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NORTH MACEDONIA **Indicators for** **the degree of** **media freedom** **and journalists** **safety in 2021**



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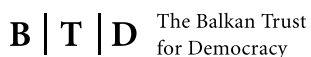
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A PROJECT OF THE GERMAN MARSHALL FUND

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Project Overview and Scope

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

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

A Note on the Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years, the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods were applied to collect and analyze data in order to answer the indicative questions related to each specific indicator:

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

At national level, national researchers who carry out the data collection and draft the narrative reports, which were then reviewed by local media experts and by lead researcher, conduct the advocacy research. In Republic of North Macedonia, the Association of Journalists of Macedonia nominated Milan Spirovski and Biljana Nasteska Kalanoska as national researchers, and Marina Tuneva as media expert to review the report.

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

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

List of Abbreviations

SEC	State Election Commission
AAAVMS	Agency for Audio and Audiovisual Media Services
MRT	Macedonian Radio Television
AJM	Association of Journalists of Macedonia
ITUJMW	Independent Trade Union of Journalists and Media Workers
MIM	Macedonian Institute for Media
CMEM	Council for Media Ethics Macedonia
RNM	Republic of North Macedonia
MIA	Media Information Agency
IRL	Investigative Reporting Laboratory
MOI	Ministry of Interior
LAAMS	Law on Audio and Audiovisual Media Services
IFJ	International Federation of Journalists
EFJ	European Federation of Journalists
PPO	Public Prosecutor's Office
NSA	National Security Agency
UBK	Security and Counterintelligence Directorate
BPPO	Basic Public Prosecutor's Office

The Constitution of the Republic of North Macedonia is the highest legal act that defines the state as parliamentary democracy with legislative, executive, and judicial power. 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 political parties from the Macedonian and Albanian blocs that won the most votes in the elections form the government. In 2021, after almost 20 years, a Census of Population and Households was conducted in the Republic of North Macedonia, in which a total of 1,832,696 persons and 568,175 households were registered. Given the fact that the official detailed results of the census have not yet been published at the time of writing, the data from the last census conducted in the country in 2002 are given here. The total population of the country was 2,022,547 inhabitants, with different ethnicities: Macedonians 65,17%, Albanians 25,17%, Turks 3,85%, Roma 2,66%, Serbs 1,78%, and smaller percentage of members of other ethnic communities (Boshniaks, Vlachs, Bulgarians, Montenegrins, etc.).

The last local elections held in October 2021 happened major changes on the political scene: the opposition VMRO-DPMNE won more mayoral seats and municipal council seats than the ruling SDSM⁴. As a result of the election failure, the leader of SDSM and the current Prime Minister resigned, which was followed by intra-party elections, and then the election of a new government. The long-awaited media reforms were additionally postponed due to these processes, the new composition of neither the

⁴ SEC. "Announcement of preliminary results from the conducted elections for mayors of the municipalities, from the conducted second round of elections", North Macedonia: 2021. <https://bit.ly/3NMppun>

Council of the Agency for Audio and Audiovisual Media Services, nor the Program Council of the Macedonian Radio and Television was elected. The adoption of the amendments to the Criminal Code, which provide systematic protection of journalists in case of violation of their rights and freedoms, as well as the amendments to the Law on Civil Liability for Defamation and Insult, which reduces the amount of compensation for non-pecuniary pity for the journalists, who entered the parliamentary procedure in August. It was postponed the adoption of the amendments to the Criminal Code⁵, which provide systematic protection for journalists in case of violation of their rights and freedoms. As well as the amendments to the Law on Civil Liability for Defamation and Insult⁶, which reduces the amount of compensation for non-pecuniary pity for the journalists, who entered the parliamentary procedure in August.

The final damage from the covid-19 pandemic is still difficult to estimate, but early estimates put the decline in the gross domestic product at 4 to 6 per cent. Interim government support measures (employee benefits, tax breaks and social security contributions, etc.) have had significant fiscal implications, but have only partially alleviated the plight of the economy. Although 2021 was particularly difficult for the media due to declining advertising revenues, the government and the media regulator have mitigated to some extent the negative effects of the economic crisis through various forms of direct and indirect subsidies. An additional source of income for the media was the means of political advertising during the election campaign, but there is a general concern that this undermines the independence of editorial policy.

Regulator analyzes⁷ show that budgets have been shrinking in recent years, with a dozen broadcasters shutting down last year. The media find it difficult to survive in a small but crowded media market. In the television sector, there is a public service (with 5 TV channels) and 45 private TV channels. The dominant platform for receiving TV programs is cable (61.7%), then IPTV (23.7%), DVBT (9.9%), internet (4.4%) and satellite platform (3.1%). On the radio market, there is a public service (with 3 channels), 67 private radio stations and 4 non-profit stations. The print media sector publishes 5 daily newspapers, 2 weekly newspapers and about 11 other publications. There are also between 150 and 200 domestic digital media. New technologies have completely changed the leisure time of the audience. Almost 80 per cent of the audience is informed online.

Journalists and media workers remain economically insecure and there are almost no collective bargaining agreements to protect their labour rights. In 2021, there were cases of serious online threats against journalists, but the institutions were not effective enough in detecting and punishing the attackers. However, it should be noted that one of the cases (a hateful comment written on the Facebook page of AJM) ended with a court sentence with a suspended prison sentence for the perpetrator of this crime.⁸

5 Assembly of the RNM, Draft Law on Amending the Criminal Code. Accessed on 7.1.2022. Details for materials (sobranie.mk).

6 Assembly of RNM, Draft-law on Civil Liability for Defamation and Insult. Accessed 7.1.2022. Details for materials (sobranie.mk).

7 AAAMS, "Market Analysis of Audio and Audiovisual Media Services for 2020". Skopje: 2021. Accessed on: 11.1.2022. <https://bit.ly/3tPzmyZ>

8 AJM, "Conditional prison sentence for hate speech written on AJM's Facebook page". Skopje: 2021. Accessed on: 29.12.2021. <https://bit.ly/3O22wmr>

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

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

Apart from the Constitution, the basic guarantees for freedom of expression and independence of the media are incorporated in the media and in several other laws. All these laws include the right to access the Internet, i.e., there is no special regulation that regulates only the Internet. The assessment for the application of these guarantees is positive, primarily because compared to 2020, the number of registered threats and attacks on journalists and the media was reduced by more than half. However, despite the reduced number of attacks, journalists and media workers continue to feel insecure due to the practice of impunity, especially in previous years.⁹ According to this year's Reporters Without Borders Index,¹⁰ in 2021, North Macedonia was two places higher on this list and ranked 90th out of 180 countries in the world. One of the main problems highlighted by Reporters without Borders's report is the persistence of a culture of im-

⁹ Milan Spirovski and Verche Todorovska Kostovska, "North Macedonia – Indicators of the degree of media freedom and safety of journalists"; Skopje: 2020. Accessed on: 23.12.2021. <https://znm.org.mk/wp-content/uploads/2021/06/MK-ENG-2020-1.pdf>

¹⁰ Reporters without Borders, "North Macedonia: Reporters Without Borders Report 2021", Accessed 11.1.2022. <https://rsf.org/en/north-macedonia>

punity and attacks on journalists: “The media situation has deteriorated, senior government officials have continued to threaten and insult the media, while the harassment and verbal attacks on journalists on social networks have increased.”

In 2021, the Assembly did not implement the announced activities for election and appointment of the governing decision-making bodies in MRT and the Agency for Audio and Audiovisual Media Services (AAAMS), despite the public requests made by the trade unions. At the beginning of 2021, they publicly demanded¹¹ the election and appointment of these bodies to be voted by a two-thirds majority instead of a simple majority in Parliament.

Were media and other relevant legislation developed in transparent and inclusive process in consultation with relevant professional organizations?

The government in a non-transparent manner, initiated amendments to the Law on Audio and Audiovisual Media Services in order to reintroduce state advertising, but the proposal was withdrawn. The media organizations strongly opposed the proposed amendments to the Law, arguing that it would further strengthen the financial-clientelistic ties between the private media and the government.

The announced adoption of the amendments to the Law on Civil Liability for Defamation and Insult and the amendments to the Criminal Code, in terms of greater protection of journalists and media workers, did not happen in 2021 either. Although in 2020, AJM was involved and consulted in the preparation of amendments to these two laws, however, the essential note is that the process of amendments to these laws was slow and without a set time frame for adoption and implementation.¹²

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

There are no specific requirements for establishment of print or online media in the country, except for the usual procedure for registration of the media as business entity before the competent authorities. The print media are subject to minimum obligations set out in the Law on Media in terms of the basic conditions for publication, the obligation for public operation, the protection of sources of information, the protection of minors, the prohibition of hate speech and incitement to violence and several other obligations related to the internal organization and acts of the publishers. The content of online media is not at all subject to media legislation, because the prevailing view in the media community is that they should be subject to self-regulation. In order to raise the level of professionalism and standards for online journalism, AJM and the Council for Media Ethics of Macedonia (CMEM) continued with the promotion of the Register of Online Media,¹³ established in December 2019 and which was pointed out in the European Commission Report¹⁴ as a good practice. The number of registered members in the Register of Professional Online Media in 2020 was 138, and at the end of 2021 it increased to a total of 152 members. In April 2021, AJM, SEMM and the aggregator [Time.mk](https://time.mk)¹⁵ concluded agreement that the online media from the Register of Professional Online Media [Promedia.mk](https://promedia.mk) should be clearly indicated on the aggregator’s website (<https://time.mk/blue>), in order to recognize professional and ethical online media. The self-regulation of the media space with this gets a new quality, a step plus for professionalization of the online sphere, as one of the tools to increase media literacy in the country, but also to protect citizens from information that is not processed according to the Code of Journalists and the journalistic profession. The process of joining to the Registry remains open to the media that meet the criteria listed on the SEMM website <https://www.semm.mk/chlenstvo/pravila-za-chlenstvo>.

11 AJM, “AJM, ITUJMW, MIM and CMEM: The election of the bodies in MRT and AAAMS with a simple majority is risky”, Skopje: 2021. Accessed on 12.12.2021. <https://bit.ly/38H0s3j>

12 Although the amendments to the Law on Civil Liability for Defamation and Insult were foreseen in the “Plan 18” 2018, the working group of the Ministry of Justice, which was established in June 2019, started with work at the end of 2020.

13 Register of Professional Online Media – Promedia. [www.promedia.mk](https://promedia.mk)

14 European Commission, “Report from the European Commission for North Macedonia for 2021”, Strasbourg: 2021. Accessed on: 25.01.2021. <https://bit.ly/36FWi6>

15 AJM, SEMM and Time.mk, “The Register of Professional Online Media of Time.mk”, Skopje: 2021. Accessed on 7.2.2022. <https://bit.ly/3uvEWah>

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

Same as in the previous, in 2021 no attempt was registered by the Government or any other state body to block or filter internet content. The assessment is that citizens, media and other organizations freely use the right to freedom of expression within the Internet space.

