accessed in September 2018.

80 AION, "AJM and MOI signed a Memorandum of Cooperation", Skopje, 2017, <https://aion.mk/archives/838401>, accessed in September 2018.

81 AJM, "To end the policy of impunity, to punish the abusers", Skopje, 2018, <https://znm.org.mk/?p=4370>, accessed in September 2018.

82 Safejournalists.net, "Trainings with police for greater security of journalists in protests", Skopje, 2018, <https://bit.ly/2CWpnPX>, accessed in September 2018.

83 AJM, "AJM Representatives met with the Public Prosecutor", Skopje, 2018, <http://znm.org.mk/?p=4173>, accessed in September 2018.

84 AJM, "AJM organized training for journalists, lawyers and public prosecutors", Skopje, 2018, <http://znm.org.mk/?p=4221>, accessed in September 2018.

C.3. How does the judiciary handle issues related to violence against journalists?

The prosecution and judiciary investigations on violence against journalists in Macedonia are ineffective and ineffective. Their actions are difficult to follow because the two institutions are very closed.

The Skopje Court of First Instance for the second year in a row refuses to provide information regarding the stage of treatment of the cases in which journalists are victims. Their justification is that the new Case Management System (ACCMIS) is based on codes, not on the names and professions of the parties.

After two months from when the request for information was submitted and after persistent interrogations, the Skopje Public Prosecutor's Office shared partial information on the investigations related to journalists. Out of the 59 attacks and threats against journalists, according to the MOI registry, the Prosecutor's Office in Skopje is investigating only ten cases, while there is no information about five cases that are prosecuted by the Prosecution in Ohrid.

The results of the prosecution's report on the conducted investigations are not at all encouraging. Out of ten open cases, in four cases, the Prosecution rejected the criminal charges as according to their assessment; it is threat to security, which is not prosecuted ex officio, but on a private suit.

The other five cases are still at the beginning of the investigation, although one of the attacks took place 4 years ago and another two years ago. The prosecution argues that it is still working to determine the identity of the attackers and to obtain credible evidence. In two cases, the police did not even act upon the Prosecution's request to identify the attackers. Only in one case, the investigation is advanced, where the police and the prosecution identify the attacker and work to determine the factual situation, followed by a prosecution decision.

The inefficiency of the proceedings of the court and the judiciary confirms the manner in which the cases against two journalists, Zoran Bozinovski and Tomislav Kezarovski are being prosecuted, who for years have been subject to prosecution. The Supreme Court for three years has not ruled on the appeal of Kezarovski, who in 2014 was sentenced to four and a half years in

prison for allegedly revealing the identity of protected witness. The appeals court upheld the ruling by reducing the prison sentence to two years, but the defense appealed to the Supreme Court.

The same fate had the case against Bozhinovski, who in 2013 was accused of spying, criminal association and blackmail, and to date there is still no first instance verdict, because his case is repeatedly postponed due to formal reasons i.e. the Prosecution does not have serious evidence. In July 2017, he was released after spending 15 months in custody. During the summer, the Special Prosecutor's Office⁸⁵ withdrew from one point of the indictment against Bozhinovski, but the trial is still ongoing. In September, the prosecution withdrew the indictment of a criminal association⁸⁶ because crime has expired and the same month was withdrawn the indictment for giving state secrets⁸⁷ because this crime was not stated in the request for his extradition from Serbia.

Media experts, who were interviewed for the purposes of this report, believe that the commitment of the government and institutions to put end to the policy of impunity for attacks on journalists, unfortunately, is still only declarative. Media law professor Snezana Trpevska claims that police refusing to prosecute police officers who have been conducting unprofessional investigations or destroying evidence for attacks on journalists continues the culture of impunity. "This leads to general disappointment among journalists about how the institutions behave towards their profession," Trpevska points out. According to her, if the institutions conduct effective procedures against the attackers, journalists will feel protected, free and more loyal to professional standards.

And Marina Tuneva, director of the Council for Ethics in the Media in Macedonia, thinks institutions should change the attitude towards the policy of impunity for attacks against journalists. "Any attempt to avoid accountability can be interpreted as maintaining a favorable ground for violence against journalists in any form," says Tuneva. She thinks that the unprofessional attitude of the institutions towards violence against journalists limits and frustrates journalists because they are faced with cruel reality typical of non-free societies.

85 AJM, "SPP will not prosecute Bozhinovski for issuing state secrets", Skopje, 2018, <http://znm.org.mk/?s=%D0%A1%D0%88%D0%9E>, accessed in September 2018.

86 Fokus, Zoran Bozinovski will not be prosecuted for the "Criminal Association "in" Spy", Skopje, 2018, <https://bit.ly/2N12VEZ>, accessed in September 2018.

87 MKD.mk, "SPP will not prosecute journalist Bozhinovski for giving away state secret", Skopje, 2018, <https://bit.ly/2Q015WW>, accessed in September 2018.

C.3.1. Are there specific institutions dealing with investigations when journalists' rights are violated?

In the judicial and prosecution system in Macedonia there are no separate departments working on investigations into cases of persecution, protection and reparation of journalists in order to ensure their safety and to prevent the policy of impunity. Special procedures do not apply even to cases where victims of attacks are journalists. The judiciary and the prosecution have never complained publicly that the journalist's cases cannot be managed effectively because of the absence of human and material resources.

For attacks on journalists in 2018, police react quickly to serious threats to journalists, but this cannot be said about the prosecution and the judiciary. Such quick reaction the police had in the case of the death threat to the president of AJM Naser Selmani.

C.3.2. Are investigations effective in cases where journalists are intimidated and attacked?

The analysis of reports on the way police and prosecutors conduct attacks and threats to journalists confirm that institutions not only cannot punish inspirers and contractors of attacks on journalists, but they are largely unable to identify them and punish the perpetrators of the attacks. In the report in the summer of 2018, police reported that out of 59 attacks on journalists in the last five years, 13 attacks have not been investigated at all, since the investigation by police officers was unprofessional, and in some cases, there is even suspicion that evidence has been destroyed.

Institutions responsible for resolving attacks on journalists on their own initiative have never organized trainings for their employees about the importance of protecting and promoting freedom of speech. At the initiative of OSCE and AJM, and in cooperation with the Ministry of Internal Affairs and the Prosecutor's Office, in 2017 series of trainings were organized for police officers, prosecutors and journalists on the subject of freedom of speech. On these trainings, it was clear that in general, police officers and prosecutors have little knowledge of the practice of the European Court of Human Rights in defending the freedom of speech.

