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Western Balkans Journalists' Safety Index

Narrative Report North Macedonia 2021

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Introduction

The Western Balkans' Journalists' Safety Index (Index) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The Index relies primarily on the research evidence collected and analysed by the partners of the [SafeJournalists.net](https://www.safejournalists.net) Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organizational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media of Montenegro, Association of Journalists of

¹ Adrijan Kerimi, Darko Duridanski, Aleksandra Temenugova, Teofil Blazhevski, Fatljudumie Dervishi, Sonja Kolevska Delevska, Vlado Apostolov, Almedina Ismaili and Lazar Sandev are members of the Advisory Panel in North Macedonia.

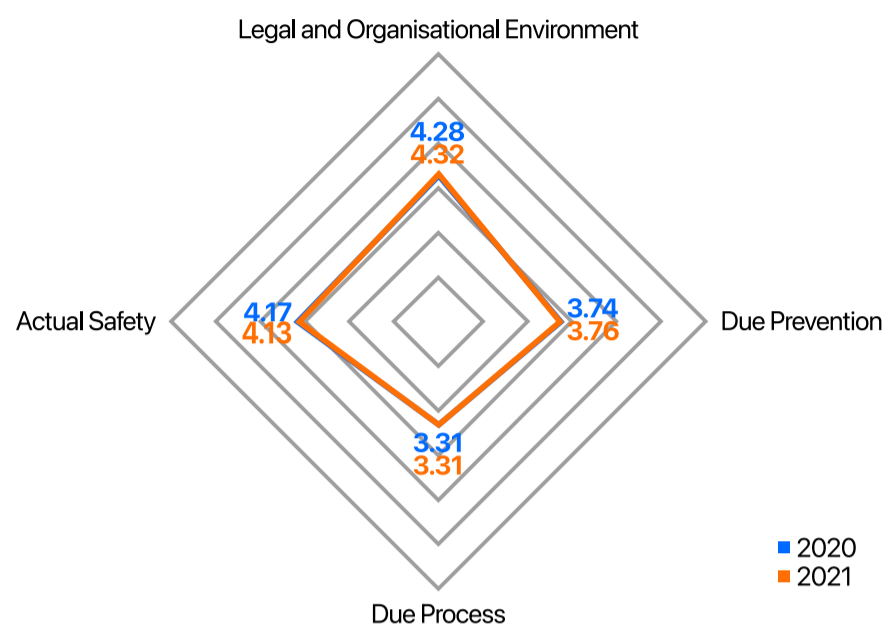
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Tosheva have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Macedonia, Association of Journalists of Kosovo, Croatian Journalists' Association and independent researcher in Albania³.

The first (pilot) year for the development of the conceptual framework and methodology for the assessment, collection and calculation of the index was 2020. This report refers to the situation in North Macedonia in 2021 and presents the improvement or deterioration of the situation for each of the four dimensions, taking into account the assessment for 2020 as a reference year. More details about the theoretical framework and the procedure for developing and calculating the Index, as well as all the reports for the countries of the Western Balkans, can be found at: (<https://safejournalists.net/safety-index/>).

³ Blerjana Bino is independent researcher for Safejournalists.net platform in Albania.

JOURNALISTS' SAFETY INDEX



	2020	2021		Main new developments for every dimension
1. Legal and Organisational Environment	4.32	4.28	↓	The announced adoption of amendments to the laws, regarding greater protection of journalists and media workers, did not happen in 2021 either.
2. Due Prevention	3.74	3.76	↑	No major cases of violation of media rights and freedoms have been observed. The practice of public condemnation of attacks on journalists has been established, but there are examples when politicians and public officeholders insult and threaten journalists and the media.
3. Due Process	3.31	3.31		No significant changes have been observed, the investigations are mostly slow and ineffective, and no charges have been brought for individual attacks on journalists.
4. Actual Safety	4.13	4.17	↑	The number of physical attacks and threats against journalists has decreased compared to last year, but the trend of increasing online threats against women journalists is worrying.
Journalists' Safety Index	3.93	3.95	↑	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- Journalists do not evaluate the Law on Civil Liability for Defamation and Insult as restrictive and the number of cases against journalists and media has greatly decreased. The courts have not determined the liability of a journalist in any court proceedings for defamation or insult and have not awarded compensation for damages for damaged reputation;
- In 2021, there were no changes regarding the legal guarantees for the protection of journalistic sources and their application in practice. Laws provide good protection for journalistic sources. Journalists feel free to contact information sources. However, the number of whistle-blowers who report cases of corruption to competent institutions or journalists is still small, which means that an atmosphere of fear still prevails among sources, which is also unfavourable for journalism itself;