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

In 2021, the Association of Journalists of Macedonia has not noted criticism of the functioning of the Agency for Audio and Audiovisual Media Services (AAVMS). The work of AAVMS can be assessed as independent and objective without discriminatory attitude towards certain audiovisual media. In the past year, AAVMS correctly and impartially monitored the local elections. This year, too, the new members of the AAVMS Council were not elected due to political disagreements between the parties in the Assembly, which indicates that the political parties still do not intend to give up their influence on the regulatory body.

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

State advertising is prohibited by the amendments to Article 102 of the Law on Audio and Audiovisual Media Services as of December 2018, and in 2015, the government decided on a full moratorium on state advertising, at the request of AJM and the NGO sector. In past years, this decision was respected, but at the local level, municipalities and public enterprises still allocated funds from budgets for private local media, which undermined their independent position. Certain journalistic research¹⁶ confirm that some municipalities have not yet complied with the legal restriction and signed various types of agreements with broadcasters to provide

¹⁶ BIRN Macedonia, "Government Campaigns One Step Back to the Media", Skopje: 2021. Accessed 11.12.2021. <https://bit.ly/3tRoaC6>

funds from local budgets to the media, and yet not to violate the law.

In May 2021, the government announced the possibility of lifting the ban on advertising with public funds in private media. It was severely criticized by AJM and other journalistic and media organizations¹⁷, as it could jeopardize the editorial independence of the media, further undermine and the already vulnerable media market and to strengthen clientelism. AJM's position is that it is necessary to help the media, especially when the monetary crisis has increased, but it should be in transparent and not discriminatory manner. AJM advocated the idea of establishing a media fund with clearly defined criteria, whereby any media could apply for projects of public interest.¹⁸

In order to reduce the economic consequences of the pandemic, in April 2021, the government adopted several packages of economic measures¹⁹, among which, through the Development Bank, an interest-free credit line of one million euros was provided in order to support the media broadcasting radio and television programs. In addition, the Council of the Agency for Audio and Audiovisual Media Services decided²⁰ to suspend all initiated licensing proceedings based on unpaid annual fee for radio and television broadcasting. At the same time, the regulator decided not to initiate new procedures for revoking licenses due to non-payment of the license fee for 2021. To all broadcasters that have made full or partial payment of the fee for the license for radio or television broadcasting in 2021, the Agency has decided to return the funds by March 13, 2021 at the latest.

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

In 2021, the Government adopted a Program for support of printing and distribution of print media for denars, which is significantly lower compared to previous years.²¹ The program is implemented for the fourth year in a row, in order to support the print and general me-

¹⁷ AJM, "AJM, ITUJMW, CMEM and MIM: We do not need a replay of paid public campaigns in the media", Skopje: 2021. Accessed on 9.1.2022. <https://bit.ly/3OOyVtQ>

¹⁸ AJM, "Public campaigns in the media should be free", Skopje: 2021. Accessed on: 26.2.2022. <https://bit.ly/3isJlo6>

¹⁹ Government of RNM, "Announcement for awarding the sixth package of economic measures", Skopje: 2021, <https://vlada.mk/node/2494?ln=mk>

²⁰ AAAMS, "Financial support for reimbursement of funds for license for RA and TV broadcasting", Skopje: 2021, <https://bit.ly/3LVlwIP>

²¹ Government of RNM, "Support Program for Printing and Distribution of Print Media for 2021", Skopje: 2021. Accessed on: 10.01.2021. <https://bit.ly/3tIwrW9>

dia. The allocation of funds is decided by a commission, which, in addition to representatives of the competent institutions, also includes one representative of the Association for Protection of National Print Media and AJM. The Commission for 2021 made a decision based on clearly defined criteria, and the amount of approved support is determined based on the submitted invoices for the calendar year 2020. However, there is no mechanism for checking how the allocated funds are used.

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

Apart from radio and TV programs in the languages of the ethnic communities, within the public service broadcaster, there are no other mechanisms for financing the media in the languages of the different ethnic communities. At the end of 2021, there were 19 televisions and 13 radios in the broadcasting sector that broadcast programs in one of the languages of the ethnic communities living in North Macedonia²². Most of these private broadcasters broadcast in Albanian language, while the smaller ethnic communities (Turks, Roma, Vlachs, Serbs, and Bosniaks) have almost no access to private television and radio programs. There is a lack of an appropriate media policy to solve this problem, which is reflected in the overall pluralistic picture of the media in RNM.

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

Public service reform was one of the key demands of the non-governmental sector for implementing comprehensive reforms in the media sphere. This request was primarily related to the increase of the budget for this medium, as well as the need to ensure its greater independence by starting with the election of the new members of the Program Council of the Macedonian Radio and Television (MRT). The financing of MRT was thoroughly changed in 2018, when from the broadcasting fee (public fee) was transferred to a fixed percentage of the Budget of RNM, in order to ensure long-term and stable financing. Nevertheless, MRT is still facing financial problems due to the indebtedness in previous years, and because the government did not pay the funds in full according to the dynamics provided by law. According to AJM calculations, MRT in 2021 received the lowest income in the last three years. On the other

hand, MRT's program obligations have even increased with the opening of a 24-hour Albanian-language channel and new thematic services (children and sports channel).

*The Assembly of RNM should give priority to reform to the public broadcasting service as it at early stage. The means intended as financial support for the regular operation that MRT receive from the Budget of RNM, as funds for financing the broadcasting activity, are planned in the amount of 1,564,500,000 denars or 95.7 percent of the total planned revenues. This amount is determined based on the available information on the website of the Ministry of Finance for realized total revenues at the state level during the eight months of 2021. In accordance with Article 105 paragraph 1 and Article 45 of the applicable transitional provisions in the Law on AAVMS, which states that as of 2021 onwards, for financing the broadcasting activity, from the Budget of RNM should be allocated funds in the amount of 1 percent of the realized total revenues in the year preceding the fiscal year for which determines the amount.*²³

The body that should actually design and implement the reforms in MRT is the Program Council, but the election of new members, as one of the key requirements for raising the level of independence of MRT, did not happen in 2020 nor in 2021 either. Instead, the Assembly decided to extend the mandate of the existing members, without conducting new election procedure. This body prepared draft strategy for five-year development of MRT and conducted consultations, in which AJM and other relevant organizations and experts gave their proposals and remarks. It was emphasized in the consultations that it is positive that the Program Council decided to adopt development strategy, but that serious elaboration of this document is needed.

The European Parliament has called on the country's authorities to intensify media reforms and ensure greater independence of the national public service. The texts of the resolution calls on the authorities to speed up the implementation of systemic media reforms, which will contribute to the resurgence of competition, increase the independence and capacity of the public service broadcaster and the media regulator, and support investigative journalism²⁴.

22 Register of TV and radio broadcasters of the Agency for Audio and Audiovisual Media Services, AAAMS. Accessed 19.2.2022. <https://avmu.mk/en/broadcasters/>

23 MRT, "Proposed financial plan of the Public Broadcasting Company Macedonian Radio and Television for 2022", Skopje: 2021. Accessed on: 14.2.2022. <https://bit.ly/36Qr8Jn>

24 European Parliament, "European Parliament resolution of 25 March 2021 on the 2019-2020 Commission Reports on North Macedonia (2019/2174 (INI))", Strasbourg: 2021, p. 11. <https://bit.ly/3wRVzyc>

A2 The effect of defamation laws on journalists

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

In December 2020, a new text was prepared to amend the Law, which accepted almost all AJM proposals for reducing the amount of compensation for non-pecuniary damage in the event of a journalist's guilt and to supplement the parts for exclusion from liability for defamation and insult. The purpose of the AJM proposals was to reduce the envisaged fines, in order not to negatively affect free and critical journalism.

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

The number of defamation and insult lawsuits against journalists and the media has dropped dramatically since defamation and insult were decriminalized. Thus, unlike 2012, when 330 lawsuits were registered²⁵, in 2016 there were 40, in 2017 39, and in 2020 33 cases in which a party is a journalist or media outlet. According to the data received from the Basic Civil Court Skopje, the total number of active cases in which a journalist or media outlet is a party in 2021 was 20. During the past year, AJM has not registered a completed procedure or process in which a journalist was convicted or sentenced any kind of punishment. This shows that defamation and insult are less and less used as an instrument of pressure on journalists and the media

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

According to attorneys with whom AJM cooperates and who are representing journalists in court cases of defamation and insult, judges generally take into account the decisions of the Council for Media Ethics of Macedonia while conducting court proceedings. In addition, there is growing practice for lawyers to use CMEM's decisions in court proceedings as additional argument in favour of journalists. In addition, the explanations of judgments, in which at least one of the parties is journalist, often are

cited cases from the European Court of Human Rights, which is progress compared to the past.

"The purpose of self-regulation is, in fact, to avoid court proceedings, i.e., it is an opportunity for 'injured' persons, in cases of insult and defamation, to seek moral satisfaction with the self-regulatory bodies. This means that if the self-regulatory body made a decision against the journalist or the media, and the injured party still initiated a civil lawsuit ... due to insult and defamation, the Court should consider the decision of the self-regulatory body as an attempt to mitigate the damage, and not to treat it as an aggravating circumstance against the defendant journalist or media outlet. Same as the request for apology and withdrawal in accordance with the law on insult and defamation, the decision of the self-regulatory body aims to mitigate the damage, ie to satisfy the personal rights of the injured party." Ivan Breshkovski, legal expert and lawyer²⁶.

What do journalists think about the defamation law? Are they discouraged from researching and writing critically?

Journalists and media workers²⁷ believe that defamation and insult lawsuits have been used more as tool to pressure them in the past. However, in 2021 there were examples of pressure on journalists by filing lawsuits for insult or defamation by politicians or financial powers.

A journalist who participated in the focus groups testified about a case of pressure from financial powers:

"We were under pressure when we researched the story of the Investigative Reporting Laboratory – IRL about the illegal purchase and sale of waste oil as fake fuel oil in the country, which was then used as fuel in hospitals, government institutions, ministries, but also in large industrial facilities such as "Feni", "Brako" etc. The story pointed to the then Deputy Prime Minister for Economic Affairs Kocho Angjushev. He threatened the IRL editorial office and the editor Sashka Cvetkovska with a lawsuit for which the court procedure is still ongoing."

²⁵ AJM, "Analysis: Judgments for defamation and insults in court cases with journalists", Skopje: 2018. Accessed on: 21.1.2022. <https://bit.ly/38AAOwZ>

²⁶ Ivan Breshkovski, legal expert and lawyer, interviewed on 20.1.2022.

²⁷ For the needs of this research, an online focus group with journalists was conducted on 24.12.2021.

