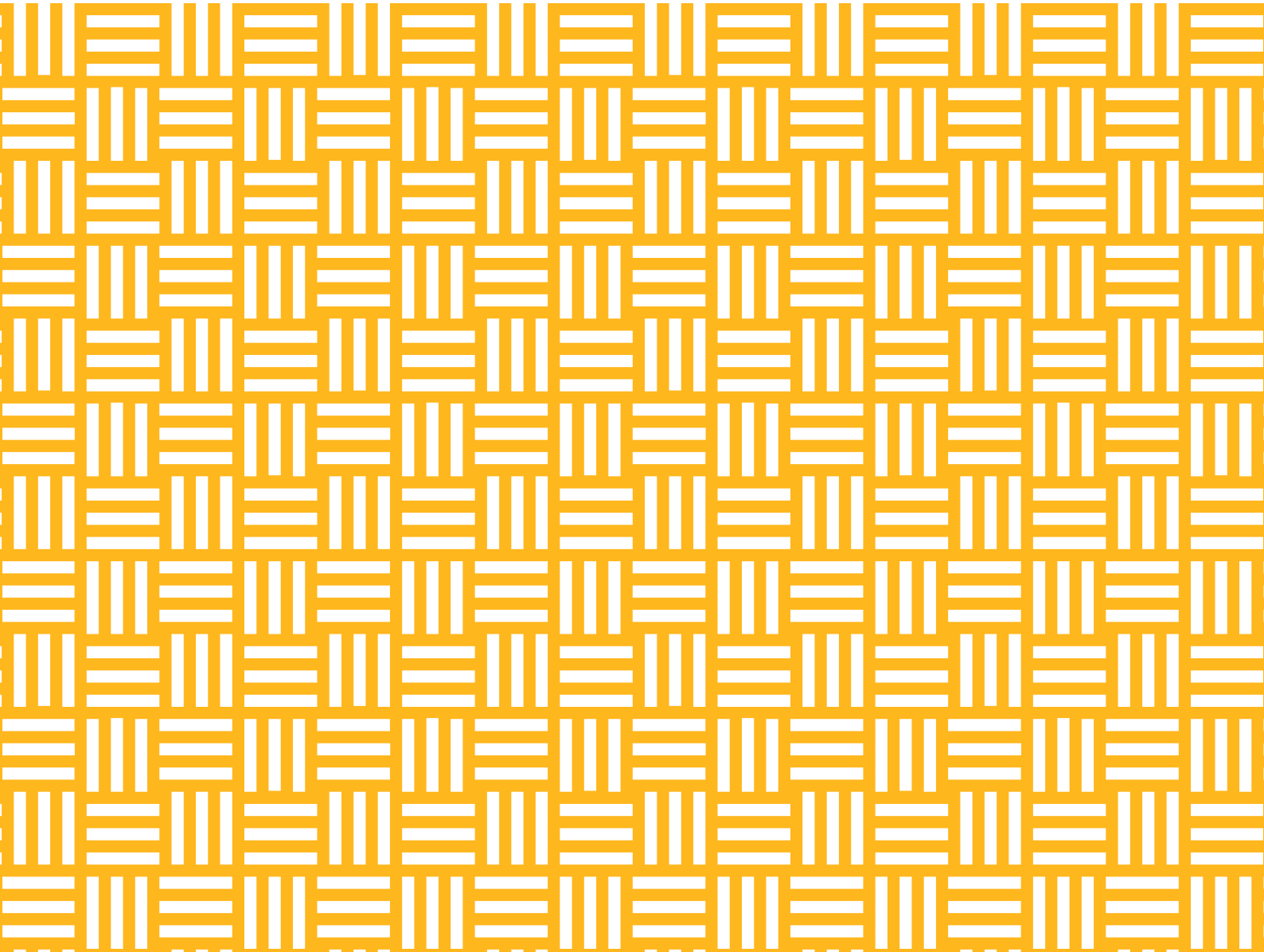




Регионална платформа на западен Балкан за застапување
на слободата на медиумите и за заштита на новинарите
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

NORTH MACEDONIA

Indicators for the level of media freedom and journalists' safety



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Title

North Macedonia - Indicators for the degree of media freedom and security of journalists 2019

Publisher

Association of Journalists of Macedonia (AJM)



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comma | communications design

This publication has been produced with the financial assistance of the European Union and the European Endowment for Democracy. The content of this publication is the sole responsibility of the Association of Journalists of Macedonia and cannot be considered to reflect the views of the European Union or the European Endowment for Democracy.



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Overview of the Project

Journalistic associations from five Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo and Serbia), with the support of the European Commission¹, in 2016 joined efforts with aim to monitor and improve the level of media freedom and journalists safety in their own countries and created the Western Balkans Regional Platform for Advocating Media Freedom and Journalists Safety. Based on common research methodology developed specifically for this purpose, each year these organizations collect data, assess the latest developments and conduct advocacy activities to change the political, legal and institutional environment in which journalists and the media operate.

The results achieved in the first three-year cycle have shown that journalists' associations in the region can play crucial role in pressure for greater media freedom. The results are recognized by the European Commission as key step towards the full democratization of Balkan societies, which has resulted in its decision to continue supporting the Regional Platform in the coming years.² This narrative report was produced as part of the fourth regional assessment of the level of media freedom and journalists' safety in the Western Balkans, conducted in 2019.³

1 *The Western Balkans Regional Platform for Advocating Media Freedom and Journalists Safety is project funded by the European Commission in the framework of the Civil Society and Media Program 2014/15, Supporting Regional Thematic Networks of CSOs.*

2 *European Commission approves new three-year project "Safejournalists.net" with IPA Grant Agreement / 2019 / 414-122*

3 *The assessment of the level of media freedom and journalists' safety in the Western Balkans in 2019 was financially supported by the European Endowment for Democracy*

Methodology Note

The research methodology⁴ consists of three sets of indicators, structured on the basis of systematic analysis of different directions developed by several relevant international organizations.⁵ Over the past four years, initially developed indicators have been tested and refined to fit the socio-political context of the region and to reflect the specific needs and interests of journalists in the five countries.

In order to answer the indicative questions related to each specific indicator, numbers of different research methods for data collection and analysis have been applied:

- Analyze of studies, analysis, research reports, policy documents, strategies and other documents;
- Qualitative analysis of legal documents;
- Collection and analyze of information published on the websites of public institutions and other organizations and bodies;
- Collection and analyze of press releases, texts and other information published by professional organizations;
- Data collected from journalist associations;
- In-depth interviews with experts, journalists and policy makers (10 in total for the purposes of this report);
- Focus groups with journalists (two focus groups held for the purpose of this report);
- Official statistics obtained from public institutions and municipalities⁶, available online or from other published sources.

At national level, journalist associations nominated national researchers to conduct data collection and write narrative reports, which were then reviewed by two reviewers and the lead researcher.

The three sets of indicators used to assess the level of media freedom and journalists' safety in the Western Balkans are presented in the table below.

Table of indicators

A. Legal protection	B. Journalists' position in the newsrooms	C. Journalists' safety
A.1 Legal guarantees for media freedom and their implementation in practice	B.1 Economic restrictions on journalists' work	C.1 Statistics on the attacks on journalists and impunity
A.2 The effects of defamation laws on journalists	B.2 Independence from media owners and managers	C.2 State institutions' and political actors' behaviour concerning journalists' protection
A.3 Protection of political pluralism in the media	B.3 Independence of the journalists in the public broadcaster	C.3 Judicial system's efficiency concerning journalists' protection
A.4 Freedom of work and association of journalists	B.4 Independence of the journalists in the non-profit sector	
A.5 Protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Right to access to information	B.6 Position of the women in journalism	

⁴ The fourth adapted edition of the research methodology was prepared by Snezana Trpevska, lead researcher and Igor Micevski, research associate, Research Institute on Social Development – RESIS, Skopje, North Macedonia.

⁵ The following documents were taken into account when developing specific research approach for the Western Balkan countries: Council of Europe: Indicators for media in a democracy; UNESCO: Media Development Indicators (MDIs) and Journalists' Safety Indicators: National level; USAID - IREX: Media Sustainability Index; Freedom House: Press Freedom Survey; BBC World Service: African Media Development Initiative; Committee to Protect Journalists: Violence against Journalists; Reporters Without Borders: World Press Freedom Index.

⁶ During July, 2019 more than 90 official letters were sent to various institutions under the Law on Access to Public Information



The Republic of North Macedonia is unitary state, established after the breakup of the former Yugoslavia with the Constitution in 1991. The Constitution is the highest legal act that defines RNM as parliamentary democracy with legislative, executive and judicial powers. Freedom, equality, the rule of law and respect for the human rights of all citizens are the highest values in the constitutional order of the country. As a rule, after each parliamentary election, the Government is established by the political parties from the Macedonian and Albanian blocs, which have won the most votes at the elections. There are no precise data on the total population in the country since the last census was conducted in 2002, when the total population was 2 022 547, with different ethnicity: Macedonians 65.17%, Albanians 25.17%, Turks 3.85%, Roma 2.66%, Serbs 1.78%, and smaller percentage of other ethnicities (Bosniaks, Vlachs, Bulgarians, Montenegrins, etc.). For years country has been rocked by high-level corruption scandals that are deeply ingrained in all pores of Macedonian society.