- In 2021, the state still does not take any actions to introduce legal protection against the so-called baseless strategic lawsuits to prevent public participation (SLAPP), although the practice of using such lawsuits has been registered in several cases, which indicates the attempt of certain power holders to exert pressure on journalists; there was also a case of endangering the safety of a journalistic team when reporting during protests;
- In 2021, there were no changes regarding the freedom of journalists to practice their profession and to join professional associations. The journalistic profession is not subject to licensing, although the Media Law contains a restrictive definition of the term journalist. There are several professional associations, but pressures have been observed on journalists mainly in terms of freedom of trade union organization. Owners or managers of private media (albeit subtly) prevent journalists from joining the journalist union and establishing trade union organizations in the media;
- The situation with labour rights and the working status of journalists did not change in 2021. Low incomes and non-respect for employment rights are the biggest problems faced by journalists in private media. In the public broadcasting service, the situation is somewhat better. Journalists are afraid to initiate legal proceedings for mobbing or non-respect of labour rights and to establish trade unions in the media. There are rarely newsrooms that provide free legal assistance to journalists when they are sued for defamation, insult, etc.

II. DUE PREVENTION

- During 2021, there was no change in the situation regarding the application of quick and effective measures to protect journalists in cases of threats and attacks. The mechanism for reporting attacks by journalists to the Ministry of the Interior, i.e. the telephone line for quick and efficient assistance to journalists in cases of attacks, did not function in 2021 either. After the cancellation of the telephone line, the possibility of registration continued, but this time with an online form on the website of SSNM - <https://ssnm.org.mk/prijavi>. Journalists who were the target of attacks had nowhere to turn for immediate help and support from the institutions, except the Department for Computer Crime and Digital Forensics at the Ministry of the Interior and the National Security Agency. Out of the 5 registered attacks on journalists, only one was prosecuted.
- During 2021, there were no changes regarding the availability of special measures for the physical protection of journalists. There are general provisions in the legislation according to which journalists could seek protection in case of a serious threat to their life

from a person who is known, but it is not clear enough how such a procedure is practically applicable. There is a procedure in the criminal procedure law, but the risk assessment procedure is not clearly defined;

- In 2021, the situation did not change in terms of women journalists' access to legal aid or other support measures in cases of gender-based threats, attacks or discrimination. No mechanism was yet established for free legal aid for any victim of gender-based attacks and violence, including women journalists. Journalists report all attacks to the Ministry of the Interior. Three attacks have been reported to AJM in 2021, but practice shows that their number is much higher. Women journalists rarely report cases of gender-based discrimination to competent institutions.
- The situation in 2021 was not changed compared to the previous year. The practice of public condemnation of attacks on journalists has been established. Public office holders generally refrain from verbal attacks on journalists, except for individual cases where politicians and public office holders have verbally attacked journalists. AJM in 2021 noted two such examples.
- The general assessment is that the police during 2021 showed correct behaviour towards journalists and the media in different situations. Attention is paid to the training of police officers to include topics related to human rights, and international standards are incorporated into the laws and codes according to which the police work. The regular cooperation between AJM and the Ministry of the Interior continued during 2021.