A3 Protection of political pluralism in the media

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

The Law on Audio and Audiovisual Media Services does not explicitly mention “political pluralism” as obligation of providers of audio and audiovisual media services when it is not election campaign time. However, the principles for performing the activity contain article 61²⁸, that is applied to all broadcasters and the regulator uses as basis for monitoring their reporting in the period from the announcement of the elections until the formal start of the election campaign, when the provisions provided in the Electoral Code are applied. The obligations for MRT, in relation to this issue, except in the provisions for performing the activity, are also provided in article 110²⁹ and 111. Article 111, which refers to the standards and principles in the production or broadcasting of the programs of the public broadcasting service, addresses several points on the issue of pluralism and balance in the programs of MRT. Item 2 instructs MRT journalists and editors to “adhere to the principle of political balance and pluralism of views.”

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

Although there is no explicit obligation of the regulator to monitor political pluralism outside the election campaign, the general competencies of the regulator state that it “takes care of the protection and development of the pluralism of audio and audiovisual media services”, which includes this aspect of political pluralism. In the past years, the Regulator has conducted analyses of political pluralism outside the election period and has adopted separate Manual.³⁰

28 Article 61 of the Law on Audio and Audiovisual Media Services regulates the principle of “objective and impartial presentation of events with equal treatment of different views and opinions and enabling the free formation of the public opinion on certain events and issues.” <https://bit.ly/3Njimaq>

29 Article 110 of the Law on Audio and Audiovisual Media Services defines the obligation of the public service: “to provide continuous, truthful, complete, impartial, fair and timely information by creating and broadcasting high quality programs for all important political, economic, social, health, cultural, educational, scientific, religious, ecological, sports and other events and happenings ...”. <https://bit.ly/3Njimaq>

30 AAAMS, “Handbook for Assessing Media Pluralism”, Skopje: 2012. Accessed on: 10.11.2021. <https://bit.ly/3NEJBxT>

Do political parties and candidates have fair and equal access to the media outside the election period?

During 2021, neither the regulator nor any other organization has conducted analysis of political pluralism in the news, so it is difficult to answer precisely whether political parties have fair access to audiovisual media outside elections. However, the general assessment of media experts interviewed for the purposes of this analysis is that the situation today has significantly improved compared to the period until 2016, when the most influential audiovisual media constantly reported under the influence of the ruling party. However, although the broadcast media as a whole report on the numerous different current political views, the fact that the daily news shows are still dominated by the “fights” of the leading parties is worrying.³¹

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

The Electoral Code, both for the public service and the private media, regulates political pluralism during the election campaign and the regulatory body is authorized to monitor the coverage of the broadcast media. The provisions of the Electoral Code on the obligations of the Public Broadcasting Service in achieving balance in the daily news programs are extremely complex. Namely, MRT, in addition to the principle of proportionality, according to which all other broadcasters should be guided, must structure the news according to complicated formula: 30 percent articles on daily events from the country and the world, 30 percent on the activities of political parties in power, 30 percent for the activities of the political parties from the parliamentary opposition and 10 percent for the activities of the political parties that are not represented in the Parliament. There are additional obligations for equal treatment of all participants in the elections in access to all forms of election media representation, as well as the ban on the media to appear as donors to the election campaigns of certain political parties.

Several provisions of the Law refer to paid political advertising – the allowed time, the manner of distribution of time for political advertising, etc. There are also provisions governing the conduct of the media during election silence, as well as restrictions on the manner in which pre-election polls are conducted. From the aspect of the protection of political pluralism, however, the most controversial are the provisions of the Electoral Code that refer to political advertising. AJM’s position

31 Dejan Georgievski from the Center for Media Development, interviewed on 30.1.2021

is that paid political advertising in the audiovisual media should be abolished, because it negatively affects the editorial policy of the media, but also “shifts” the balance of opposing views in the public sphere. In addition, the political parties have the opportunity to lease the media space with public funds, i.e., from the Budget of RNM. The issue of concern from the aspect of protection of political pluralism is that paid political advertising in the period outside the elections is not explicitly prohibited by the media legislation. This vacuum in the past was abused in the form of the so-called advertising the achievements of the ruling party, but with funds from the Budget. In order to overcome this problem, interventions are needed in the Law on Audio and Audiovisual Media Services and in the Electoral Code, i.e., to introduce a ban on paid political advertising in private media, in any period.

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

From the conducted monitoring of the early local elections held on October 15, 2021, the media regulator³² concluded that all commercial services at the national level made efforts to provide media coverage of the election campaign and in addition to informing the daily news programs, almost all booked more special information programs about the participants in the elections. However, private broadcasters did not cover the campaign in accordance with the principles of equality for mayoral candidates and proportionality for municipal council candidates. The editorial offices followed the election campaign pragmatically, mostly according to the expectations from the general political experience for the election processes so far, giving priority to SDSM and VMRO-DPMNE and their coalition partners, and not according to the starting principles of the stated legal requirements. However, “there are a number of objective reasons for such a statement, in this case starting from the basic – the huge number of confirmed candidates for the city of Skopje, for the Skopje municipalities individually, but also for all other municipalities in the country”³³.

The results of the OSCE / ODIHR monitoring³⁴ confirm that a large number of media outlets, divided according to their political affiliation, operate in a small ad-

vertising market. Televisions and online media are the main sources of political information. The public service broadcaster, Macedonian Radio and Television (MRT), is funded by the state budget, which, in the opinion of some ODIHR interlocutors, reflects on its editorial independence.

A4 Freedom of work and association of journalists

Do journalists have to be licensed by the state to be able to work? Were there any attempts to introduce permits by the state during the last year?

In the Republic of North Macedonia, the journalistic profession is not subject to licensing, but the problem is that the Law on Media still contains definition of the term journalist.³⁵ AJM and other media organizations, since the adoption of LAAMS in 2013, reacted that this may limit the free practice of the journalistic profession. Determining who is journalist and who can be journalist must not be subject to law, i.e., an issue is subject only to self-regulation by the journalistic profession.

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

In 2021, AJM noted such a case during the local elections in the country, in October 2021, by members of the election board in Tetovo, as well as by a representative of the Ministry of Interior towards the journalist Ferikan Iljazi Arifi, a Euronews Albania correspondent. Regarding this case, AJM submitted complaints to the State Election Commission and to the Department of Internal Control at the Ministry of Interior (MOI). In 2021, unlike the previous year, during the press conferences in the Government, there were no obstacles for the journalists to ask questions, as they were organized in compliance with the health protocols for protection against the covid-19 pandemic.

32 AAAMS, “Report on media coverage in the first round of the campaign for the Local Elections 2021”, Skopje: 2021. Accessed on: 24.12.2021. <https://bit.ly/3DYruyN>

33 AAAMS, “Review of initiated misdemeanor proceedings by AAAMS for the local elections 2021”, Skopje: 2021. Accessed on: 26.1.2021. <https://avmu.mk/en/election-2021/>

34 OSCE / ODIHR, “Republic of North Macedonia: Local Elections October 17, 2021 (Periodic Report)”, 2021. Accessed on 26.1.2022. <https://bit.ly/3uPkhqI>

35 In Article 2 of 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 in the media or has a contract with them or a person who carries out journalistic activities as an independent profession (freelance journalist)”. <https://bit.ly/35unYiP>

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

Most journalists are organized in professional associations and in that regard there were no obstacles or pressures during 2021. The largest and oldest association is the Association of Journalists of Macedonia (AJM), founded in 1946 and member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ). AJM is a leading media organization, which unites journalists in RNM for the protection of freedom of speech, independence of the media, by advocating for respect for the highest ethical standards for the work of the media and journalists. The association strives to increase journalistic solidarity and unity, as well as to raise the professional level and ethical norms of journalists in RNM. During this period, no pressure was registered on AJM or its members.

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

Regarding the protection of workers' rights, journalists and media workers are organized within the Independent Trade Union of Journalists and Media Workers-ITUJMW, which is independent and is not part of any trade union organization at the national level. There is also special union of the public broadcasting service that is not part of the ITUJMW. According to ITUJMW representatives, the most common form of pressure on union members' journalists is when media owners or managers avoid calculating union membership fees from journalists' salaries, causing them to lose their union status.

"This year, too, there is a continuation of the trend in some major media to subtly hinder the union membership. In the state agency MIA, with the support of the management, a so-called yellow union was established. According to the information that ITUJMW received from its members after a series of union activities to comply with some provisions of the collective agreement, many members of ITUJMW canceled their membership and joined the so-called yellow union."

"This year, too, there is a continuation of the trend in some major media to subtly hinder the union membership. In the state agency MIA, with the support of the management, a so-called yellow union³⁶. According to

³⁶ EN: A trade union that is dominated or influenced by an employer and thus not properly independent. <https://www.yourdictionary.com/yellow-union>

the information that ITUJMW received from its members after a series of union activities to comply with some provisions of the collective agreement, many members of ITUJMW canceled their membership and joined the so-called yellow union."³⁷

Is there media ethics council and how is this body organized? Is there pressure on the representatives of the ethics council?

The Council for Media Ethics (CMEM) is self-regulatory body, which exists since December 2013 and in which on voluntary basis media publishers are members. A condition for membership in CMEM is the adherence to the principles and ethical standards of the Code of Journalists and the acceptance of the Statute of CMEM. The members of CMEM are thus obliged to be actively involved in the mediation process and to publish the decisions of the Complaints Commission of this body. At the end of 2019, at the initiative of AJM and CMEM was established the Register of professional online media. In order to be a member, online media must meet certain criteria³⁸, which include the following obligations: transparency of the ownership structure, publication of an impressum, signing of the published content by journalists / authors, mandatory registration of online media as legal entities, etc. Additionally, the AJM has a Council of Honor, as an internal self-regulatory mechanism, which monitors the observance of the Code of Journalists by the journalists, members of AJM.

A5 Protection of information sources

How does law guarantee the confidentiality of journalistic sources? Under what conditions can the right to resource protection be restricted?

The right to protection of the journalistic source in RNM is guaranteed by the Constitution as well as with several laws as are the Law on Civil Liability for Insult and Defamation, the Criminal Code, the Law on Media and the Law on Audio and Audiovisual Media Services and Law on whistle-blowers. In 2021, AJM did not note an example where journalists or media workers were restricted in their right to source protection.

³⁷ Darko Duridanski, project manager at ITUJMW, interviewed on 28.1.2022.

³⁸ The rules for membership in the internet portals in the Register are available at <https://www.semm.mk/en/membership/rules-for-admission>

Are there examples of sanctions being imposed on journalists who refused to disclose the identity of their sources?

The last case of sanctioning journalists who refused to disclose the identity of the source of information was noted in 2019³⁹. In 2021, not a single case was registered in which it was requested from journalists to reveal the source, nor to be sanctioned for refusing to disclose his identity.

Can journalists freely access and make contact with sources of information?

In general, when working on research articles, journalists feel free to contact sources of information. The new Law on Whistle-blower Protection⁴⁰ regulates the issues of protected reporting, whistle-blower rights, as well as the actions and duties of the institutions regarding the protected reporting and ensuring protection of whistle-blowers. The amendments to this law from 2018 have been harmonized with the international standards prescribed in this area and it provides greater protection to whistle-blowers. In that regard, journalistic sources are encouraged and institutionally better protected. During 2020, AJM did not receive reports on eventual cases regarding possible violations of this law.