The political situation in 2019 was particularly unstable due to corruption scandals involving high-level public officials, which also brought proceedings before the authorities. As result, the political crisis erupted at the end of the year that resulted in the announcement of the dissolution of Parliament and early parliamentary elections scheduled for April 2020. The tension between the political parties has also been transmitted by the manner that some media outlets report, especially those who seem to be taking sides with the Government or the opposition. The political crisis has also blocked the implementation of systemic reforms in the media sector which should have created more favourable environment for the development of private media, the transformation of the public service broadcasting and the development of professional journalism.

In 2019, the state increased the minimum but also the average salary. This also saw slight increase in the average salary of journalists and media workers. However, the average salaries of journalists are still lower than the national average, further intensified by the fact that the salaries of journalists in smaller towns in the country are significantly lower than their counterparts in the capital. In 2019, large amount of public funds were poured into the media: through party campaigns for the 2019 presidential election; through the purchase of media space by parties outside the election campaign; and through various forms of private media funding from local government budgets. All of this seriously undermined the editorial policy of the media and influenced the level of self-censorship of journalists. Journalists and media workers remain economically insecure and there are almost no collective agreements protecting their workers' rights. The total number of professional journalists is unknown, but AJM estimates there are about 1,000 jour-

nalists working in all types of media in the country, including the public broadcaster.

The media hardly survive in the modest but crowded media market. Regulatory analysis shows that budgets are falling and dozen broadcasters have stopped functioning last year. As of December 2019 there were 120 broadcasters in the audiovisual sector, 48 of which were TV and 72 radio stations. Total of 11 entities broadcast nationwide TV programs (5 terrestrial, 4 cable and 2 satellite televisions), 18 at regional and 19 at local level. Out of the radio stations, only 4 broadcast at national level, and 17 at regional and over 50 at local level. In 2019, the daily newspaper "Independent" ceased to function, leaving total of 5 daily newspapers on the market (3 in Macedonian and 2 in Albanian), and at the online field are employed hundreds of recognizable media that are part of the professional online media register.

A1 Legal guarantees for media freedom and their implementation in practice

The basic guarantees of freedom of expression and the independence of the media are embedded in the Constitution, the media¹ and several other laws.² All of these laws also cover the right of access to the Internet, i.e. there is no special regulation that regulates only the Internet. Compared to last year, there are generally no significant differences in the degree of media freedom, but there is slight increase in pressures and attacks on journalists and media workers. This year, too, the poor financial situation of the media and the uncertain socio-economic status of journalists have negative impact on the state of journalism and the quality of content. According to Reporters without Borders, in 2019 the country is at 14 places higher on the world index, so it now ranks 95th out of nearly 180 countries.³

¹ Law on Media, "Off. Gazette of RM" No.184 / 2013 and No.13 / 2014 and Law on Audio and Audiovisual Media Services "Off. Gazette of RM" No. 184/2013 13/2014; 44/2014; 101/2014; 132/2014; 13/2016; 142/2016; 132/2017; 168/2018; 248/2018; 27/2019; 154/2019.

² Other important laws for the media and journalists are the Criminal Code, which sanctions incitement to hatred and the dissemination of racist and xenophobic material through computer system, the Electoral Code, which regulates media reporting during election campaigns, the Law on Civil Liability for Defamation and Insult, Copyright Law, Law for Free Access to Public Information.

³ Reporters without Borders, Reporters without Borders for 2019, part North Macedonia. Accessed on March 15, 2020: <https://rsf.org/en/republic-north-macedonia>

On December 31, 2018, the Assembly adopted the amendments to the Law on Audio and Audiovisual Media Services (LAAMU), which incorporated most of the comments and recommendations of AJM and other media organizations put forward in several debates through the process of public consultation. In the first half of 2019 AJM was involved in working groups to amend other relevant media sector laws.⁴ However, the essential note of AJM is that the process of amending these laws is slow and some of these initiatives are only announced without specific implementation steps.⁵

During 2019 there were no attempts by the state to introduce licenses for print or online media. AJM and the Council for Media Ethics in Macedonia (SEMM) have launched initiative to register professional online media in order to raise the level of professionalism and standards in online journalism as there have been attempts by the state in the past to “bring order” into the field.⁶

During 2019 there was no registered attempt by the Government or any other state body to censor and filter Internet content, meaning that the right to freedom of expression in the internet space is freely exercised by citizens, media or other organizations.

In recent years, one of the top priority issues in the media reform debate has been the need to ensure the independence of the regulatory body - the Agency for Audio and Audiovisual Media Services. Some of the amendments to the Law on Audio and Audiovisual Media Services (LAAMS) adopted in December 2018 aimed at strengthening the independence of the regulatory body. However, the election of the new composition of the Agency Council has not yet been carried out by the Assembly, due to party disagreements within the Committee on Election and Appointment of the Assembly of the RNM. During the year, the AJM received correspondence from Agency that the legally required funds for the operation of the regulator

were not timely and fully disbursed by the competent institutions. Separate remarks (which have been eluded in past years) regarding the Agency’s work have been made public in regards the Agency’s work and independence⁷, although no serious remarks can be made on its operation for 2019.

Despite the Government of the RNM decision to halt any state advertising in the private media, according to the AJM research conducted for the purpose of this report, this decision is not respected by local authorities. The way in which municipal or public enterprise budgets are spent at the local level in the private media calls into question their independent editorial policy and there is risk that this will negatively affect journalistic content.

Only 43 responded out of 80 municipalities on the AJM correspondence requesting answer how much money they planned to spend on various uses in the media or journalists in 2019. The total amount that these 43 municipalities planned to spend was 25.766.153 MKD. On the other hand, out of the seven public enterprises, only two responded: PUC Kumanovo - that they did not plan funds for this purpose and PUC Komunalec Prilep, with planned amount of 130,000 MKD. The findings of the analysis confirm that local authorities do not respect the Government’s decision not to fund private media.

In 2018, the Government decided⁸ to allocate 50 million MKD for the print media from the Budget to cover the cost for printing and distribution for 2017, up to 50% for the Macedonian print media, and from 50% to 70% for printed editions in the languages of ethnic communities. The practice of state subsidizing part of the print media continued in 2019 and the amounts were similar to the previous year. The process can generally be described as transparent, as representatives of media organizations, including AJM representative, participated in the committee that decided on the funds. However, there is lack of analysis on how these funds contribute to improving the so-

4 The first working group was established to amend the Law on Civil Liability for Defamation and Insult, and the second working group established to amend the Electoral Code in the area of election campaign media. There is still no deadline for the amendments to take effect. In addition, the AJM and the Independent Union of Journalists and Media Workers (IJJMW) initiated amendments to the Criminal Code before the Ministry of Justice in order for journalists and media workers to have the status of officials in the performance of their duties, for the sake of future safety to the journalists. This initiative due to the political crisis has been delayed by the Ministry of Justice in 2020.

5 For example, although the Law on Amending the Law on Civil Liability for Defamation and Insult was foreseen in the “Plan 18” of 2018, the working group established by the Ministry of Justice in June 2019 has not yet started to work.

6 The Professional Online Media Registry, launched in December 2019 as result of this initiative, is available at the web platform www.promedia.mk.

7 In the Fourth Periodic Monitoring Report on the Work of the Agency for Audio and Audiovisual Media Services (AAAMS) and the Agency for Electronic Communications (AEC), several NGOs stated that in the period May-August 2019, AAAMS frequently responded on: “... and verbal attacks on journalists and media by politicians, government officials and state institutions, which has not been constant practice in the past, when the number of political attacks and pressures on journalists and media was far greater and often” p. 15. Accessed on December 15, 2019: <https://mhc.org.mk/wp-content/uploads/2019/11/chetvrti-periodichen-izvestaj-za-rabotata-na-avmu-i-aek-maj-%E2%80%80%2093-august-2019.pdf>

8 Government of the RNM, “Print and Distribution Support Program for the Print Media for 2018.” Accessed on October 18, 2019: https://vlada.mk/sites/default/files/dokumenti/programa_za_finansiska_poddrshka_za_pechatenje_i_dchina_dichina_dchina_d_china_pechina

cio-economic status of journalists, whether they are invested in expanding the correspondent network of national newspapers and improving the quality of content.⁹

Apart from the radio and TV programs in the languages of the ethnic communities within the public service broadcasting, there are no other mechanisms for funding the media in the languages of the different ethnic communities. Media that publish content in the languages of small communities living in the RNM are not attractive to advertisers, as they have been facing financial difficulties for years to continue the existence on the market. There is lack of appropriate media policy to address this problem, which is reflected in the overall pluralistic picture in the media in the RNM.

Pursuant to the Law on Audio and Audiovisual Media Services, for MRT are allocated 0.8% of the annual budget of RNM, but during 2019 it still faced financial difficulties as did not receive all the necessary funds. Reporters without Borders for 2019 say that MRT serves the interests of the opposition. However, the manner in which MRTV reported on the May 2019 presidential election was rated as satisfactory, indicating that the public service broadcaster had tendency to report objectively on topics of public interest.