III. DUE PROCESS

- The cooperation between the competent institutions in 2021 was not improved and did not result in their sufficient efficiency in discovering the perpetrators of the attacks. Public prosecutors are very inert in starting proceedings. At the competent institutions, there are no special departments, nor specially designated persons for conducting investigations into attacks on journalists. No special instructions have been adopted that can help to conduct investigations more efficiently.
- Although impunity is still a major problem, some progress was made in 2021, primarily due to the quick and effective sanctioning of serious online threats against journalists. The problem of slow and ineffective investigations remains, and no investigations have been initiated for individual attacks on journalists. However, it is positive that the competent institutions are open to cooperation with AJM and through joint consultations show a willingness to work on improving the safety of journalists and media workers.

- During 2021, there was a significant improvement in the protection of journalists from online threats, as the competent institutions reacted quickly and efficiently in finding and sanctioning the perpetrator of a serious online threat against all journalists writing on the AJM Facebook page. However, AJM has not yet received information from the prosecutor's office about how it acted concerning other online attacks on journalists committed in 2021.
- The situation regarding the transparency of court proceedings in which journalists are parties has not improved. The Basic Civil and Basic Criminal Courts in Skopje do not provide detailed information about court proceedings for attacks on journalists that have occurred in recent years. Courts do not have a practice of informing the public about proceedings against journalists or about cases in which journalists are parties to attacks. In addition, the Automated Court Case Management Information System – ACCMIS does not provide an opportunity for a precise search of past and current proceedings in which the parties are journalists, and thus the public has difficulty accessing this information.
- The situation in terms of maintaining accurate databases has not changed compared to last year. Courts and competent institutions, despite the initiatives of AJM, have not yet established quality statistical systems, based on which they can provide precise data for all court proceedings in which journalists or media are parties. Court databases do not allow searching the data according to different criteria.

IV. ACTUAL SAFETY

- In 2021, there was a slight improvement in the context of this type of attacks (non-physical threats and harassment) against journalists and media workers in the country in contrast to 2020, when AJM registered seven cases. A small number of threats that are not aimed at endangering the physical safety of journalists have been registered. However, it is worrying that among the perpetrators are also police officers and representatives of political parties.
- In 2021, only one threat aimed at endangering the physical safety or life of journalists was registered, which is an improvement compared to 2020, when AJM registered three cases. The Ministry of the Interior submitted a notice to the AJM that a criminal complaint was filed against A.E. (36) from the village Tearce, Tetovo, due to the existence of grounds for suspicion of a committed crime "endangering security" against journalists. The response of the Ministry of the Interior concerning this case is welcomed, and the next step is immediate proactivity by the Prosecutor's Office, and then the court to bring before justice those who violate the rights of journalists. For this

case, the Ministry of the Interior initiated a procedure against the threat, but there is still no information about the further course of the procedure in relation to this case. The fact that these types of threats are made online and are mostly directed at women journalists, is worrying.

- In 2021, one physical attack on journalists was registered, unlike in 2020 when there were two such cases. More specifically, during demonstrations organized by disgruntled citizens and relatives of accused persons in the “Monstrum” case, AJM received a report from colleagues from the Media Information Agency (MIA) that there was an attempt to snatch the equipment from the team members. During this, the cameraman was pushed and the equipment was damaged. AJM publicly condemned the attackers with a statement.
- AJM in 2021 does not register attacks or threats against media and journalist associations.

Legal and Organisational environment

4.28

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

4.58

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

4.80

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

4.37

Journalists are free to pursue their profession and to establish, join and participate in their associations

4.32

Journalists' job position is stable and protected at the workplace

3.34

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By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

Legal provisions related to defamation and their application do not create a frightening effect on journalists and the media

Score for 2020: 4.58 / Score for 2021: 4.58

The general assessment from the previous report is still valid for this year as well: Journalists do not consider the Law on Civil Liability for Defamation and Insult (LCLDI) as restrictive and the number of cases against journalists and media has greatly decreased. Courts have not determined the responsibility of a journalist in any court proceedings for defamation or insult and have not ruled compensation for damages for damaged honour and reputation.