A6 Right of access to information

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

In May 2019, the Assembly of the RNM adopted new Law on Free Access to Public Information, according to which the former Commission for Protection of the Right to Access Public Information was transformed into Agency, whose director and deputy received greater powers in resolving on complaints and petitions from

citizens. The most important change for the journalists is the reduction of the deadline for responding to the request, i.e., for adopting a decision from 30 to 20 days, with the possibility of extension for another 10 days. Regarding this issue, the journalists say that they often have problems with respect to the deadlines by the institutions, as well as with the fact that the content of the submitted information sometimes does not correspond to the request addressed to the institutions.

“It often happens to us to send neatly and timely questions to an information holder, to wait until the last day of the deadline and at the end, out of 4 questions to get a general answer to only one question,” said journalist Bjanka Stankovich, a participant at the focus group conducted for the needs of this research.⁴¹

In its annual report⁴², the Agency for Protection of Free Access to Public Information informed that the information seekers have sent no complaints to them. Investigative journalists emphasize that, unlike before, the communication with the Agency’s staff has improved, so that they understand their concerns and offer assistance in using the Law.⁴³ According to the experience of journalists who have submitted requests for information to institutions,⁴⁴ the deadline for appeal further complicates the process, and practice shows that holders of public information usually respond on the last day of the deadline.

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

The general assessment of several experts, journalists and organizations is that the situation with the transparency of the institutions has improved, as well as that certain state institutions still are not enough open and accountable. The analysis prepared by the Centre for Civil Communications,⁴⁵ in the context of respecting the deadline for response by the institutions, shows that out of total of 460 requests addressed by the Centre for

39 It is about the indictment filed against a journalist on the Infomax portal for publishing a report of an active case in the Prosecutor’s Office, in connection with which AJM reacted, emphasizing that “The Prosecutor’s Office should not prosecute those who published the documents, but the person who had access to official secrets took them out and gave them to the media ... because such prosecutions can additionally create a negative effect on the freedom of speech and encourage self-censorship among journalists ...”

40 “Law on whistleblower protection”, 2016. Accessed on: 09.12.2021. <https://bit.ly/35u7pU9>

41 Bjanka Stankovikj, journalist, statement during the focus group with journalists conducted on 24.12.2021.

42 Annual report of the Agency for Protection of Free Access to Public Information. Accessed on: 20.1.2022. <https://bit.ly/3qSibr0>

43 Metamorphosis Foundation, “Final – Summary Report from the Monitoring of the Fulfillment of the Reform Priorities in the Field of Media (2019-2020)”, Skopje: 2020. Accessed on: 17.1.2022. <https://bit.ly/3iUoYzH>

44 Focus groups with journalists and media workers, organized on 24.12.2021.

45 Center for Civil Communications, “Analysis of the implementation of the new Law on Free Access to Public Information”, Skopje: 2020. Accessed on: 18.1.2021. <https://bit.ly/3DtHNDi>

Civil Communications to various institutions of central and local government, within a maximum legal period of 20 days, 51% of the requests were answered (234 requests). 48% of the requests (221 requests) were answered within the legal deadline, while the institutions did not answer 1% of the requests (5 requests) even after a decision was made by the Agency.

How open are the Government and the ministries to the public?

The journalists point out that in the conditions of pandemic, most of the institutions were with limited transparency, “to the extent that suits those who run the institution”.⁴⁶ Most ministries were late with their releases and announcements, and the public relations services, with their reports, often tried to impose their position or point of view. It has often happened that incumbents have been even more transparent than their public relations services, which have been quite closed, but there is still an improvement in the transparency and openness of the institutions compares to period before. However, when it comes to respecting the deadlines for submitting answers to previously duly submitted requests in accordance with the Law on Free Access to Public Information, institutions always use the maximum deadline for answering questions.⁴⁷ Journalists generally estimate that transparency in 2021 has improved, unlike in previous years. It is estimated that the transparency of the Government of RNM has improved, compared to other state institutions.

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

At the request of the Ministry of Justice of North Macedonia, in March 2021, the Association of Journalists of Macedonia (AJM) submitted a proposal for amendments to the court Rules of Procedure⁴⁸ that is important for the smooth operation of journalists and timely and accurate information to the public about the work of the courts. The Proposal was previously consulted with judges and representatives of this ministry, as well as with journalists who report on the work of the courts. The proposed changes address the transparency of the work of the courts, journalists' access to court records and court hearings, as well as improving the quality of information published on the courts' websites. AJM also

pointed out the need to establish a register of spokespersons for judicial institutions, which should be publicly available on the websites of the courts and on the site sud.mk.

According to journalists, the courts in Skopje have significantly more transparency compared to the courts in the interior: “The courts in the western part of the country are not transparent enough and it is very difficult to get any information from them.”⁴⁹

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

There is general opinion that the Assembly of RNM is more transparent, although it often happens that the submission of the requested answers is delayed.

The President of the Assembly, Xhaferi holds regular briefings with journalists in order for journalists to be up to date with the work of the Assembly and the plans for the work of the legislative house. However, the journalists who report from the Assembly are not in full and objectively informed by the coordinators of the parliamentary groups, who have not established a practice of regularly informing the journalists about the implementation of the planned activities, especially about the disagreements between the government and the opposition or between the Presidents. The Assembly and a certain parliamentary group. Journalists and the public are informed when MPs decide that the “quarrel” should be made public and when they decide to hold press conferences.⁵⁰

46 Focus group with journalists and media workers, organized on 24.12.2021.

47 Ibid.

48 AJM, “AJM with constructive proposals for improvement of the Court Rules of Procedure”, Skopje: 2021. Accessed on: 28.12.2021. <https://bit.ly/3Kuuhzu>

49 Salije Sadiku, journalist of TV21, statement during the focus group with journalists held on 24.12.2021.

50 AJM, “Transparency of the Assembly of the Republic of North Macedonia during the Covid Pandemic – 19”, September, 2021. <https://bit.ly/3tV9zFM>

B1 Economic constraints on journalistic work

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

There is no precise data on how many journalists have employment contracts, but the general assessment is that many journalists in the private media mainly have fixed term or part-time contracts. ITUJMW, in its latest research⁵¹ ITUJMW, in its latest research on the economic situation of journalists and media workers, found that 56.1 % of respondents, journalists are full-time full-time employees, 19.1 % are full-time employees, 10 % work under contract, 12.2 % are hired on a part-time basis, and 0.9 % said they work voluntarily. When asked how satisfied they are with their income and their economic security, more than half of the journalists (56.7%) said they were dissatisfied. Thereby, 31 % are completely dissatisfied, and 25.7 % are mainly dissatisfied. Only 2.7 % are completely satisfied, and 22.4 % are generally satisfied. This confirms that in 2021, many journalists and media workers had extremely precarious employment statuses.

The already difficult socio-economic situation of journalists was further aggravated by the pandemic caused by the Covid-19. Since the beginning of the pandemic, most me-

51 ITUJMW, "Security and Socio-Economic Situation in the Media", Skopje: 2022. <https://bit.ly/35uxWR7>

dia have cut the salaries of journalists and media workers, and many journalists have complained that as in previous years, they have not been paid their pension and social security benefits.⁵² Most of the journalists have monthly incomes far below the average salary in the country, which in 2021 amounted to 28,869 denars. However, the salary of most young journalists, according to the ITUJMW⁵³, survey, does not even reach this figure. Six % of the surveyed young journalists answered that they receive less than 25,000 denars, and as many as 27 % of them were paid between 15,000 and 20,000 denars. The remaining 12.9 % answered that their salary is from 25,000 to 30,000 denars, i.e., 24.6 % have a salary higher than 30,000 denars. The situation in the public service is slightly better, where the average salary of journalists in 2020 was 38,120 denars, although it is considered that the salaries of journalists, especially those who are not beginners, are lower than the salaries of journalists in national private televisions.⁵⁴

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

Journalists continue to work unpaid for overtime, and work without compensation even on holidays and

weekends. A feature of past as well as this year was that part of the journalists, due to the pandemic, worked from home, and those from the larger newsrooms, such as the national televisions, worked in shifts. For some journalists, working during pandemic made it even more difficult for them to perform their professional duties, especially those who were exposed to stressful situations when reporting from health facilities and hospitals. A survey⁵⁵ conducted by the Independent Trade Union of Journalists and Media Workers (ITUJMW), which included 150 respondents working in the media, found that the effects of the Covid-19 pandemic, such as fear, anxiety, depression, and uncertainty, were felt by 61% of the surveyed respondents. Half of the respondents worked from home, others worked in groups, but some of them worked throughout the period of the pandemic reporting directly from events and at their workplaces.

B2 Editorial independence in private media

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

From the information available to AJM and from the answers obtained through conversations with journalists and media workers, it can be concluded that such acts rarely exist. There are no published data or reviews from which it can be determined how many private media have internal organizational acts or rules, according to which the editorial board is formally separated from the media management. In the larger media, it is common for newsrooms to be separated from management structures, but it often happens that directors put pressure on newsrooms in terms of having to work in manner that will provide more revenue from sponsorships or advertising. When it comes to the smaller local media, the situation is even more complicated, i.e., the pressures are expressed in different manner and more often come from the local powerful people. Journalists even complain "... there is tacit agreement to avoid certain topics".⁵⁶

52 Statement of journalists-participants in a focus group organized on 24.12.2021

53 ITUJMW, "Survey: With a salary below average, half of young journalists want to leave the profession", Skopje: 2021. Accessed on 10.1.2022 <https://bit.ly/3K9EIQH>

54 Particularly endangered category of journalists are the correspondents of MRT, who are fewer in number and have mainly temporary engagement contracts, which can be easily terminated. In November 2019, an announcement was made for freelance engagement of ten correspondents, which is progress for MRT, although AJM advocates a different model, which would systematically and permanently solve the situation of this category of journalists. See more: AJM, "Public Policy Document: Status and Need of the Correspondents in the Republic of North Macedonia", Skopje: 2019. Accessed on: 16.12.2021. <https://bit.ly/3e1OYNd>

55 ITUJMW, "Fear and anxiety is the price that journalists paid when reporting on the Covid-19 pandemic", Skopje: 2021. Accessed on: 12.01.2022 <https://bit.ly/3qWNqVp>

56 Statement of a journalist participating in the focus group organized on 24.12.2021.

Have editorial's offices in private media adopted internal codes of ethics or adhere to the general code of ethics?

The only code that applies to all professional journalists is the Code of Journalists of Macedonia adopted in 2001⁵⁷, which is base for acting upon for the Honorary Council of AJM and the Appeals Commission of the Council for Media Ethics of Macedonia. There is no evidence that private media have their own specific codes of ethics or rules. The Council for Media Ethics of Macedonia (CMEM) recently developed Guidelines for ethical reporting of online media,⁵⁸ i.e., guidelines for the application of the Code of Journalists in the on-line sphere.