According to AAAMS's analysis, the budget of MRT for 2018 was EUR 15.485.000 euro¹⁰ and in 2019 it is expected to be at the same level, which is problem because this amount is 0.6% of the budget and MRT will miss 6 million euro for 2019. Despite the improvement of the legal basis for financing MRT, the Ministry of Information Society and Administration (MISA) does not respect the obligation to provide the legal minimum for the financing of MRT, thus causing MRT additional financial difficulties and debts to the state.¹¹

A2 The effect of defamation laws on journalists

Defamation and insult were decriminalized in 2012 with the adoption of the Law on Civil Liability for Defamation and Insult. No changes have been made to the law by the end of 2019, although this was foreseen in the Government's Plan 18 in order for changes to correspond with the new European trends. A working group has been set up within the Ministry of Justice to amend this law, including representative of AJM, but no meeting was held in 2019.

According to the information submitted to AJM, as of July 2019, the Skopje Civil Court had 25 active defamation or insult cases involving journalist or media outlet. On the other hand, according to AJM statistics, the list of 25 cases by the end of 2019 has increased by at least five cases, bringing the number of active cases to about 30. Unlike the previous year, in 2019 there were more cases of senior party and state officials that publicly threatened to sue journalists for defamation and insult.¹²

As of May 2018 the case law of the Court in Skopje and other courts in the Republic of Macedonia has not been synchronized in the issue of defamation and insult in the online media. In 2018, AJM submitted written initiative to the Supreme Court of the RNM seeking to reconcile the case law, and in May 2019 the four Courts of Appeal ruled that online media appearing before civil courts in defamation and defamation proceedings would be treated equally with traditional media.

According to lawyers working with AJM, who represent journalists in court cases of defamation and insult, judges generally take into account the decisions of the Media Ethics Council (media self-regulatory body) in the manner the court proceedings are conducted. In addition, the reasoning behind the judgments in which at least one of the parties is journalist often cites cases from the European Court of Human Rights, which is progress compared to the past.

Journalists who were part of the focus groups¹³ conducted for the purpose of this analysis believe that defamation and insult lawsuits have been used more

9 In November 2019, one of the daily newspapers in Macedonian language "Nezavisen" stopped publishing due to financial difficulties. This newspaper was not part of the subsidized media as it did not meet some of the criteria.

10 Agency for Audio and Audiovisual Services, "Analysis of Market for Audio and Audiovisual Media Services for 2018". Accessed on October 19, 2019: <https://avmu.mk/wp-content/uploads/2019/07/Audio-Media-Audio-and-Audiovisual-Media-Services-for-2018-year.docx.pdf>

11 As of June 2019, according to PRO data, MRT's income tax debt amounts to 473,000 euro.

12 Pelagija Stojanchova, "Leaked Documents on case Racket, Zaev, Dimitrov and Shekerinska Announce Lawsuits", Radio Free Europe, 24 August 2019. Accessed on October 17, 2019: <https://www.slobodnaevropa.mk/a/30126>

13 For the purpose of this research, two focus groups with 19 journalists were conducted, the first on November 28, 2019 with journalists from 7 media and the second on November 29, 2019, also with journalists from 7 media.

as instrument of pressure on them in the past, although it is worrying that during 2019, senior government officials have publicly threatened with lawsuits against journalists.

In late 2019, RNM Prime Minister Zoran Zaev used the right to sue for defamation against journalist Zoran Bozhinovski for post on the journalist's Facebook profile in which he wrote about the alleged involvement of the Prime Minister in corruption. It is important to emphasize here that, as recommended by the Council of Europe, politicians, especially those in high standing, should have higher threshold of tolerance for journalistic criticism.

A3 Protection of political pluralism in the media

The Law on Audio and Audiovisual Media Services does not contain any specific provisions containing explicit obligations for broadcasters to provide political balance outside the official election campaign period. However, the principles of doing business contain provision¹⁴ that applies to all broadcasters and which the regulator uses as basis for monitoring their reporting from the announcement of the elections to the election campaign when the provisions of the Electoral Code apply. MRT's obligations in relation to this matter, in addition to this Article, are also provided in Article 110.¹⁵

Although there is no explicit obligation for the regulator to follow political pluralism outside of the election campaign, the regulator's general competence states that it "cares for the protection and development of pluralism of audio and audiovisual media services ..." it also implies political pluralism at any time. The regulator has carried out analyzes of political pluralism outside the electoral period in recent years, and has also adopted separate Handbook.¹⁶

During 2019 neither the regulator nor any other organization has conducted analysis of political pluralism in the news, so it is difficult to answer more precisely whether political parties have fair access to audiovisual media outside of elections. But the general assessment of the media experts interviewed for the purposes of this analysis is that "... the situation today is far better than it was in 2016, when the most influential audiovisual media were constantly reporting under the influence of the ruling party."¹⁷

A negative practice that ultimately reflects the unbalanced representation of political entities in audiovisual media, which took place in 2019, is the acquisition of media space on national television by major (also some smaller) political parties, out of election campaign with aim to influence public opinion through paid political advertising. Paid political advertising outside of elections is not explicitly prohibited by law, thus leaving room for such negative practice through which parties can 'change' the balance of opposing views in the public sphere and influence the editorial policy of the media. Moreover, there is opportunity to lease the media space with public funds, given that parties are now predominantly funded by the RNM Budget.

Political pluralism during election campaigns is regulated by the Electoral Code for both the public service and the private media, and the regulatory authority is authorized to monitor the reporting of broadcast media. For the 2019 Presidential Election, AAAMS conducted monitoring and instituted total of four misdemeanour procedures against broadcasters, which is significantly less than the previous elections.¹⁸ At the same time, in its reports, the Agency did not identify major imbalance in the reporting of the media to individual candidates and political parties.

¹⁴ Article 61 of the Law on Audio and Audiovisual Media Services regulates the principle of "objectively and impartially presenting events with equal treatment of different views and opinions and enabling free expression of the public's opinion on particular events and issues".

¹⁵ Article 110 *inter alia*, sets the obligation of the public service broadcaster: "to provide continuous, truthful, complete, impartial, fair and timely information by creating and broadcasting high quality programs on all relevant political, economic, social, health, cultural, educational, scientific, religious, environmental, sports and other events and events ..."

¹⁶ AAAMS Media Pluralism Assessment Handbook, adopted in 2012, available at: https://avmu.mk/wp-content/uploads/2017/05/Priracnik_1_Pluralizam_finalna.pdf.

¹⁷ Interview with Dr. Snezana Trpevska, media expert from Research Institute on Social Development - RESIS, conducted on December 21, 2019.

¹⁸ Agency for Audio and Audiovisual Media Services, "Overview of AAAMS Trial Procedures for Presidential Elections 2019". Accessed on October 21, 2019: <https://avmu.mk/en/elections-2019-3/>

A4 Freedom of work and association of journalists

In RNM the journalistic profession is not subject to licensing, but the problem is that in the Media Law there is definition of the term journalist¹⁹, which is judged by AJM and other media organizations as basis for restricting the free exercise of the journalistic profession. Determining who is journalist and who can be journalist must not be subject to the law, i.e. it can only be subject to self-regulation.

Unlike in 2018, when accreditation of journalists was not topic, in 2019 the Government opened public discussion on the need to establish criteria for the accreditation of journalists for reporting from public events, within the framework of the Draft Plan²⁰ for decisive action against the spread of misinformation and against attacks on democracy. AJM publicly criticized the Plan, arguing that some of the measures were problematic, pointing out: "The lack of clarity in the proposed measures can be interpreted as attempt to limit freedom of expression, thereby damaging the so-called fragile media sector in our country".²¹

In 2019 AJM recorded two cases of obstruction of journalist reporting from events. In the first case, MRT journalist team was prevented from reporting from the churchyard in Lisiche, neighbourhood of Skopje during Easter holidays "because of the presence of high delegation".²² In the latter case, the staff at the Ministry of Education and Science did not allow the presence of journalists who wanted to attend the se-

ssion at which the Disciplinary Committee was discussing the work of one of the educational inspectors.²³ The Association of Journalists of Macedonia also condemned the behaviour of the employees at the Constitutional Court who inadvertently ordered the journalists to leave the court building. Journalist teams were previously called to attend the meeting between Constitutional Court President Sali Murati and EU Ambassador to Skopje, amuel Žbogar.²⁴

Most journalists are organized in professional associations. The largest and oldest association is AJM, founded in 1946, member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ). The number of regular members of AJM in mid-2018 was 680, and in October 2019 this number increased to 860 members.

Concerning the protection of labour rights, journalists and media workers are organized within the Independent Union of Journalists and Media Workers - IUJMW, which is independent and is not part of any trade union organization at national level. There is also separate union of the public service broadcaster which is not part of IUJMW. According to IUJMW officials, the most common form of pressure on union members is when media owners or media managers avoid calculating union membership fees from journalists' salaries, causing them to lose membership at the union. According to IUJMW data, there are 231 union members in total, which is more than 20 percent of the total number of employees in the media.

The Council of Media Ethics (CME) is self-regulatory body that exists since December 2013 and on voluntarily base the media publishers are members. The condition for CME membership is to adhere to the principles and ethical standards of the Code of Journalists and to adopt the CME Statute. The CME members are thereby obliged and actively involved in the mediation process and to publish the decisions

19 In Article 2, the term journalist is defined as "a person who collects, analyzes, processes or classifies information published in the media and is employed or contracted by the media, or a person performing journalistic activities as a freelance (freelance journalist)."