As early as 2012, with the adoption of the Law on Civil Liability for Defamation and Insult (LCLDI), the acts of defamation and insult were decriminalized. In the Criminal Code, there are provisions for harming the reputation of the state, of a foreign state or diplomatic representative, then of the Macedonian people or communities. However, there is also a provision that exempts the journalist from liability when the opinion is given "in the exercise of the journalistic profession, in defence of the freedom of public expression of thought or other rights or the protection of public interest or other justified interests, or with a sincere intention or confidence in the benevolence of his opinion." The assessment of the Association of Journalists and Legal Experts is that the Law on Civil Liability for Defamation and Insult (LCLDI) contains certain unclear provisions, as well as that compensation for non-material damage, is too high and can harm journalists. Therefore, three key issues were foreseen in the proposed amendments and additions to the Law made in 2020: the first amendment refers to the definition of defamation and insult as acts that are presented to a third party, i.e. in public, according to the practice of the European Court of Human Rights; the second on the reduction of the amounts for compensation for damage, and the third on the addition of the provisions on liability for defamation, in the sense that "apart from the journalist, the author of the statement, the editor or the person who replaces him in the public media

— INDICATOR 1.1

will also be liable for the defamation or insult information and the legal entity" (Art. 8). With the changes, the natural person who is the owner of a means of public information will be able to bear responsibility. Regarding compensation for non-material damage, a tenfold reduction of the amounts is foreseen. According to the current provisions, compensation of up to 2,000 euro is foreseen for damage caused by insult or defamation by a journalist, up to 10,000 euro for an editor or the person who replaces him, and 15,000 euro for a legal entity (Article 18 of the Civil Code). With the amendments to the Law, these sums would amount to 200, 1,000 and 1,500 euro in the future, respectively. The announced adoption of these changes did not occur until the end of 2021. According to the data received from the Basic Civil Court Skopje, the total number of active cases for insult and defamation against journalists or media in 2021 was 20. During 2021, AJM did not register any completed court proceedings in which a journalist was convicted or court order was passed a decision according to which the journalist should pay compensation to the plaintiff for non-material damage due to reputational damage. Journalists themselves do not evaluate the Law on Civil Liability for Defamation and Insult as restrictive, the number of cases against journalists and media has been greatly reduced. In recent years in the country, slander and insult have been used less and less as an instrument to put pressure on journalists and the media. In the past few years, there have been no court decisions that have held journalists responsible for defamation and that have harmed journalists and media workers today.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Score for 2020: 4.80 / Score for 2021: 4.80

In 2021, there were no changes regarding the legal guarantees for the protection of journalistic sources and their application in practice. Laws provide good protection for journalistic sources. Journalists feel free to contact information sources. However, the number of whistle-blowers who report cases of corruption to competent institutions or journalists is still small, which means that an atmosphere of fear still prevails among sources, which is ultimately unfavourable for journalism itself.

The right to protect the journalistic source in RNM is a constitutional category, and it is guaranteed by the Criminal Code, the Law on Civil Liability for Insult and Defamation, the Law on Media and the Law on Audio and Audio-visual Media Services. Furthermore, the new Law on the Protection of Whistle-blowers regulates the issues of protected reporting, the rights of whistle-blowers, as well as the actions and duties of institutions concerning protected reporting and ensuring the protection of whistle-blowers. With the amendments to this law from 2018, compliance with the international standards prescribed in this area was carried out and it provides greater protection to whistle-blowers. In 2021, there was no registered case of the authorities asking a journalist to reveal the source, nor sanctioning a journalist for refusing to disclose the identity of the source of information. In addition, there were no cases of reports to AJM, regarding possible attempts by the authorities to find out the source of information by confiscating the journalist's phone or computer. The general assessment is that when working on investigative texts, journalists feel free to contact the sources of information. However, although journalistic sources are encouraged and institutionally better protected, a very small number of whistle-blowers report cases to competent institutions or to journalists, which means that an atmosphere of fear still prevails among journalistic sources, which is ultimately unfavourable for journalism itself.

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

Score for 2020: 4.57 / Score for 2021: 4.37

In 2021, the state still does not take any actions to introduce legal protection against the so-called strategic lawsuits against public participation (SLAPP lawsuits), although such practice has been registered with several cases, which indicates that it is an attempt by power holders to exert pressure on journalists; there was also one case of endangering the safety of a journalistic team while reporting during protests.