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

AJM does not have specific reports of management pressure on journalists during 2021, but fact is that the journalists rarely report them. The pressures are usually not expressed as direct threats but are subtle and hardly visible. Journalists continue not to sue editors and media owners when their rights are violated. For example, last year there was no open court case where journalist sued manager for mobbing, and there was no final verdict for such case. On the other hand, the relation between the owners of certain media and the centre of power is often to the detriment of journalists working in these media.

In 2021, AJM recorded cases of dismissal of media workers from the national television Alfa TV before the end of 2021, when the management fired six employees, who were also members of the Union. For this case, on December 24, 2021, the Independent Trade Union of Journalists and Media Workers (ITUJMW) and the Association of Journalists of Macedonia (AJM) had a joint press conference at which they reacted sharply to the events on Alfa TV. It was pointed out at the press conference that these dismissals followed the protest at the television and represent revenge for the union activities, i.e., the demands of media workers to have their labour rights fulfilled.

57 AJM, "Code of Journalists of Macedonia" <https://znm.org.mk/en/code-of-ethics-of-journalists/>

58 CMEM, "Guidelines for Ethical Reporting of Online Media – Application of the Code of Journalists in the Online Sphere"; Skopje: 2020. Accessed on: 26.12.2021. <https://bit.ly/2RRdYZP>

B3 Editorial independence in the public broadcaster

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

The public service broadcaster adopted Code of Ethics for journalists, creative staff and all MRT employees in 2017.⁵⁹ This Code, which has been in force for almost six years, has been criticized from the beginning by the journalistic community for the content of the document, but also for the lack of transparency in its drafting. The biggest shortcoming of the Code is the interference of journalistic ethics with the work discipline and the rights and obligations of journalists arising from labour relations. The Ethics Commission at MRT, which is responsible for monitoring the compliance with the Code, has not received a single complaint in the past. Therefore, AJM in 2021 requested an amendment to the Code of Ethics of MRT and establishing procedures for submitting complaints and the manner of work of the Ethics Commission, which would be published on the website of MRT.

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

The Public Service has adopted its own internal organizational acts, according to which the newsrooms are formally separated from the management structures. However, information on the rules in the internal organizational set-up cannot be found on the website of the Macedonian Radio-Television. Same as for the previous years, for 2021 can be said that the expected fundamental changes on the internal structure of the public service that were supposed to be part of the media reform process have not been made.

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

However, within the requests for media reforms, it was repeatedly emphasized that the depolitization of the

59 MRT, "MRT Code of Ethics for journalists, creative staff and all MRT employees"; Skopje: 2017. Accessed on: 3.2.2022. <https://bit.ly/3uL6Z2C>

public service is needed, i.e., the election of a new independent Program Council and new governing bodies. The funds for financing the broadcasting activity, the operation and development of the Macedonian Radio-Television, the public enterprise Macedonian Broadcasting and the Agency for Audio and Audiovisual Media Services are provided from the Budget of the Republic of Macedonia for 0.8% to 1% of the total revenues in the year preceding the fiscal year for which the amount is determined. Funds are distributed as follows: 74.5 % for MRT, to cover the costs of creating and broadcasting programs and for technical-technological development, 19.5 % for PE Macedonian Broadcasting for maintenance, use and development of the public broadcasting network and 6 % for the Agency for Audio and Audiovisual Media Services. Additional sources of funds for financing MRT are donations, the sale of programs and services, as well as other funds. At the session held in December 2021, the Government decided⁶⁰ to increase the budget of the Ministry of Information Society and Administration for 2022, in the amount of 250 million denars intended for the realization of the program activities of the Macedonian Radio and Television. With this increase of 4 million euros, the budget of MRTV in 2022 will amount to 15 million euros. MRT has adopted a five-year development strategy, but the reform process has been hampered by delays in appointing new members to the MRT Program Council and the Council of the Agency for Audio and Audiovisual Media Services. The mandate of the current members of both bodies has already expired. The European Commission report emphasizes that financial independence and the selection of governing bodies, according to the merit system, are the two basic preconditions for the independence of the public service.

B4 Editorial independence in the non-profit sector

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

Several online media outlets that are predominantly or completely funded by donor research and investigative journalism, as well as a radio station that broadcasts youth content online, fall into the non-profit on-

line media category. In addition, non-profit media are the three student radios that operate within the three state universities (University “St. Cyril and Methodius” in Skopje, University “St. Kliment Ohridski” in Bitola and the University “Goce Delchev” in Shtip), as and a religious radio in Strumica. The editorial offices of these media outlets are small and include several journalists, who work on daily basis, and the funding is unstable and unsustainable. Several of the informative non-profit online media are registered as citizens’ associations and so far, no detailed analysis of their work and the status and independence of journalists in them have been conducted.

There is no specific code of conduct for journalists in the non-profit sector, but in December 2020, the Council Media Ethics of Macedonia adopted (CMEM) Guidelines for Ethical Reporting of Online Media⁶¹, which, in fact, elaborates in details the application of the basic ethical principles of the Code of Journalism in the online sphere. In addition, CMEM and AJM have established a Register of Professional Online Media⁶², which already has 152 online news outlets, including non-profit ones. Most of these media outlets have accepted or act in accordance with the Code of Ethics and the Online Media Ethics Reporting Guidelines, which are administered by CMEM.

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

Pressure on non-profit media, some of which cover investigative journalism, has decreased compared to the period until 2016 when journalists and editors at these media were often publicly discredited and used hate speech because of critical texts for the authorities and powerful people. An example of pressure on a non-profit media in the past year is the case of the Investigative Reporting Laboratory,⁶³ which was threatened with a lawsuit by former Deputy Prime Minister for Economic Affairs Kocho Angjushev after a story aired mentioning his involvement in the import and use of toxic oils.⁶⁴ The court proceedings for this case are still ongoing before the Criminal Court in North Macedonia. Such lawsuits are known as Strategic Lawsuits against Public Participation (SLAPP) and are intended to intimidate and

60 Government of RNM, “From the 124th session of the Government: The Government ‘froze’ the prices of basic items; With some of the amendments accepted, the Budget 2022 goes to the adoption in the Parliament; The Fiscal Strategy for 2022-2024 has been adopted”, Skopje: 2021. <https://vlada.mk/node/27162>

61 CMEM, “Guidelines for Ethical Reporting in Online Media”. Accessed on: 9.1.2022. <https://bit.ly/3tg60bx>

62 Register of professional online media in the Republic of North Macedonia <https://promedia.mk/>

63 IRL, “Conspiracy against the air or how Macedonia remained the last European landfill.” Accessed on: 10.12.2021. <https://bit.ly/3NN1IaE>

64 Fokus, “Angjushev will sue IRL for the documentary on the disputed fuel oil”. Accessed on: 20.12.2021. <https://bit.ly/3j4vpAc>

financially exhaust sued journalists or the media. When initiated by politicians and public officials, these lawsuits can provoke fear and self-censorship among journalists, and thus violate the right of citizens to be informed.

The Honorary Council of the Association of Journalists of Macedonia (AJM) acted on the complaint made by the former Deputy Prime Minister for Economic Affairs Kocho Angjushev regarding the video story "Conspiracy against the Air" made by IRL for the show "Redakcija". The Council of Honor considered the complaint⁶⁵ on Saska Cvetkovska, an IRL journalist, as the author of the show "Conspiracy against the Air" published on MTV. The complaint alleges that Cvetkovska violated two articles of the Code and that with her unprofessionalism and unethical she intended to damage Kocho Angjushev's reputation. Given the seriousness of the allegation, the Council of Honor requested an answer from the IRL, and after inspecting the submitted documentation and the list of communications, concluded that the complaint was unfounded, i.e., that there was no violation of the Code of Journalists. The Appeals Commission of the Media Ethics Council, which also reviewed the case, found no violation of the Code.

B5 Freedom of the journalists in the process of news production

How much freedom do journalists have in choosing the journalistic stories they will work on and in deciding which aspects of story should be emphasized? How often do journalists take part in editing and coordinating editorial policy (attending editorial meetings or appointing journalists)?

According to the statements of the interlocutors in the interviews and in the focus group, the journalists during 2021 had more freedom in choosing the topics they will report on.⁶⁶ However, the choice of topics for reporting in the regional and local media is bigger problem for journalists due to the small environment in which these media operate, as well as the established clientistic relations of the owners with mayors and other lo-

cal authorities, as well as the deteriorating financial situation in which these media are located. The influence of some of the editors on the journalists is also openly talked about, by pointing that the influence on the daily work is not so visible, i.e., that there is more self-censorship than direct pressures.

What is the perception of journalists themselves in terms of how much they are affected by different risks and sources of influence? Do journalists report censorship by editors? Are journalists subject to self-censorship for fear of losing their job or other pressures?

The journalists say that the biggest problem is that it is not basic business for the media owners. Most often, there are other companies in the background of the media, which, in turn, are tied to tenders with ministries and institutions and from that aspect; there are taboo topics for certain media. This is especially expressed at local media. In this context, during the past year, given that the health crisis caused by the pandemic was still current, journalists and media workers felt even more insecure about their work, which in turn led to demotivation and self-censorship. The dominant perception among the journalists is that the newsrooms know in advance, which topics are acceptable, i.e., which topics the editor will evaluate as excellent, and which ones will be rejected.

B6 Economic position of woman journalists

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

The general assessment is that the position of the woman journalists in the newsrooms does not differ much from the position of the journalists. There is no data on how many woman journalists have signed employment contracts, but employers are considered to respect the basic rights prescribed to women by law, such as the payment of wages, maternity leave and paid leave. However, it is a fact that gender discrimination and journalists themselves do often not recognize the unfavourable position of women, compared to that of men, at the workplace. In the past year, AJM and ITUJMW have not registered a case of reporting by woman journalists for discrimination at the workplace.

⁶⁵ AJM, "Council of Honor at AJM: Response to a Complaint from Kocho Angjushev about Saska Cvetkovska", Skopje: 2021. Accessed on: 15.1.2022. <https://bit.ly/3luFLoh>

⁶⁶ Statement of one of the participants in the focus group organized on 24.12.2021: "We have complete freedom, no censorship. It helps me a lot to build myself as a journalist, but also to learn a lot of things, how in fact the system is non-transparent and it is difficult to get the right answers that we are struggling to convey to the public."

Are women in leading positions in the newsrooms same as men?

According to the statements of the journalists themselves, man and woman in general, the opportunities for women journalists to develop as professional journalists and to advance in their careers are not much smaller compared to the opportunities of their fellow journalists.⁶⁷ However, the existence of the so-called “Glass ceiling,” or “the invisible barrier in the hierarchy that prevents women or minorities from gaining positions at higher levels,” is pointed by the data on the structure of employees in the audiovisual sector, published by the media regulator: in television newsrooms, journalists outnumber woman journalists. The total number of employees in the industry⁶⁸ at the end of 2020 was 2,587 people, of which 61% were men and 39% were women. Most of the men (577 people) were implementers, and even half of the women (509 people) worked as journalists. State-level televisions, which broadcast through terrestrial multiplex, employed 60 % of full-time employees. Women outnumbered journalists, marketing, and the rest of the staff, while all other jobs employed more men than women. The biggest difference was in the director staff, where 319 more men than women were hired.