20 Government of the RNM, "Proposed Plan for Decisive Action Against the Spread of Disinformation", (Article 14 states: "The Government shall introduce clear criteria for the media accredited to attend Government events and press conferences in accordance with the standards of the journalism profession.") Accessed on October 21, 2019: https://vlada.mk/sites/default/files/document/predlog-plan_za_akcija_prativ_dezinformacii_final.pdf

21 Association of Journalists of Macedonia, "AJM: Some of the measures in the Government's plan are problematic." Accessed on October 21, 2019: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%B4%D0%B5%D0%BB-%D0%BE%D0%B4-%D0%BC%D0%B5%D1%80%D0%BA%D0%B8%D1%82%D0%B5-%D0%B2%D0%BE-%D0%BF%D0%BB%D0%B0%D0%BD%D0%BE%D1%82-%D0%BD%D0%B0-%D0%B2%D0%BB%D0%B0%D0%B4%D0%B0%D1%82%D0%B0/?lang=en>

22 Association of Journalists of Macedonia, "AJM: Condemnation for obstruction of journalist team in front of the church St. Apostles Peter and Paul" published on Nova TV on April 29th, 2019. Accessed on October 21, 2019: <https://novatv.mk/znm-osuda-za-poprechuvanje-na-rabota-na-novinarska-ekipa-pred-tsirkvata-sv-apolstoli-petar-i-pavle/>

23 Association of Journalists of Macedonia, "AJM: We condemn the happenings at the Ministry of Education and Science", published July 19th, 2019. Accessed on October 21, 2019: [https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D0%BE%D0%B4%D0%BD-%D0%BE%D1%81%D0%BE%D1%82-%D1%81%D0%BF%D1%80%D0%B5%D0%BC%D0%B0-%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8%D1%82/?lang=en](https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D1%81%D0%BB%D1%83%D1%87%D1%83%D0%B2%D0%B0%D1%9A%D0%B0%D1%82%D0%B0-%D0%B2%D0%BE-%D0%BC%D0%BE%D0%BD/?lang=en)

24 Association of Journalists of Macedonia, "AJM: We condemn the treatment of journalists in the building of the Constitutional Court", published on December 16, 2019. Accessed on February 15, 2020: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D0%BE%D0%B4%D0%BD-%D0%BE%D1%81%D0%BE%D1%82-%D1%81%D0%BF%D1%80%D0%B5%D0%BC%D0%B0-%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8%D1%82/?lang=en>

of the Complaint Committee within this body. At the end of 2019, criteria for acceptance of internet portals in the Register of Professional Online Media were adopted, which include: transparency of ownership structure, published impressum, signing of published content by journalists / authors, mandatory registration of online media as legal entities etc. In addition to CME, the AJM also has Council of Honour, as internal self-regulatory mechanism, which monitors compliance with the Code of Journalists by AJM members.

A5 Protection of journalists' sources

The right to protection of the journalistic source in RNM is constitutional category and this is guaranteed by the Criminal Code, the Law on Civil Liability for Defamation and Insult, the Law on Media and the Law on Audio and Audiovisual Media Services. In 2019, AJM found two cases in which the right to protect the confidentiality of sources was compromised.

In July 2019, journalist Ljupche Zlatev was summoned to the Ministry of the Interior, where he was asked to confirm whether he was the author of publications related to suspicions for committed crimes by the Secretary General of the Government of the RNM, as well as to disclose his source of published information and recordings. He confirmed that he was the author, but declined to provide information about his source.²⁵ The reporter Goran Momirovski from TV Alfa was also called in for interview at the Ministry of Internal Affairs for the same reason. This practice may adversely affect investigative journalism in the media, especially when information is published about the illegal activities of public office holders or other topics of public interest.

Generally, when working on research articles, journalists feel free to contact sources of information. The new Law on the Protection of Whistleblowers regulates the issues of protected reporting, the rights of whistleblowers, as well as the actions and duties of institutions in relation to the protection of whistleblowers and the protection of whistleblowers. The amendments to this Law of 2018 harmonized with the

international standards prescribed in this area and it provides greater protection for whistleblowers. In this regard, journalistic sources are encouraged and institutionally better protected. However, this year the police repeatedly called in reporters to the police station and asked them to disclose their sources of information. In all cases journalists have decided not to disclose their sources of information, and this may be interpreted as direct pressure on journalists to disclose sources.

A6 Right to access to information

In May 2019, the Assembly of the RNM adopted new Law on Free Access to Public Information, which transformed the Commission into the Agency for Protection of the Right to Free Access to Public Information. But this body, until mid-December 2019, was working only with the president, as the procedure for the election of new members was blocked in the Committee on Election and Appointment at the Assembly of the RNM. Before the end of 2019, the Assembly has elected the director of this body under the new law and by the end of 2019 the Agency again has the authority to decide on complaints initiated for possible infringement of this right.

The dysfunctionality of this body in 2019 negatively affected the provision of free access to public information, not only for journalists but also for the citizens, thus jeopardizing the transparency of public institutions. In the absence of second-instance body, citizens and journalists were prevented from receiving information when institutions did not provide it, as they had nowhere to complain with the exception of the Administrative Court where the procedures for exercising this right were very lengthy and costly.

According to most of the journalists involved in the interviews and focus groups, it can be concluded that most institutions have "limited" transparency or transparency to the degree that suits those who run the institution. However, it is generally estimated that transparency in 2019 was higher than in previous years. The Government of RNM is assessed as state institution with increased transparency in relation to others.

According to the journalists who participated in the focus groups, the courts in Skopje have significantly improved transparency compared to the in-house courts, while the Parliament generally holds that it is more transparent, although often there is delayed submission of required answers. The assessment

²⁵ Association of Journalists of Macedonia, "AJM closely follows the case of Mol and journalist Zlatev", published on July 24, 2019. Accessed on February 15, 2020: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%B1%D1%83%D0%B4%D0%BD%D0%BE-%D0%B3%D0%BE-%D1%81%D0%BB%D0%B5%D0%B4%D0%B8-%D1%81%D0%BB%D1%83%D1%87%D0%B0%D1%98%D0%BE%D1%82-%D1%81%D0%BE-%D0%BC%D0%B2%D1%80-%D0%B8-%D0%BD%D0%BE%D0%B2/?lang=en>

confirms that the transparency of the judiciary has been improved, allowing them even to keep phones and record. On the other hand, “the public prosecution has no practice of providing detailed and timely information.”²⁶

On the other hand, according to the journalists, the local self-government is characterized by lower level of transparency, as evidenced by the statement made by some of the participants in the focus groups: “The Municipality of Tetovo for example, have not published final account for years, which is typical example for non-transparency.”²⁷

²⁶ *Statement of journalist at the focus group conducted on November 29, 2019.*

²⁷ *Opinion of the journalist at the focus group conducted on November 29, 2019.*

B

Journalists' position in the newsrooms

B1 Economic restrictions on journalists' work

There is no precise data on how many journalists have employment contracts, but the general assessment is that many journalists in the private media have mainly part-time or part-time contracts. It is considered that the average amount of journalist salary is within the average salary in the country, i.e. around 25,000 MKD net. This applies mainly to journalists in the larger media in the capital, while in smaller areas; average journalists' incomes are significantly lower.²⁸

When asked whether the position of the journalists has improved or deteriorated compared to the previous period, the journalists covered by the focus groups did not give specific answers, concluding that there were no significant changes. Remains the fact that journalists work overtime, work without compensation for holidays and weekends, and have limited freedom to choose the topics on which they will work.

²⁸ In this regard, a journalist within the focus group conducted on November 28, 2019 stated: "My first employment contract was for one year, later due to my reactions to overtime that was not paid, my second contract was concluded for shorter period."

B2 Independence from media owners and managers

There are no published data or reviews that can determine how many private media outlets have internal organizational acts or rules, according to which the editorial board is formally separated from media management. From the information available to AJM and from the answers obtained through interviews with journalists, it can be concluded that such acts rarely exist. In mainstream media it is common for newsrooms to separate from management structures, but directors often put pressure on editors to work in manner that will generate more sponsorship or advertising revenue.

The only code that applies to all professional journalists is the Code of Journalists of Macedonia, adopted in 2001, which is followed by both the AJM Honorary Council and the Macedonian Council of Media Ethics. There is no evidence that private media have their own particular codes of ethics or rules.

There is concrete evidence of management pressure on journalists, but journalists rarely report them. The pressures are usually not expressed as direct threats, but are subtle and little visible.²⁹ Journalists continue to sue editors and media owners for violating their rights. For example, there is currently no open court case where journalist is suing for mobbing, and there is also no final verdict in this case.

On the other hand, the connection between individual media owners and power centres is often to the detriment of journalists working in these media. Although the media regulator has not indicated such affiliation or hidden media concentration in recent years, it has often been reported that some national broadcasters have only formal owner behind the centres of power associated with business elite and political parties. In 2019, national cable TV 1TV was shut down due to involvement of part of the management in the corruption scandal for which later was opened court case known to the public as “Racket”. The development of 1TV-related events in 2019 further undermined the reputation of the journalism profession, and there was growing suspicion of serious abuse of the media at the expense of individuals’ personal enrichment.