In 2021, no examples of discriminatory or arbitrary application of other laws to limit the freedom of journalistic work were observed. What is worrying is the growing trend of SLAPP lawsuits being filed against journalists in the country. These types of lawsuits serve to cause intimidation and legal costs or simply exhaust the defendants, in this case, journalists, to demotivate them or give up public criticism. Such lawsuits in the context of the Council of Europe are known as strategic lawsuits for the strategic lawsuits to prevent public participation (SLAPP). These lawsuits, especially when they are initiated by politicians and public office holders, can cause self-censorship among journalists, thereby violating the citizens' right to information. There were also no recorded attempts to silence journalists, based on the arbitrary application of legal provisions related to the spread of disinformation, fear or panic, although there were examples of the spread of disinformation during the pandemic. In the country, there are no legal protective mechanisms that protect journalists from the so-called SLAPP Lawsuits. Such strategic lawsuits for the prevention of public participation aim to intimidate and financially exhaust the sued journalists or media. When initiated by politicians and public office holders, these lawsuits can cause fear and self-censorship among journalists, thereby violating the right of citizens to be informed. During 2021, AJM registered four such cases: in the first case, Aleksandar Damovski from mkd.mk was sued by former government official Gorjan Tozia. The second case was when the journalist Sashka Cvetkovska from IRL was sued by a former government

— INDICATOR 1.3

official, that is, the deputy president of the RNM Government, Kocho Angjushev. A typical example of a SLAPP lawsuit was the lawsuit of Aleksandar Naumovski, a former mayor, against the journalist Srgjan Stojancov, for which the court in Skopje ruled in favour of the journalist. Also noted were the lawsuits against journalists Meri Jordanovska and Predrag Petrovich, who was sued by a current Member of Parliament and president of a political party, Dimitar Apasiev. In the first instance, they were won in favour of the journalists, that is, the court rejected the lawsuits against the defendants, but at the moment they are in the appeal procedure. The Association of Journalists of Macedonia offers free legal assistance and coverage of attorney's fees for sued journalists and media. In 2021, only one case of threats to journalists' safety was registered when reporting on protests. In February 2021, the crew of the Media Information Agency (MIA), which was reporting from the protest related to the "Monstrum" case, was attacked and the filming equipment was damaged. Cases of discriminatory or arbitrary application of other laws aimed at limiting the freedom of journalistic work were not observed in 2021.

Journalists are free to pursue their profession and to establish, join and participate in their associations

Score for 2020: 4.32 / Score for 2021: 4.32

In 2021, there were no changes regarding the freedom of journalists to practice their profession and join professional associations. The journalistic profession is not subject to licensing, although the Media Law contains a restrictive definition of the term journalist. There are several professional associations, but pressures have been observed on journalists, mainly regarding the freedom of trade union organizations. Owners or managers of private media prevent (albeit subtly) journalists from joining the journalist union and establishing trade union organizations in the media.

The journalistic profession is not subject to licensing and during 2021 there were no attempts or initiatives to introduce any form of licensing of journalists. As emphasized in the previous report for 2020, the Media Law contains a definition of the term journalist, which is restrictive to the freedom of journalistic work, because the law determines “who can” perform this profession. In practice, however, there are no registered examples of restricting individuals from working as journalists. In 2021, AJM did not observe cases in which journalists or media workers were prevented from reporting on events due to a lack of accreditation. However, during the promotion of the “Open Balkans” initiative, within the framework of the Economic Forum for Regional Cooperation organized by the governments of North Macedonia, Serbia and Albania in July 2021, several journalists and media outlets were limited in their ability to report professionally from the event due to organizational and technical reasons and lack of space. The fact that some journalists were not provided with adequate reporting space put them in an unequal and discriminated position compared to others for whom this was not the case. In this regard, AJM publicly responded to the organizer of the event. Such an example was noted in 2021 by the court in the country. More specifically, in April 2021, the Basic Civil Court in Skopje rejected the lawsuit for preventing the citizens' right to information, as well as for compensation