On the other hand, there are media outlets such as MIA (Media Information Agency) and IRL (Investigative Reporting Laboratory), where “women are more numerous than their fellow journalists, and have a significant leading role in the newsroom.”⁶⁹

What are their salaries compared to the salaries of fellow journalists? Do women journalists face specific pressures on gender basis in the newsrooms?

Journalists’ salaries vary depending on the position of the journalist, and it does not matter whether they are male or female journalists. According to the analysis and research of ITUJMW⁷⁰, the average net salary of journalists is 350 euros in the past two years. In 2020, most journalists and media workers receive salary of 15.000 to 20.000 denars. This means that 70% of journalists in Macedonia receive monthly salary below the average. According to the data of the State Statistical Office⁷¹, the average salary in November 2021 paid to an employee was 29,130.

In cases of reporting on sensitive topics, journalists suffer insults and humiliation, which destroy their personal and professional reputation, with qualifications that apply only to women, in a pejorative sense, based on prejudices and gender stereotypes. A phenomenon indirectly affects their professional future and their private life.⁷² Most often, this type of problem is related to the firmly established patriarchal gender roles in society, but also to the lack of clear rules, procedures, and internal acts in the media organizations themselves, which will pave the way and set guidelines for ensuring gender equality.

67 Sonja Trajkovska Dimitrova, “The structural position of women journalists in the media in Macedonia”, Skopje: MIM, 2018, p. 6. Accessed on: 15.12.2021. <https://bit.ly/3JqCSol>

68 AAAMS, “The structure of the employees in the audio and audiovisual media industry in 2020”, Skopje: 2021. Accessed on: 31.1.2022. <https://bit.ly/3JddiTC>

69 Statement of the participants in the focus group held on 24.12.2021.

70 ITUJMW, “Journalists and media workers with a salary far below the average”, Skopje: 2020. Accessed on: 21.1.2021. <https://bit.ly/3tltpkd>

71 State Statistical Office, “Announcement: Average monthly paid net salary per employee, January 2022.” Accessed on: 21.1.2022. <https://bit.ly/3xnYIMd>

72 Nita Starova, “Policy Paper: Key System Gaps and Possible Solutions to Bridging the Wage Gap and Potential Hierarchical Problems in Media Based on Gender Discrimination”, Skopje: 2022. <https://bit.ly/3JnEuPu>

C1 Safety and Impunity Statistics

According to AJM statistics, since the beginning of 2021, a total of 5 attacks and harsh threats against journalists have been reported, of which 3 were against women journalists. In comparison, last year there were 14 cases, which mean that this year the attacks and threats have decreased. However, journalists and media workers still feel insecure about the inertia of the prosecution and the judiciary in dealing with past cases of attacks. Although journalists are generally safer than before, there is still a need for systemic solutions that will guarantee long-term protection of the rights and integrity of all media workers in the country. The fact that there are more and more threats to the lives of journalists on social networks is also worrying. In that regard, the Ministry of Interior (MOI) is expected to make more efforts to sanction the perpetrators, and for cases that are more serious ask the Basic Public Prosecutor's Office (PPO) to initiate criminal proceedings.

Otherwise, in the period from 2018 to 2021, a total of 26 attacks on journalists and media workers were registered in the AJM register, out of which three attacks were recorded in 2018, in 2019 four were registered, in 2020 14 and in the 2021 year 5 attacks on journalists and media workers. One of the specifics is the number of verbal and online attacks that increased: out of 5 threats registered in 2021, as many as four were sent online. For the past 15 years, authorities have not investigated the murder of a journalist or media worker in the country.

The first category of attacks – Threats and harassment that do not relate to the physical safety of journalists include the three cases of verbal attacks on journalists Dzumadije Ibraimi from TV Klan Macedonia, Ferikan Iljazi Arifi from Euronews Albania, and Salije Sadiku from TV 21. Dzumadije Ibraimi was under verbal attacks by the candidate of the Alliance for Albanians for mayor in Tetovo, Vulnet Murseli. Immediately after the end of the televised debate, Murseli, in the role of a guest, and in the presence of several journalists and other persons, slandered the journalist Dzumadije Ibraimi⁷³ that she allegedly blackmailed him with 10,000 euros in order for her to delete a certain post on Facebook. According to the journalist, the motive for spreading these lies was her previous texts and announcements for a private laboratory, where he asked the journalist to delete all her published contents for the alleged laboratory. The event took place at the beginning of the election campaign for the local elections in 2021, but because Vulnet Murseli was a direct participant in these elections, the editorial staff of TV Klan Macedonia and the journalist Dzumadije Ibraimi did not react at that moment so as not to be misinterpreted by political parties.

The second case is about the journalist Ferikan Iljazi Arifi⁷⁴, who was verbally assaulted by a member of the election board and a representative of the Ministry of Interior while reporting during the local elections last year. Although the journalist neatly introduced herself and wore a journalist's marking on a visible place, the chairperson of the election board, Isnije Mirta, did not allow her to film at the polling station in the high school "Kiril Pejcinovic" in Tetovo, and at the same time humiliated her in front of voters said to the journalist "... you do not know the law and you should be ashamed that you are obstructing the election process". Another incident occurred during the day, again in Tetovo, in the yard of a high school, where an official from the Ministry of Interior, for which a report has already been submitted to the SIA Tetovo and the Department of Professional Standards, instead of allowing the journalist to freely work, hindered her work. This case has also been reported to the Ministry of Interior, but there is still no solution.

The third case in this category is the verbal attack on Salije Sadiku,⁷⁵ by the independent candidate for mayor of the Municipality of Kichevo, Fatmir Liman. While the

journalist Salije Sadiku was reporting on the local elections, she faced an awkward situation followed by aggressive speech and accusations by the independent candidate from Kicevo, Fatmir Limani, towards her personally and on TV 21. Sadiku was present at the event in order to inform the citizens on the election cycle, and instead of getting an answer from the candidate, she was rudely insulted and then booed by the crowd.

In the category of threats to the life and physical safety of journalists, it was registered an attack⁷⁶ on the media and threats against a group of journalists from the media Uncensored, TV 21, Gazeta Express, Tetova Sot, Koha TV, Koha News, Kumanova Sot, TV Shenja and Lajmi Press, via the Facebook profile of Arben Esati. The content was published followed by explicit threats against journalists and media workers from the mentioned media.

In the category of real attacks on journalists, the attack on the MIA journalist team⁷⁷ was registered while reporting on a protest, when several people tried to seize the team's equipment. Namely, during the protests of a group of citizens for the case "Monster" on February 26, 2021, there was pushing and an attempt to seize the equipment from the team members, during which the camera operator was pushed and his equipment was damaged.

AJM, last year repeatedly reacted to inappropriate and inadmissible performances by elected and appointed officials.⁷⁸ AJM emphasized that it violates the integrity of the entire journalistic profession and that public officials, especially leaders of political parties, as well as other public office holders and they should refrain from statements that can be understood as labeling journalists and the media, as this undermines the democratic values and freedom of the journalistic profession.

In 2021, the trend of discouraging journalists from reporting attacks was still present. Of particular concern is the growing number of online attacks on woman journalists and media workers.

73 AJM, "Condemnation of the attempts to discredit the journalist Dzumadije Ibraimi from TV Klan", Skopje: 2021. Accessed on: 5.12.2021. <https://bit.ly/3Jv2nno>

74 AJM, "Complaints to the SEC and the Ministry of Interior for obstructing the work of the journalist Ferikan Arifi", Skopje: 2021. Accessed on: 7.12.2021. <https://bit.ly/3Kud9zT>

75 "Condemnation for the humiliating attitude of the candidate Fatmir Limani towards the journalist Salije Sadiku from TV21", Skopje: 2021. Accessed on: 10.12.2021. <https://bit.ly/3O5YQRO>

76 AJM, "It is positive that the Ministry of Interior acted, we are waiting for a court solution for the threats against journalists", Skopje: 2021. Accessed on: 15.12.2021. <https://bit.ly/37BbzKG>

77 AJM "Strong condemnation of the attack on the MIA journalist team", Skopje: 2021. Accessed on 20.12.2021. <https://bit.ly/3LXN8FQ>

78 AJM, "AJM calls on Mayor Merko to apologize to journalists", Skopje: 2021. <https://bit.ly/3K9sNNk>

Table 2. Number of reported attacks on journalists in 2021

Categories	Number	Description
<p>Threats and harassment that do not relate to the physical safety of journalists</p> <p>This category of threats and harassment includes: surveillance or monitoring;</p> <ul style="list-style-type: none"> – disturbing telephone calls; – arbitrary judicial or administrative harassment; – aggressive statements by public officials; – other forms of pressure that may endanger the safety of journalists in the course of their work <p>These types of threats do not include mobbing and workplace violence.</p>	3	<ul style="list-style-type: none"> – Threats and insults directed at the journalist Dzumadije Ibraimi from TV Klan Macedonia by Vulnet Murse-li – Threats and insults directed at Ferikan Iljazi Arifi from Euronews Albania by a member of the Electoral Board and a representative of the Ministry of Interior – Threats and insults directed at Salije Sadiku from TV 21 by Fatmir Limani
<p>Threats to the life and physical safety of journalists</p> <p>These types of threats include:</p> <ul style="list-style-type: none"> – threats to kill journalists, journalists' friends, their family members or sources of information. – threats of physical injury to journalists, friends of journalists, their family members or sources of information. <p>These threats can be:</p> <ul style="list-style-type: none"> – direct or through third parties. – sent electronically or directly face-to-face. – implicit, but also explicit. 	1	<ul style="list-style-type: none"> – Attack on media and threats against a group of journalists from the media Uncensored, TV 21, Gazeta Express, Te-tova Sot, Koha TV, Koha News, Kumanova Sot, TV Shenja and Lajmi Press by Arben Esati
<p>Real attacks on journalists</p> <p>The types of real attacks on journalists can include physical or mental injury, kid-napping, entering a home or office, con-fiscated equipment, arbitrary detention, a failed assassination attempt, etc.</p>	1	<ul style="list-style-type: none"> – Attack on MIA journalist team during reporting of protest and attempt to seize equipment by citizens
<p>Murders of journalists</p> <p>Murders in crossfire, assassinations, murders with bomb blast, beatings to death, etc.</p>	0	
<p>Threats and attacks on media and news organizations</p>	0	

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

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

The new amendments to the Criminal Code should expand the competence of the prosecution to act ex officio for crimes related to attacks and threats against journalists and increase the penalties for attackers.⁷⁹ The proposal implies that the attacks on journalists and media workers to be prosecuted ex officio, and not with a private lawsuit as before (Article 14 of the proposed amendments to Article 144 of the Criminal Code). For the Basic Public Prosecutor's Office (PPO), this will be a mit-

igating circumstance, as it will be able to prosecute perpetrators of attacks on journalists ex officio, as well as other officials. This is especially important because journalists rarely decide to sue themselves in the event of a physical assault or threat to their life, for fear of repercussions by the perpetrators and perpetrators of the attacks, as well as the high financial costs of conducting the proceedings. These amendments to the law are still in the first reading before the Members of Parliament.