In 2019, two events were noted indicating possible management pressure on print media editors. Thus,

²⁹ In interview with a journalist, she states: “From previous work experience, there are no direct threats, only ‘well-intentioned’ indication.” The interview was conducted by Deniz Suleiman on November 25, 2019.

in May 2019, the editor-in-chief of the daily newspaper “Sloboden Pechat” Branko Geroski, according to his public statements, was replaced by the management and media owners from the position editor-in-chief due to disagreements over editorial policy in the media for which he publicly referred to. In November 2019, the editor-in-chief of the weekly “Fokus” Zoran Dimitrovski was also dismissed. Dimitrovski himself publicly stated that he doubted that the possible reason was “... series of texts that satirically criticize the current ruling establishment and Prime Minister Zoran Zaev.”³⁰

B3 Independence of the journalists in the public broadcaster

In 2017, after several years of announcements, MRT adopted Code of Ethics for journalists, creative staff and all employees of MRT, which is its statutory obligation.³¹ This Code, which has been in force for almost three years, has been criticized from the outset by the journalistic community for the content of the document, as well as for the lack of transparency in its preparation. The biggest disadvantage of the Code is the mixing of journalistic ethics with labour discipline and with the rights and obligations of journalists arising from labour relations. The MRT Ethics Commission, which is responsible for receiving complaints of violations of the Code, is not operational,³² and its president resigned in November 2018. The Commission so far has only decided on one suspension and one disciplinary proceeding and there is no information whether there were any other cases it dealt with.

From interviews and focus groups, it can be concluded that the management, which is close to the current opposition party, still has great influence on newsrooms and editors, and thus on the manner journalists

³⁰ MKD.mk, “Zoran Dimitrovski is No longer Editor in Chief at Fokus, Suspects for Government Pressure”, published on November 22, 2019. Accessed on March 16, 2020: <https://www.mkd.mk/makedonija/politika/zoran-dimitrovski-vekje-ne-e-odgovoren-urednik-na-fokus-se-somneva-pritisoci-od>

³¹ MRT, “MRT Code of Ethics for Journalists, Creative Personnel and All MRT Employees” Skopje, 2017. Accessed on November 29, 2019: http://www.mrt.com.mk/sites/default/files/Ethical%20codex2020%20%D0%9C%D0%A0%D0%A2_0.pdf

³² Association of Journalists of Macedonia, “Reform or formality: The functionality of the MRT Ethics Commission” published on November 22, 2019. Accessed December 5, 2019: <https://znm.org.mk/%D1%80%D0%B5%D1%84%D0%BE%D1%80%D0%BC%D0%B0-%D0%B8%D0%BB%D0%B8-%D0%BF%D1%80%D0%BE%D1%84%D0%BE%D1%80%D0%BC%D0%B0-%D1%84%D1%83%D0%BD%D0%BA%D1%86%D0%B8%D0%BE%D0%BD%D0%B0%D0%BB%D0%BD%D0%BE%D1%81%D1%82/?lq=ng=en>

work in the public service.³³ One focus group participant, formerly employed by MRT, stated: “In MRT the director comes from the ruling party, he appoints the editor-in-chief and he the others. This means you always have risk of censorship and at times the television looks like party headquarters.”³⁴

In October 2019, all MRT employees were paid with linearly raised salaries in the amount of 3,500 MKD net per person, and new collective agreement was signed guaranteeing the payment of vacation pay. This has to certain extent improved the standard of journalists, media workers and technical staff at MRT, but there is still perception that the salaries of journalists, especially those who are not beginners, are lower than those of national private broadcasters. However, unlike some private media outlets, the regularity of MRT employees’ salaries has never been problematic, nor is their job security guaranteed by signed employment contracts.

What is problematic from the standpoint of public service independence is why MRT’s management is seeking the opinion of permanent and constant employment with the Ministry of Finance, when Article 104 of the Law on Audio and Audiovisual Media Services guarantees the independent status of editors, journalists and other employees of public authorities and bodies. This article explicitly states that they are not treated as public servants.

Particularly endangered categories of journalists are MRT correspondents who are few in number and have mainly temporary employment contracts, which can be easily terminated. In November 2019, call for part-time recruitment of ten correspondents was published, which is breakthrough for MRT, although AJM advocates for different model that would systematically and permanently resolve the situation of this category of journalists.³⁵ It is essential that all journalists and cameramen are employed full time, on permanent basis.

B4 Independence of journalists in the non-profit sector

Non-profit media include radios that broadcast mostly online content for young people, as well as online media that deal primarily with investigative journal-

ism and are dominantly or fully funded by donor assistance. Student radios, which are currently operating within the two state universities, UKIM Skopje and UGD Shtip, are also considered as non-profit broadcasting media.

Some of the informative non-profit online media outlets are registered as CSOs and so far have not conducted detailed analysis of their work and the status and independence of journalists in them. The editorial staff of these media outlets is small and includes several journalists working on daily basis, funding is unstable and unsustainable given that these media outlets depend on foreign donations and grants. Most of these media outlets have adopted or adhere to the Code of Ethics, which is being implemented by CME.

Pressure on non-profit media, some of which are involved in investigative journalism, has decreased compared to the period until 2016, when journalists and editors of these media were often publicly discredited on personal basis and used hate speech over critical texts for at that time authorities and powerful people.

In 2019, two more serious threats were reported to the AJM by the Research Reporting Laboratory (IRL). In the first case, threats were made to journalist who investigated the illegal operation of catering facilities and disco clubs in Skopje. The second threat was addressed to journalist Maja Jovanovska who received audio message with the sound of bomb blast. According to all indications, the message was sent to her due to her investigation of abuses of construction companies in the Skopje neighbourhood Taftalidze.³⁶

B5 Freedom of journalists in the news production process

The freedom of journalists to choose the topics to report on, according to findings from interviews and focus groups, seems to have increased this year.³⁷ However, the choice of reporting topics in regional

33 Focus group held with journalists on November 29, 2019.

34 Ibid.

35 Association of Journalists of Macedonia, “Public Policy Document: Status and Need of Correspondents in the Republic of North Macedonia” Skopje: August 2019: <https://bit.ly/2WV9b9W>

36 IRL.mk, “AJM Reaction: Threats to the IRL Team, Serious Attempt to Silence Investigative Journalism” published on December 30, 2019. Accessed on March 16, 2020: <https://irl.mk/reaktsija-na-znm-zakani-kon-ekipata-na-irl-seriozen-obid-da-se-zamolchi-istraghuvachkoto-navinarstvo/>

37 One of the focus group participants’ statements was noteworthy: “I can say that I tolerate low salary, just because of my freedom to choose topics, to write about anything that interests me. We have complete freedom, no censorship. It helps me a lot to develop as journalist.” Focus group with journalists realized on November 29, 2019.

and local media is bigger problem for journalists due to the small environment in which these media operate, as well as the clientelist expressions of the owners to the mayors and other local officials, as well as the deteriorating financial situation in which these media are located.

However, there is also talk about the influence of some editors on journalists, in the sense that that influence on daily work is not so visible, i.e. it has more self-censorship than direct pressures. Journalists argue that editorials know in advance which topics are acceptable, which topics the editor will consider to be excellent, and which will reject and that there is free space to choose topics, but there are often examples of "... interventions by editorial side, from ownership."³⁸ Of course, cannot write in negative context for the sponsors who finance the editorial board, because in that case "... conflicts may arise."³⁹

The choice of reporting topics in the regional and local media is even bigger problem for journalists due to the small environment in which these media operate, as well as the pronounced clientelist connections of the owners with the mayors and other local powerful people and the deteriorating financial situation in these media.

B6 Position of the women in journalism

The general assessment⁴⁰ is that the position of journalist woman in the newsrooms is not much different from that of journalist men. There is no data on how many journalist man and woman have signed employment contracts, but employers are generally considered to respect the basic rights enshrined in law, such as salaries, maternity leave and paid vacation for journalist woman with contracts for full employment.⁴¹ However, there are media outlets in which both journalists' man and woman are not paid for holiday days, weekend work and overtime.

Regarding the level of salaries, there are no recent official data, but the research conducted earlier shows that the salaries of the journalists are generally low and that there is no difference when it comes to journalists, men or women. In July and August 2017, the Independent Union of Journalists and Media Workers conducted survey according to which almost 45% of Macedonian journalists received salary lower than the national average, which was 22.808 MKD and 85% had salary of less than 500 euro per month.⁴² However, the same poll found big difference between journalistic and editorial salary, especially on television. Journalist salary ranged between 19.000 and 24.000 MKD, while that of editors varied from 40.000 to 50.000 MKD, with the exception of editors-in-chief whose remuneration amounted to 120.000 MKD.⁴³

According to the journalists themselves, in general, the opportunities for women to develop as professional journalists and advance in their careers are not much lower than those of their fellow journalist men.⁴⁴ Available data on the audiovisual sector confirm this conclusion: women are even more numerous than their fellow journalist men in television news-

³⁸ Statement of local media reporter. Interview conducted by Dragan Sekulovski on 26 November, 2019.

³⁹ Ibid.