for non-material damages for the fear and mental pain suffered by Goran Trpenoski, who during the incidents from the RNM Assembly on April 27, 2017, he reported as a journalist for the online media SAKAMDAKAZAM.MK (sdk.mk). In the verdict, the court explained that at that time Trpenoski was not a journalist because he worked in the online media SAKAMDAKAZAM.MK, which, according to the judge, referring to the Media Law, is not considered a media. In addition, in this judgment, the court does not recognize the right to information as a constitutional category, judging that at that time the journalist Trpenoski was prevented from informing the Macedonian public about the events in the Assembly of the RNM, and consequently, he has no right to damages. This court ruling is problematic in several respects. First, it is not following the practice of the European Court of Human Rights, for which it is indisputable that online media are media, and the journalists who work in them are holders of this profession, with the fact that the courts in the country should follow it the practice of the ECtHR. With this ruling, the court does not respect the conclusion of the four appellate courts in the Republic of North Macedonia, according to which, online media, which appear as parties before the civil courts of the first instance, in proceedings for insult and defamation, must have the same treatment as traditional media from May 2019. This conclusion of the four appellate courts should be a lesson that in all other proceedings, in which journalists from the online media seek justice before the courts, they must not be refused with the explanation that they are not holders of this profession. Such court rulings threaten freedom of speech and discredit the journalistic profession, as well as the role of the media in a democratic society. Otherwise, the majority of journalists are organized in professional associations. The largest and oldest association is the Association of Journalists of Macedonia (AJM), founded in 1946, a member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ). There is also the Council for Ethics in the Media, a self-regulatory body, in which a large number of broadcasting, print and online media are members voluntarily. Regarding the protection of labour rights, journalists and media workers are organized within the framework of the Independent Union of Journalists and Media Workers - SSNM, which is independent and is not part of any union organization at the national level. There is also a special union of the public broadcasting service, which is not part of SSNM. According to SSNM representatives, the owners and managers of most private media (especially some of the state-level televisions) carry out subtle forms of preventing journalists from joining the journalist union or establishing trade union organizations within their media. In the past, there were attempts to form parallel organizations and associations that were under political influence but did not enjoy credibility and recognition by the guild.

Journalists' job position is stable and protected at the workplace

Score for 2020: 3.34 / Score for 2021: 3.34

The situation with labour rights and the working status of journalists did not change in 2021. Low incomes and non-respect for employment rights are the biggest problems faced by journalists in private media. In the public broadcasting service, the situation is somewhat better. Journalists are afraid to initiate legal proceedings for mobbing or non-respect of labour rights and to establish trade unions in the media. There are rarely newsrooms that provide free legal assistance to journalists when they are sued for defamation, insult, etc.

As in previous years, in 2021 no precise data can be found on how many journalists have signed work contracts. A general assessment is that many journalists in the private media have mainly fixed-term contracts or freelance contracts. The trend continues for journalists in private media to work unpaid overtime hours and work without compensation during holidays and weekends. The reform of the public service was one of the key issues within the request of the non-governmental sector to implement comprehensive reforms in the media sphere in the country. This request, above all, was related to the increase of the budget for this media, as well as the need to ensure its greater independence, starting with the election of the new members of the Program Council of the Macedonian Radio-Television (MRT). The funding of MRT was thoroughly changed in 2018, when it was switched from a broadcasting fee (public charge) to a fixed percentage of the RNM Budget, to ensure long-term and stable funding. Despite this, MRT is still facing financial problems due to the indebtedness of previous years, and also since the government has not fully disbursed its funds according to the predicted dynamics. According to AJM's calculations, MRT 2021 received the lowest income in the last three years. On the other hand, MRT's programming obligations have even increased with the opening a 24-hour channel in the Albanian language and new thematic services (children's and sports channels). A particularly endangered category of journalists is MRT correspondents, who are fewer in number and mainly have contracts for temporary engagement, which can be easily terminated. In November 2019, an announcement