At the end of 2021, however, there was a positive change in the work of the judiciary regarding the safety of journalists. In August 2021, AJM filed a complaint with the Sector for Computer Crime and Digital Forensics at the Ministry of Interior for an inappropriately written comment on the official Facebook page of AJM. It was attack on all journalists, based on a provision in the Criminal Code that prohibits the dissemination of racist and xenophobic material by way of a computer system and inciting hatred, discord, and intolerance on the basis of national, racial, religious and other discrimination. In the request for criminal proceedings from AJM, it was emphasized that such content incites additional

⁷⁹ AJM, "Dramatic increase of attacks on journalists – we are looking for urgent solutions", Skopje: 2020. Accessed on: 12.12.2021. <https://bit.ly/3us8d5p>

hatred towards journalists, which can result in violence. The person who wrote this comment was sentenced to probation for “spreading hatred through computer systems.”⁸⁰

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

The Ministry of Interior has an internal register of attacks on journalists but does not publish that data publicly, despite the fact that AJM has indicated such a need several times. The Association of Journalists of Macedonia maintains a comprehensive and detailed register of attacks and threats against journalists, which is regularly updated and publicly available on the AJM website.⁸¹

Are there documents (protocols, regulations, etc.) adopted by state institutions that provide guidance to the military and police that prohibit harassment, intimidation, and physical assault on journalists?

To date, the military and police have not adopted internal documents that direct their members on how to treat journalists and prohibit threats, intimidation, or attacks on journalists. In 2020, within a project implemented by the International Center for Prevention and Combating Violent Extremism, AJM, in cooperation with the Ministry of Defense and the Ministry of Interior, prepared two documents: Guidelines for professional reporting on violent extremism and terrorism⁸² and the Protocol on reporting on cases related to violent extremism and terrorism.⁸³

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

In 2021, AJM cooperated with several state institutions, which showed readiness to get involved in improving the safety of journalists and media workers.

Representatives of journalists’ associations and parliaments from North Macedonia, Serbia, Montenegro and Bosnia, and Herzegovina signed a Declaration on Promoting Dialogue between Parliaments and Journalists’ Associations in the Western Balkans. The Ministry of Justice and AJM had regular meetings last year to work on amendments to several laws that are key to the safety and freedom of journalists.

In order to improve the safety of journalists and media workers, in February 2021 a webinar was realized as a continuation of the event from November 2020 on the topic: “Amendments to the Criminal Code: Solutions to strengthen the safety of journalists”. The webinar was attended by thirty participants, including journalists, experts from the Council of Europe, representatives of the Basic Public Prosecutor’s Office, a representative of the Ministry of Justice, as well as lawyers representing journalists before the courts. The main conclusion of the event was that only through concrete amendments to the Criminal Code, but also the Law on Criminal Procedure, by expanding the competence of the prosecution and the Ministry of Interior to act ex officio and by increasing penalties for attackers, security and politics will be systematically improved. of impunity for journalists and media workers.

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

Apart from the big wiretapping scandal in 2015, when hundreds of journalists were on the list of secret police wiretapping, AJM has no information that in 2021 a journalist was exposed to electronic surveillance by the authorities. A lawsuit was filed before the Basic Civil Court – Skopje by 37 journalists, seeking damages for the unauthorized interception of their communications in a certain time interval. The journalists are suing the Republic of Northern Macedonia, ie the Ministry of Interior and the National Security Agency (NSA) as the legal successor of the former Security and Counterintelligence Directorate (UBK), which previously functioned within the Ministry of Interior. In the context of this lawsuit, the lawyers are still waiting for the Criminal Court to issue a second instance verdict to continue the civil procedure.

80 AJM, “Conditional prison sentence for hate speech written on AJM Facebook page”, Skopje: 2021. <https://bit.ly/3uvUJWE>

81 AJM, “Systematic protection of media workers is urgently needed”, Skopje: 2021. Accessed on: 22.12.2021. <https://bit.ly/3vcf4te>

82 Marina Tuneva, AJM, “Guidelines for professional reporting on violent extremism and terrorism”, Skopje: 2021. <https://bit.ly/3j0ev5l>

83 Nikola Dujovski, AJM, “Information Protocol on Cases Related to Violent Extremism and Terrorism”, Skopje: 2021. <https://bit.ly/3j4zCnM>

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

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

The Basic Civil and Criminal Court in Skopje, for the fourth year in a row, is not able to provide detailed information regarding the stage of proceedings for cases in which journalists are a party to the case or victims of attacks. Their justification is that the new case management system (ACMIS) is based on codes, not the names and professions of the parties. However, at the request of AJM, this court provided some data for 2021, that as of December 31, 2021, there were twenty active cases of defamation and insult, in which a journalist or media outlet appeared as a party.

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

There are no special departments in the judicial-prosecution system in Macedonia that work on investigations on cases of attacks and threats against journalists. No special procedures are applied for cases of attacks and threats against journalists. On the other hand, the judiciary and the prosecution have never complained to AJM that journalists' cases could not be handled efficiently due to a lack of human or material resources. Therefore, AJM requested that the Basic Public Prosecutor's Office to establish a special unit, which will prosecute the attackers of journalists. The request was argued with the view that the capacity and efficiency of the Basic Public Prosecutor's Office should be strengthened, because in recent years it was rare for this institution to file an indictment against the perpetrators of the attacks, and in cases where investigations were launched, they were very slow and inefficient.

Traditionally, for the fourth year in a row, the Association of Journalists of Macedonia organizes an event to mark November 2 – International Day for the Elimination of Impunity for Crimes against Journalists.⁸⁴ On that occasion, a peaceful protest and a press conference were held in front of the Basic Public Prosecutor's Office⁸⁵,

addressed by the president of the association, Mladen Cadikovski, and the president of ITUJMW, Pavle Belovski. In their addresses, they sent messages to the public and political parties that professional journalists should not and must not be attacked while performing their professional duties. They also requested the Basic Public Prosecutor's Office to immediately process all attacks and threats against journalists and media workers. In addition, to establish a special unit to prosecute the attackers of journalists, with special emphasis on the unresolved cases from April 27 when during the intrusion in the Parliament of the Republic of North Macedonia, a large number of journalists who covered the event in the Parliament were attacked and injured.

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

This year we do not record cases of physical security by the Ministry of Interior for journalists. Although they face fear, journalists do not want to have physical security as it can affect their freelance work and the provision of new information.

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

Regarding the work of the institutions and resolving the cases of the attacks on the journalists, there is certain lack of coordination and weakness in the inter-institutional communication, and it is most visible between the Ministry of Interior and the Public Prosecutor's Office. This affects cases, i.e., investigations that take too long, even when it comes to obvious cases that can be easily proven. Cases in which journalists are attacked are still exceedingly difficult to reach court resolution, and instigators are seldom reached.

The number of completely cleared cases of attacks on journalists is small and this is very worrying in terms of the impunity of the perpetrators. Between 5 and 10 % of the registered cases of violations of the rights of journalists that are part of AJM register of attacks for the last five years are awaiting a court ruling.

On December 29, 2021, a court verdict was passed in favour of the Association of Journalists of Macedonia (AJM) for the case where a comment was written from a profile on the social network Facebook named "Sasho Mitev" under a post on the Facebook page of

⁸⁴ Ibid.

⁸⁵ AJM, "AJM and ITUJMW: Selective justice for April 27 is an injustice for citizens and journalists", Skopje: 2021. <https://bit.ly/3uusiYW>

AJM. According to the verdict⁸⁶ of the Basic Criminal Court, Sasho Mitev is guilty under Article 394-d of the Criminal Code. He is sentenced to three months in prison for the crime of “spreading hatred through computer systems”, which will not be executed if he does not repeat the crime within one year after the entry into force of this act. This is the first example of the court and the prosecution completing a full online threat to journalists’ case.

In December 2020, the Basic Civil Court in Skopje issued judgments rejecting the claims of journalists Natasha Stojanovska and Dushica Mrgja, who sought compensation from the state for violating their rights during the events in the Parliament of the Republic of North Macedonia on April 27, 2017. These lawsuits were filed as part of the legal aid provided by AJM to journalists and media workers who were attacked or their equipment destroyed during the event. AJM assessed this ruling as an indicator of the application of double standards by the court when it comes to politicians and journalists. In the case of a group of attacked politicians, the Basic Public Prosecutor’s Office ex officio initiated proceedings and the Criminal Court sentenced a group of citizens to prison terms, while the journalists who were attacked had to file private lawsuits. The court statement states that the journalists did not submit enough evidence to be able to establish that on April 27, 2017, there were public demonstrations in front of the Parliament, although they have submitted videos in the lawsuit, and there are a large number of press releases from the critical day.

At the meetings with the Ministry of Interior⁸⁷, AJM constantly insisted on faster and more efficient investigations of the attacks on journalists, but also on improving the working conditions of journalists and media workers when reporting from the premises of this institution. At the suggestion of AJM, as well as after pointing out the shortcoming in the reports of international institutions, the Ministry of Interior began to keep records of attacks on journalists and media workers. AJM with the Ombudsman, in May 2019 signed a Memorandum of Cooperation, through which the two institutions committed to working actively in the future on issues related to the safety of journalists.

In the context of the condemnation of the violence against journalists and the calls for faster resolving of those attacks, the European Commission, in the annual report on the progress of RNM in 2021, again addressed the issue of security and intimidation of jour-

nalists. It is recommended: “In this part, it is necessary to apply a zero-tolerance approach to intimidation, threats and acts of violence against journalists in the course of their profession and to ensure that perpetrators are brought to justice. Cases of physical and verbal violence and threats against journalists and media workers have increased, while their working conditions, especially workers’ and social rights, and remain difficult.”⁸⁸ The Report also recommends that law enforcement agencies and the Public Prosecutor’s Office follow up on incidents with journalists, but that better coordination is needed between the various institutions to act more quickly on reported violations and to prevent perpetrators of impunity.⁸⁹

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

The Academy for Training of Judges and Public Prosecutors, in cooperation with AJM, continued to conduct trainings with journalists and representatives of the judiciary in 2021, and in addition, topics related to freedom of expression are part of the regular training curriculum of the Academy intended for judges and prosecutors.

Regarding the cooperation with the institutions, AJM last year was in communication and held consultative meetings with almost all institutions that should guarantee the safety of journalists, including the Presidents of the Basic Public Prosecutor’s Office, the Basic Criminal Court and the Basic Civil Court, the Constitutional Court and the Ministry for Justice.⁹⁰ In order to reduce the percentage of impunity for attacks on journalists, AJM also cooperated and held meetings with the State Public Prosecutor.⁹¹ At these meetings, several issues were raised related to improving the safety of journalists and media workers and the efficiency of the Basic Public Prosecutor’s Office in prosecuting those who threaten journalists and violate their rights. The need to organize joint training and workshops for journalists, judges and prosecutors was also stressed, in order to improve the reporting of journalists and the conduct of prosecutors in cases related to freedom of speech.