⁴⁰ Sonja Trajkovska Dimitrova, "The Structural Position of Women Journalists in Media in Macedonia" (Skopje: Macedonian Institute for Media, published in December 2018), p. 8. Accessed on March 9, 2020: https://www.mim.org.mk/attachments/article/1136/Strukturanata%20polozba%20na%20zenitenovinari%20vo%20mediumite_fin.pdf

⁴¹ Ibid, p.8

⁴² Tamara Chausidis, "Media Salary Stuck Below Average", IUJMW, posted on August 31, 2017. Accessed on March 9, 2020: <http://ssnm.org.mk/%20komentar/%20%D0%BF%D0%BB%D0%B0%D1%82%D0%B0%D1%82%D0%B0-%D0%B2%D0%BE-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC%D0%B8%D1%82%D0%B5-%D0%B7%D0%B0%D0-%B3%D0%BB%D0%B0%D0%B2%D0%B5>

⁴³ Ibid.

⁴⁴ Sonja Trajkovska Dimitrova, "The Structural Position of Women Journalists in the Media in Macedonia" (Skopje: Macedonian Institute for Media, published in December 2018), p.6. Accessed on March 9, 2020: https://www.mim.org.mk/attachments/article/1136/Strukturanata%20polozba%20na%20zenite-novinari%20vo%20mediumite_fin.pdf

rooms. Thus, at the end of 2018 there were 540 journalists woman and 370 journalists men⁴⁵ in the broadcast media, and the number of editors woman and men was almost equal - 105 women and 108 men in editorial positions. However, when it comes to leadership positions in the media, the dominance of the positions remains at men - according to the same analysis, in December 2018 men were twice as numerous (74) than women (32).⁴⁶

In 2019, there were total of 24 physical assaults and threats against journalists, half of which were cases against journalist woman. It cannot be said that the journalist woman in these cases were attacked solely because they were women, nor were there any direct insults and comments about their gender in the attacks. However, in some of the previously conducted surveys, the journalists emphasized that they often encounter personal insults and sexism at work.⁴⁷

45 Agency for Audio and Audiovisual Media Services, "Structure of the Employees in the Audio and Audiovisual Media Industry in 2018" published in September 2019. Accessed on March 9, 2020: <https://avmu.mk/wp-content/uploads/2019/09/Structure-of-the-employees-in-the-audio-and-audiovisual-media-industry-in-2018.pdf>

46 Ibid.

47 In support to statement, the attacks on two journalists (Meri Jordanovska and Iskra Koroveshovska), which took place in January 2020, shortly after the completion of this report.

C1 Statistics on the attacks on journalists and impunity

The safety of journalists in the Republic of North Macedonia in 2019 has improved compared to previous years, although the policy of impunity for violence against journalists is still present. The number of reported physical assaults and threats against journalists in 2019 compared to 2018 is increased by one, but is still significantly lower than in 2017. In the last three calendar years, in the period from 2017 to 2019, AJM recorded 27 attacks on journalists and media workers in its registry, totalling 20 in 2017, 3 in 2018 and 4 in 2019. In addition to the four most serious attacks on journalists registered in 2019, AJM has recorded 24 other threats and incidents. For the past 15 years, the authorities have not formally investigated the killing of journalist or media worker in the country.

Number of reported attacks on journalists in 2019

Categories	Number	Description
Life threat and serious bodily injury	4	Verbal and written threats to bodily integrity, including death threats, addressed directly or through third party, by electronic or direct communication. Threats can be implicit or explicit and may include threats of murder against the families of journalists, their colleagues, or at elections.
Other threats to journalists	14	Threats that include surveillance, harassing phone calls, arbitrary judicial or administrative harassment, aggressive statements by public officials, or other forms of pressure that may endanger the safety of journalists in performing their professional activity.
Threats to media outlets and organizations	2	Verbal or written threats for attack on property or media employees addressed directly or through third parties electronically or through direct communication. They may be implicit or explicit and may include reference to particular media house or its staff.
Attacks on journalists	1	Attacks can include physical or psychological injury, kidnapping, intrusion into apartment / office, confiscation of equipment, detention, attempted murder, etc.
Murder of journalists	0	All kinds of murders are involved.
Attacks on media outlets and organizations	3	Attacks on the property of media outlets and organizations, their employees, confiscation of equipment, aggressive statements by officials, etc.

The first case is physical assault on Kanal 5 journalist Mirjana Mirchevska Jovanovich by member of the private security agency "Nicob". About this incident, the journalist herself stated the following: "Honestly, almost year after the reporting on Epiphany, I cannot understand why so much aggression at people who were hired to provide security for the man who had received the Holy Cross and the priests who blessed on that day. Such push by the people of the security agency 'Nicob' as if we journalists would have taken the cross, it is incomprehensible. And just before that I introduced myself for being a journalist. "

The second attack is verbal threat to life for Editor Aco Kabranov by local businessman. The threat occurred by phone, and the media outlet in which the editor was engaged reported.

The third case is verbal threat and physical assault on TV 21 team in the municipality of Arachinovo, with elements of unlawful deprivation of liberty, for which audio and video footage were also published by the media. The case has not been officially reported to the Mol, which is why the Ministry claims it is not able to bring proceedings. The AJM has repeatedly stated publicly that the nature of the offense requires the Prosecutor's Office itself to act ex officio.

The fourth recorded attack was on Journalist Maja Jovanovska from the Investigative Reporting Lab, when audio message with bomb blast was sent to her phone. She reported to the AJM about the incident, which had public reactions, but it was not processed by the Ministry of Interior because, according to them, the journalist did not report the case to the police station.

In addition to these four attacks, more inappropriate public appearances of government officials,⁴⁸ representatives of Parliament,⁴⁹ the Constitutional Court,⁵⁰ and representatives of political parties,⁵¹ in which they attack or insult journalists, were also recorded. AJM has repeatedly reacted to such performances, stressing that it violates the integrity of the whole journalistic profession, especially when it comes from the Prime

48 Association of Journalists of Macedonia, "Ministers should refrain from statements that are perceived as threats or labeling" published on January 30, 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%BC%D0%B8%D0%BD%D0%B8%D1%81%D1%82%D1%80%D0%B8%D1%82%D0%B5-%D0%B4%D0%B0-%D1%81%D0%B5-%D0%B2%D0%BE%D0%B7%D0%B4%D1%80%D0%B6%D0%B0%D1%82-%D0%BE%D0%B4-%D0%B8%D0%B7%D1%98%D0%B0%D0%B2%D0%B8-%D0%BA%D0%BE?lang=en>

49 Association of Journalists of Macedonia, "Condemnation about MP Stevanandzija spreading misinformation for journalists Jovanoski and Hristov", published on July 18, 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D1%88%D0%B8%D1%80%D0%B5%D1%9A%D0%B5%D1%82%D0%BE-%D0%B4%D0%B5%D0%B7%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D0%B8-%D0%BD%D0%B0-%D0%BF%D1%80?lang=en>

50 Association of Journalists of Macedonia, "AJM: We condemn the treatment of journalists in the building of the Constitutional Court", published on December 16, 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D0%BE%D0%B4%D0%BD%D0%BE%D1%81%D0%BE%D1%82-%D1%81%D0%BF%D1%80%D0%B5%D0%BC%D0%B0-%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8%D1%82?lang=en>

51 Association of Macedonian Journalists, "Condemnation for spokesman Dimche Arsovski's insults on journalist Furkan Saliu", published on December 20, 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%B7%D0%B0-%D0%BD%D0%B0%D0%B2%D1%80%D0%B5%D0%B4%D0%B8%D1%82%D0%B5-%D0%BD%D0%B0-%D0%BF%D0%BE%D1%80%D1%82%D0%BF%D0%B0%D1%80%D0%BE%D0%BB%D0%BE%D1%82-%D0%B4%D0%B8%D0%BC?lang=en>

Minister,⁵² ministers, the leader of the main opposition party⁵³ or other high-ranking public officials.

In 2019, there has also been negative practice by Government officials, on numerous occasions, often during working hours, to post content on their social media profiles that attack or insult journalists. The reports were often in response to critical press reports or alleged “incomplete” information on the work of the Government. These reports, as they come from individuals who are civil servants, can be interpreted as Government pressure on critical journalism.⁵⁴

In 2019, the number of negative media campaigns towards critical media organizations has declined, although they are still used as tool for pressure. For example, on the social network Twitter, anonymous but politically active profiles have run negative campaign against AJM, posting names and pictures of all members of AJM’s governing bodies followed by numerous insults and humiliations. In addition, some media reports were unethical, biased and unprofessional in cases where AJM criticized the actions of Government officials or opposition representatives towards journalists.

The percentage of completely cleared cases of attacks on journalists is low and this is very worrying in terms of the impunity of the perpetrators. A court decisions is received for 5% and 10% of the registered cases of violations of the rights of journalists in the AJM Registry of Attacks for the last five years. On the other hand, out of the four serious attacks in 2019, the most serious attack was the abduction of TV21 journalist team in April. The prosecution did not investigate the case on the grounds that the journalists had not signed the statement with the police. AJM has publicly called on the prosecution to open investigation on the case ex officio on several occasions, but reported that they did not find any elements of the crime. The Interior Ministry, however, qualified the attack as complaint and did not proceed with

further proceedings because journalists did not sign the minutes.

In addition, at meetings with the MoI⁵⁵ it was constantly insisted on faster and more effective investigations into attacks on journalists, but also on improving the working conditions for journalists and media workers when reporting from the institution’s premises. Following the suggestion of the AJM, as well as pointing to that deficiency in the reports of international institutions, the Ministry of the Interior began to keep records of attacks on journalists and media workers. The AJM with the Ombudsman in May 2019 signed Memorandum of Cooperation through which the two institutions pledged to work actively in the future on issues related to the safety of journalists.