86 AJM, “Conditional prison sentence for hate speech written on the Facebook page of AJM”, Skopje: 2021. <https://bit.ly/3lZl0Ok>

87 AJM, “Section of camera operators at AJM at a meeting in the Ministry of Interior”, Skopje: 2019. Accessed on: 22.1.2022. <https://bit.ly/35Hsvyy>

88 European Commission, “Report on North Macedonia for 2021”, Strasbourg: 2021. Accessed on: 2.2.2022. <https://bit.ly/3FtdRLP>

89 European Commission, “Report from the European Commission for North Macedonia for 2020”, Brussels: 2020. Accessed on: 15.11.2020. <https://bit.ly/3rg2CgP>

90 AJM, “AJM with an initiative for multi-sectoral cooperation to improve the safety of journalists”, Skopje: 2021. Accessed on: 26.1.2022. <https://bit.ly/3J0nXbe>

91 AJM, “AJM requests from the Public Prosecutor’s Office a special unit for resolving attacks on journalists”, Skopje: 2020. Accessed on: 10.10.2020. <https://bit.ly/3bs00t6>

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

Case	Year 2017.	2018.	2019.	2020.	2021.
<p>MIA journalists team Attack on a journalists team while reporting on a protest and an attempt to seize equipment</p>					<p>An attempt to seize the equipment and push, during which the camera operator was pushed and his equipment was damaged. Citizens carried out the attack, a report was submitted to the Ministry of Interior for the attack, there is no solution.</p>
<p>Journalists teams from the media Uncensored, TV 21, Gazeta Express, Te-tova Sot, Koha TV, Koha News, Ku-manova Sot, TV Shenja and Lajmi Press.</p>					<p>Threats to life and attack on media and threats to journalists. The case was reported to the Ministry of Interior, which submitted a notification to AJM that criminal charges had been filed against the person, waiting for the Public Prosecutor to act upon the report.</p>
<p>TV 21 journalist team Following the recorded TV report on the complaints of the residents of the Municipality of Aracinovo about the poor infrastructure, relatives of Mayor Milikije Halimi sent verbal threats that they would break their camera and demanded that the recordings be deleted.</p>				<p>The case was not reported to the police, but AJM repeatedly called on the police and the Public Prosecutor's Office to open an investigation. However, the Prosecution decided not to act.</p>	
<p>Naser Selmani The journalist and then president of AJM received a death threat message from Bejtula Asani, Bekir Asani's brother, who is affiliated with the ruling DUI political party.</p>			<p>The case was reported to the police, and the Prosecution has opened an investigation. So far, Naser Selmani and the threatener have been called to testify.</p>	<p>The case is ongoing before the Basic Public Prosecutor's Office.</p>	
<p>Armand Braho Thugs from the Alliance for Albanians party attacked journalist Armand Braho during a conference to which he was duly invited.</p>			<p>The case was reported to the police. The court fined the attackers.</p>		

Case	Year	2017.	2018.	2019.	2020.	2021.
A group of journalists Several journalists and media workers were attacked by a mob that forcibly entered the Parliament on April 27, 2017.		The case was reported to the police. The prosecution has not taken any measures.	The prosecution prosecutes those who attacked politicians, not those who attacked journalists and media workers.	AJM lawyers represent 7 journalists and filed 4 lawsuits on their behalf, of which 3 are individual, and one is a group of 3 journalists.		AJM lawyers are awaiting a second instance verdict from the Criminal Court to continue the civil proceedings.
Vladimir Zhelcheski and Aleksandar Todorov Unknown persons – participants in the protest, physically attacked the two journalists, reporting on the large protest “For a Common Macedonia”, because they did not belong to a pro-government media. They were beaten several times, because of which they suffered bodily injuries, after which they were kept in hospital for 24 hours.		The case has been reported to the police and the Public Prosecutor’s Office has opened an investigation.	The court sentenced the attackers to 6 months in prison.			
Meri Jordanovska Emil Jakimovski threatened and insulted the journalist and deputy editor of the A1on portal, Meri Jordanovska. According to the messages published by Jordanovska, the threatener insulted her with abusive words, threatening that “he would create her an obituary”.					Indictment for the crime of endangering security, for threatening messages sent through the social network Telegram. Judgment K. no. 212/20 of 16.3.2020, by which he was sentenced to imprisonment for a term of 1 year and 8 months. An appeal was lodged against the verdict, but the appeal was rejected and the verdict was upheld by the appellate court.	

Conclusions and Recommendations

Conclusions

A positive step was taken in 2021 as amendments to the Law on Civil Liability for Insult and Defamation and the Criminal Code were made. Almost all of AJM's remarks on reducing the amount of compensation for non-pecuniary damage in the event of a journalist's guilt and supplementing the parts for exclusion from liability for defamation and insult were accepted. The amendments to the Criminal Code, initiated by AJM and the journalists' union, incorporated the requirements for systematic protection of journalists and media workers, with the attack on a journalist and media worker being treated as an attack on an official, which means that the BPPO will act ex officio, and penalties for assailants will be increased.

The issue of concern from the aspect of the protection of political pluralism is the paid political advertising, which is not explicitly prohibited in the period outside the elections, and during the election campaign, it is covered with funds from the Budget. AJM's position is that paid political advertising in the media should be abolished at any time because in this manner, the owners of the media are "bribed", this practice has a negative impact on the editorial policy of the media, and the balance of opposing views in the public sphere is "shifted". AJM also opposed the possible amendments to the Law on Audio and Audiovisual Media Services, which would allow advertising of public institutions in the audiovisual media. That would bring the situation in the media industry to the level of five years ago, when astronomical sums were paid in the media in a non-transparent manner with state funds without any criteria. Public service broadcaster reforms have hardly begun, and the public broadcaster's financial independence

and sustainability remain an open question. It is especially important to find solutions for the old debts of the public broadcasting service to the state institutions.

The general assessment is that in 2021, the socio-economic position of journalists was further deteriorated due to the pandemic, i.e., due to the reduction of advertising revenues in the entire media sector. The employment status of many journalists, especially in the private media, is precarious, as journalists generally have fixed-term or part-time contracts, are not paid pension and social security benefits, have low incomes, and are not respected for other work rights. As a result, journalists are much more vulnerable to pressure, both from management structures and from owners and politicians. The pressures are usually subtle and little visible, journalists refrain from speaking openly about these phenomena and rarely report when their fundamental rights are violated. Although it is estimated that journalists in the newsrooms generally have more freedom, there are still many influences on daily work that are not so visible, i.e., there is more self-censorship than direct pressure. The position of journalists in the local and regional media is the worst, as these media are in poor financial condition, and in addition, in small areas, local powerful people can easily put pressure. The job status and position of women journalists in the newsrooms does not differ much from that of their fellow journalists, with the exception that there are fewer women in managerial positions in the media.

In 2021, the number of attacks on journalists was reduced. However, although the number of verbal and physical threats is decreasing, the fact that journalists and media professionals are increasingly subject to threats and harassment on social networks, some of which were serious threats to the physical safety of journalists working on corruption and other negative social phenomena. It is important to note that in

December 2021 a court ruling was rendered in favor of the Association of Journalists of Macedonia (AJM) for an online threat to all journalists written on the AJM Facebook page. This is the first example of the prosecution and the court investigating and sanctioning a serious online threat to journalists. Impunity is still a big problem, as the competent institutions do not cooperate enough and rarely file indictments against the perpetrators of threats or attacks, and in cases when investigations are initiated, they are conducted slowly and inefficiently. Of particular concern is the hate speech and labeling of journalists and media workers by politicians and other public officials. In addition, the competent institutions and courts still do not keep sufficiently up-to-date records of threats and attacks on journalists, nor do they publish such data. However, it is positive that the competent institutions are open for cooperation with AJM and through joint consultations show readiness to work on improving the safety of journalists and media workers by taking more timely measures and prosecuting the perpetrators of attacks and threats.

Recommendations

Legal interventions and improvement of the implementation of the laws:

- Implementation of the procedure for election of members of the AAAMS Council and the MRT Program Council by the Assembly of RNM. The procedure should be conducted in a transparent manner, with a public hearing of all candidates, while the principle of a two-thirds majority should be maintained in the decision-making of the Assembly.
- It is necessary to analyze the provisions of the Law on Audio and Audiovisual Media Services and other

relevant laws in terms of improving the financial situation of private media and introducing mechanisms for tax relief and similar benefits for the media.

- It is necessary to open a debate on the possible establishment of a fund for the media, especially the goals and criteria of financial support (encouraging program diversity, improving the status of journalists, etc.), the manner of distribution of funds, independence and objectivity in the implementation of the procedure.
- Amendments to the Electoral Code are needed to simplify the rules for the media campaign and reduce the possibility of abuse of paid political advertising in the private media.
- Initiating an amendment to the Code of Ethics of journalists in the public service MRT to strengthen the internal self-regulation in this media.

Strengthening the journalists safety:

- Assembly voting of the amendments to the Criminal Code in two directions: 1) Amendments to the provisions defining hate speech in accordance with the practice of the ECtHR, and 2) Amendments to the powers of the BPPO to act ex officio in case of attack on a journalist and / or media worker, as well as envisaging higher penalties for perpetrators, as well as voting and adoption of amendments to the Law on Civil Liability for Defamation and Insult, which reduces non-pecuniary damage to journalists
- Establishment of a new department within the Public Prosecutor's Office, which will be in charge only of dealing with cases related to violations of the rights of journalists and media workers, their safety, as well as explicit hate speech against them.
- Establishment of special registers for cases of lawsuits against journalists within the basic civil and

criminal courts, including the Public Prosecutor's Office.

- Effective implementation of laws for better safety of journalists and media workers.
- Ongoing process in capacity building of journalists, lawyers, judges and prosecutors on topics related to the sanctioning of attacks on journalists, and the general interpretation of Article 10 of the ECtHR.
- Improving the cooperation with the newly elected representatives of the Assembly of RNM on topics related to freedom of expression and media policies.
- AJM to continue lobbying for introduction of protocols and improvement of internal procedures in the institutions, in order to prevent violence against journalists and its effective sanctioning.
- In cooperation and support with the OSCE Mission to Skopje, to improve the cooperation with the Ombudsman, in order to increase the cooperation between AJM and an institution in the protection of the rights of journalists.

Improving the labour rights of journalists:

- Continuation of the efforts of ITUJMW, with the support of AJM, in signing new collective agreements with the private media.
- Conducting campaigns and trainings, through which journalists and the media would get more acquainted with their basic labor rights.
- To continue providing legal aid and advisory services to journalists and media workers by trade union journalists' associations.
- Intensifying the cooperation and dialogue with the institutions in the interest of protecting the labor rights of journalists and media workers.