In the context of condemning the violence against journalists and calls for quicker resolution of those attacks, the European Commission in its 2019 Annual Progress Report on Macedonia again addresses the issue of journalists’ safety and recommends: “the country should continue to pay attention to the rapid and effective monitoring of all cases of physical and verbal violence against journalists by police and judicial authorities.”

C2 State institutions’ and political actors’ behaviour concerning journalists’ protection

When it comes to (not) taking action by institutions for attacks on journalists, the level of impunity is still very high. In the circle established by the Ministry of Interior, the Public Prosecutor’s Office and the courts almost always evade at least one of these three institutions. In the last two years, unfortunately, this has been increasingly emphasized by the Public Prosecutor’s Office, which in several cases of attacks on journalists has not taken any action, and in cases where there are investigations initiated, it is very slow and ineffective.

In 2019, there is again trend of public condemnation of attacks on journalists and media workers on some of the cases that AJM has publicly responded to. An

52 Association of Journalists of Macedonia, “AJM condemns Zaev’s statement and demands public apology”, published on 13 August 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D1%98%D0%B0-%D0%BE%D1%81%D1%83%D0%B4%D1%83%D0%B2%D0%B0-%D0%B8%D0%B7%D1%98%D0%B0%D0%B2%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%B7%D0%B0%D0%B5%D0%B2-%D0%B8-%D0%B1%D0%B0%D1%80%D0%B0-%D1%98?lang=en>

53 Association of Journalists of Macedonia, “AJM: We condemn Mickoski for labeling journalists of 1TV” published on August 15, 2019. Accessed on December 21, 2019: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%BE%D1%81%D1%83%D0%B4%D0%B0-%D0%BD%D0%B0-%D0%BC%D0%B8%D1%86%D0%BA%D0%B%D1%81%D0%BA%D0%B8-%D0%B7%D0%B0-%D0%B%D0%B1%D1%98%D0%B0%D0%B2%D0%B0%D1%82-%D0%B0-%D1%81%D0%BE-%D0%BA%D0%BE?lang=en>

54 Srđan Stojančov, “Government, False News and False Denies”, Radio Free Europe, August 6, 2019. Accessed on October 17, 2019: <https://www.slobodnaevropa.mk/a/>

55 Association of Journalists of Macedonia, “Cameraman’s Section within AJM met with representatives of the Ministry of the Interior”, published on August 8, 2019. Accessed on December 19, 2019: <https://znm.org.mk/%D1%81%D0%B5%D0%BA%D1%86%D0%B8%D1%98%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D1%81%D0%BD%D0%B8%D0%B%D0%B0%D1%82%D0%B5%D0%BB%D0%B8-%D0%BF%D1%80%D0%B8-%D0%B7%D0%BD%D0%BC-%D0%BD%D0%B0-%D1%81%D1%80%D0%B5%D0%B4?lang=en>

example of this is the incidents with the TV21 team in Aracinovo, when the Mayor Milikie Halimi⁵⁶ reacted publicly, condemned the incident and demanded urgent and efficient investigation by the Ministry of Interior. The OSCE Representative on Freedom of the Media, Harlem Désir,⁵⁷ also responded to the incident. He condemned the intimidation and threats against journalists, and in the public condemnation joined Western Balkans Regional Platform for Advocating Media Freedom and Journalists Safety.

The Ministry of Interior have internal register of attacks on journalists, but does not publish the data publicly. For the purpose of this analysis, on October 15, 2019, the Ministry of Interior provided the AJM with detailed descriptive attacks on journalists who were reported to the Mol. Regularly updated register⁵⁸ of attacks and threats against journalists is kept only by the Association of Journalists of Macedonia. The register is publicly available at the Association's website.

So far, the army and police have not adopted internal documents that teach their members how to deal with journalists. These institutions do not have rulebooks or other documents prohibiting threats, intimidation or attacks on journalists. But in 2020 AJM in cooperation with the International Center for the Prevention and Combating Violent Extremism launched project in cooperation with the Ministry of Defence and the Ministry of Interior. One of the outcomes of this activity, besides more training with journalists, is the creation of protocols and their acceptance by institutions and the media in order ethically to inform them on issues related to the prevention and fight against violent extremism.

In order to improve the safety of journalists and end impunity for attacks on journalists, AJM works with almost all relevant institutions in the country. Six workshops were held this year in each of the country's major cities, with journalists, media workers and police officers. In addition, several workshops attended by AJM representatives on journalists' safety and better cooperation

with the police were organized by the Sector for Internal Control at the Ministry of Interior. In order to intensify the cooperation, on 30 December 2019, the Protocol on Cooperation⁵⁹ between AJM and the Ministry of Interior was signed. This document is in some manner upgrade version of the Code of Ethics for the police, but also provides guidance for co-operation between journalists and the police, with the aim of increasing the safety of journalists in performing their professional duties.

For the second year in row, the Association of Journalists of Macedonia is organizing event to commemorate 2nd of November, the International Day for Ending the Impunity of Crime against Journalists.⁶⁰

Apart from the big wiretapping affair in 2015, when hundreds of journalists were on the secret police wiretapping list, AJM has no information that in 2019 some journalists were exposed to electronic surveillance by the authorities. It remains unclear at what stage the litigation is and whether it is being processed at all to determine the breach of journalists' rights for wiretapping in 2015.

C3 Judicial system's efficiency concerning journalists' protection

For the third year in row, the Basic Civil and Criminal Court in Skopje has not been unable to provide detailed information about the stage of dealing with cases where journalists are victims. Their justification is that the new case management system (ACMIS) is based on codes, not on the names and professions of the parties. An exception is the Basic Civil Court which maintains informal register of acts on defamation and insult. Impunity for perpetrators remains high and judicial decision is found in less than 10% of registered cases, totalling 56 in the period from April 2014 to December 2019.

56 "Aracinovo Mayor Condemns Attack on TV21 Team", Sloboden Pечат, April 17, 2019. Accessed on December 18, 2019: <https://www.slobodenpechat.mk/gradonachalnichkata-na-aracinovo-go-osudinapadot-vrz-ekipata-na-tv21/>

57 MKD.mk, "Désir: Attack on TV21 Team Attack on Media Freedom", published on April 15, 2019. Accessed on December 18, 2019: <https://www.mkd.mk/makedonija/politika/dezir-napadot-vrz-team-na-tv21-e-napad-vrz-slobodata-na-mediumite>

58 Association of Journalists of Macedonia, "Cases of Violation of Journalists' Rights" published in May 2019. Accessed on December 17, 2019: <https://znm.org.mk/%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D0%B8/%D1%81%D0%BB%D1%83%D1%87%D0%B0%D0%B8-%D0%BD%D0%B0-%D0%BF%D0%BE%D0%B2%D1%80%D0%B5%D0%B4%D0%B0-%D0%BD%D0%B0-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D1%82%D0%B0-%D0%BD%D0%B0-%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD-14/?lang=en>

59 Association of Journalists of Macedonia, "Protocol on Cooperation between AJM and Mol", published in December 2019. Accessed on January 3, 2020: <https://znm.org.mk/wp-content/uploads/2020/01/%D0%9F%D1%80%D0%BE%D1%82%D0%BE%D0%BA%D0%BE%D0%BB-%D0%B7%D0%B0-%D1%81%D0%BE%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%BA%D0%B0-%D0%BD%D0%B0-%D0%97%D0%9D%D0%9C-%D0%B8-%D0%9C%D0%92%D0%A0.pdf>

60 Association of Journalists of Macedonia, "AJM: All attacks on journalists to be swiftly solved", published on November 1, 2019. Accessed on December 19, 2019: <https://znm.org.mk/%D0%B7%D0%BD%D0%BC-%D0%B4%D0%B0-%D1%81%D0%B5-%D0%B7%D0%B0%D0%B1%D1%80%D0%B7%D0%B0%D0%B0%D1%82-%D1%81%D0%B8%D1%82%D0%B5-%D0%BF%D1%80%D0%BE%D1%86%D0%B5%D1%81%D0%BB-%D0%B7%D0%B0-%D1%80%D0%B0%D1%81%D1%87/?lang=en>

There are no special procedures for dealing with attacks on journalists. There are no separate departments in the Macedonian prosecutorial system that investigate prosecution, protection and reparation of journalists in order to ensure their safety and to prevent the policy of impunity. Special procedures do not even apply to cases where victims of attacks are journalists. The judiciary and prosecution have never publicly complained that journalists' cases cannot be handled effectively due to lack of human and material resources.

Regarding the capacity of the institutions to conduct effective investigations, at the initiative of AJM and OSCE, and in cooperation with the Ministry of Interior, the Prosecutor's Office and the Basic Courts in Skopje, in 2018 and 2019 were organized series of trainings for police officers, prosecutors and journalists on the topic of freedom of speech and the safety of journalists. The Dutch Embassy in Skopje also supported AJM in the process of delivering these trainings for 2019. However, according to the institutions, in addition to training and awareness-raising activities on staff related to safety issues, journalists also need additional resources, equipment and technical modernization.

This year we do not note any cases of physical security provided by the Ministry of Interior for individual journalists, but there is one case where journalist from the Organized Crime and Corruption Reporting Project⁶¹ was provided with physical security for four months. In general, journalists do not want to have physical security as this can affect their freelance work and the provision of new information.

Regarding the work of the institutions and the clearing up of attacks on journalists, there is certain lack of coordination and weakness in inter-institutional communication, and this is most evident between the Ministry of Interior and the BPPO. This causes cases i.e. investigations to take too long even when it comes to obvious items that can be easily proven. For example, former AJM president Naser Selmani received threatening messages on Facebook. The person who threatened even publicly admitted that he had done so, and the BPPO and MoI could not clear up the case after year and a half. This slow attitude of the institutions leads to situation where attackers are encouraged to attack journalists because they know that justice will probably never reach them. The AJM therefore considers the investigations to be ineffective and safeguards inadequate.

The Academy for Training of Judges and Public Prosecutors in cooperation with the AJM will continue to conduct trainings with journalists and judiciary representatives in 2020/21, and topics related to freedom of

expression are also part of the Academy's regular training curriculum, intended for judges and prosecutors.

In terms of cooperation with institutions, AJM held consultative meetings with almost all institutions to ensure the safety of journalists, including the presidents of the Basic Public Prosecutor's Office, the Basic Criminal Court and the Basic Civil Court. In order to reduce the impunity of attacks on journalists, AJM cooperated and held meetings with the Criminal Court in Skopje², as well as with the Public Prosecutor's Office.³ At these meetings was discussed the organization of joint trainings and workshops for journalists, judges and prosecutors in order to improve the reporting of journalists and prosecutors' treatment of freedom of speech cases.

61 Organized Crime and Corruption Reporting Project

An overview of five more serious cases of threats to journalists over the past 5 years:

Year	2015	2016	2017	2018	2019
Case					
1. TV21 News Team - After the TV21 crew recorded news on complaints from residents of Arawchinovo municipality about poor infrastructure, relatives of Mayor Milikie Halimi made verbal threats to the television crew that will break the camera and asked to delete the recorded material.					The case was not reported to the police, but the Association of Journalists of Macedonia has repeatedly called on the police and the Public Prosecutor's Office to open an investigation. However, the prosecution decided not to act on tangible voice.
2. Naser Selmani - The journalist and then president of the Association of Journalists of Macedonia received death threat message from Beitullah Asani, brother of Bekir Asani who is affiliated with the ruling DUI political party.				The case has been reported to the police, and the prosecution has opened an investigation. So far, both have been called to testify.	The case is pending before the Basic Public Prosecutor's Office.
3. Armand Braho - Thugs from the Alliance for Albanians party attacked journalist Armand Braho during a conference in which he was duly summoned.				The case was reported to the police. The court fined the attackers with a fine.	
4. Group of Journalists - several journalists and media workers were attacked by the mob that entered the Parliament on 27.04.2017.			The case was reported to the police. The prosecution has not taken any action.	The prosecution prosecutes those who attacked politicians, and does not prosecute those who attacked journalists and media workers.	AJM's lawyers represent 7 journalists and will file 4 lawsuits on their behalf, 3 of which are individual and one is group of 3 journalists.
5. Vladimir Zhelcheski and Aleksandar Todorov, reporting on the great protest "For a common Macedonia" both journalists were physically attacked by unknown persons, participants of the protest, because they did not belong to pro-government media. They were hit multiple times, resulting in bodily injuries, which left them hospitalized for 24 hours.			The case has been reported to the police and the Public Prosecutor's Office has opened investigation.	The court sentenced the attackers to 6 months in prison	

Analysis and conclusions

The Government established in June 2017, both in its pre-election promises and after it came to power, has repeatedly pledged to improve the situation with freedom of speech, primarily through improving the legislation governing the work of the media. Freedom of speech has obviously improved over the past three years, primarily as result of the growing political will to release the pressures and censorship that have been present. However, the laws were late. By the end of 2018, almost none of the announced legislative changes were adopted by Parliament, and by the end of 2019 no initial steps were taken to reform the public service broadcaster and to strengthen the capacity and independence of the media regulator. The Government has repeatedly attacked the opposition and vice versa for stalled reforms in Parliament. On the other hand, the 2018 referendum, the 2019 Presidential Election, and important foreign policy issues to resolve decades-long disputes with neighbourhood countries have also been used as excuse for delaying systemic reforms in the media sphere. Thus, in 2019, MRT and AAAMS remained with the old key body composition, although their replacement was announced as early as 2018. In addition, no new members of the Commission for Protection of the Right to Free Access to Public Information were elected, thus blocking the work of this body. This has had negative impact on the transparency of the institutions, especially on the local level, as indicated by the negative trend of public information provided by the municipalities and some of the utilities on the amount of money invested in the media.

With small and fragile media market and strong clientelist links between media owners and politicians in power, the economic situation of journalists could not be expected to improve. On top of that, the state budget poured in lot of money into the private media in various ways, which greatly undermined independent editorial policy and the posi-

tion of journalists. The labour rights and economic conditions in which journalists and media workers work are at low level and they cannot guarantee their socio-economic independence. Journalists' salaries are irregular, generally as the average wage in the state, contributions are usually not paid in full and they are not paid overtime. In addition, there are still no collective agreements in the private media, and there is no will at the part of media owners and managers to establish such guarantees for their employees. Journalists' labour rights will continue to be one of the main problems in the media sector in the future unless serious steps are taken to change this. Therefore, although the general political environment in which the media operates is much more relaxed than before, journalists are not encouraged to talk about pressures inside the newsrooms, which suggest that there is both self-censorship and the fear of public speaking about these problems.

While there were no aggressive attacks on journalists in 2019 following physical violence, there were still four more serious incidents with threats that had very negative impact on the work of journalists and media workers. For example, several cases of aggressive speech by politicians in power or in opposition with elements of defamation against journalists, as well as several threats of defamation lawsuits have seriously impaired the level of freedom of expression of journalists and can be considered as instruments to intimidate journalists and media workers. In addition, the lack of initiative of the Public Prosecutor's Office to take ex-officio actions in cases that alerted the journalistic community had further negative impact on the issue of the safety of journalists. Only MOI's efforts to conduct speedy investigation into most cases of attacks on journalists, as well as to establish internal registry of attacks on journalists, can be positively assessed.

In this regard, interventions in the Criminal Code are also needed which will give the Public Prosecutor's Office additional authority to act ex officio in certain situations when the right of the journalist is violated during his / her official duty. This would solve some of the challenges and save journalists from expensive litigation that they are not always able to initiate on their own. In addition, it is necessary to analyze the general economic situation of the media and consequently to offer mitigating measures that would improve the work of the broadcasters primarily through various tax reliefs. To improve standards in the way media and journalists report, the government and all stakeholders need to support media self-regulation and use it instead of pressuring the way individual media report.

Recommendations

A Legal interventions and improvement of the implementation of laws:

- Full implementation of the Law on Audio and Audiovisual Media Services for the purpose of electing members of the AAMS Council and MRT Programming Council by the Assembly of RNM.
- Analysis for amending the LAAMS and other relevant laws in the area for improving the financial performance of private media primarily through tax relief mechanisms and similar benefits / MISA / Government of the RNM and the Assembly of the RNM in cooperation with the journalistic community and the media.
- Amending the Electoral Code to simplify media campaign rules and reduce the likelihood of abuse of paid political advertising in private media.

B Improving journalists' labour rights:

- It is necessary for the donor community to give more serious support to the journalistic union in order to have greater capacity in the manner the labour rights are negotiated with relevant institutions and media owners.
- Additional campaigns and trainings are needed to help journalists and the media become more familiar with their basic labour rights.
- Interventions in the Law on Copyright and Other Related Rights are urgently needed by synchronizing them with new European Commission directives, primarily in the area of collective realization of journalists' copyrights as well as additional recognition of journalistic content as susceptible to copyright and foreseeing fair deals in this context through which journalists as well as photographers and cameramen would be further funded through the retransmission or reproduction of their materials

C Enhancing the journalists' safety:

- Amendments to the Criminal Code in two directions: 1. Amendments to the provisions defining hate speech in accordance with ECHR practice; and 2. Amendments to the powers of the Public Prosecutor's Office for acting ex officio in attacks on journalist and / or media worker, as well as providing higher penalties for offenders / Ministry of Justice / Government of RNM and the Assembly of RNM in cooperation with AJM, IUJMW, CME, MIM and other relevant media actors and the professional public.
- Creating separate registries of cases against journalists within the basic civil and criminal courts, including the BPPO.
- Continuing training and cooperation between journalists, lawyers, judges and prosecutors on issues related to judicial attacks on journalists, but also on Article 10 of the ECHR.
- Improvement of the cooperation with the newly elected representatives of the Assembly of the Republic of Macedonia on topics related to media policies and freedom of expression.
- Continuing to build institutional cooperation between AJM, other guild associations with view to creating additional protocols and internal procedures in institutions that contribute to preventing violence against journalists and effectively sanctioning them.
- Conduct campaigns to improve the safety of journalists and media workers by guild associations and the international donor community.
- Providing continuous legal assistance to journalists and media professionals as well as additional advisory services by the guilds' associations in cooperation with the international donor community.