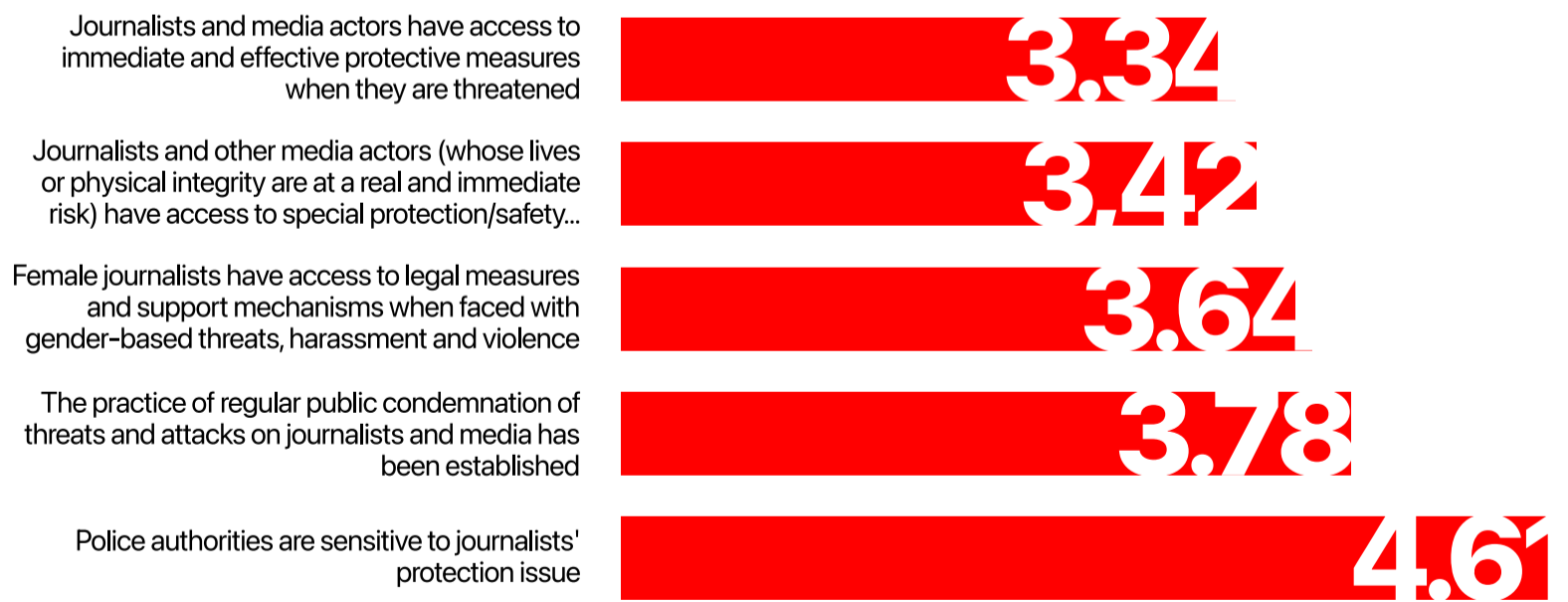
— INDICATOR 1.5

was published for the freelance hiring 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. Low incomes and non-respect for employment rights are the most common problems faced by journalists. The majority of journalists and media workers receive a salary of 15,000 to 20,000 denars, according to data from the Independent Union of Journalists and Media Workers (SSNM). During the pandemic in 2020, several private media outlets reduced the salaries of journalists and media workers, and such salary levels continued in 2021. Many journalists continue to complain that they have not yet been paid their pension and social security benefits. In the public service, in October 2019, all employees received a linear salary increase of 3,500 denars net per person. A new collective agreement was also signed, guaranteeing the payment of vacation pay. This improves to some extent the standard of journalists, media workers and technical staff in MRT, however, there is a perception that the salaries of journalists, especially those who are not beginners, are lower than the salaries of journalists in national private television stations. However, unlike some of the private media, the regularity of salary payments to MRT employees has never been a problem, nor has the security of their jobs, which is guaranteed by the signed employment contracts. The general assessment is that the position of women journalists in newsrooms does not differ much from the position of male journalists. There is no data on how many male and women journalists have signed employment contracts, but it is considered that employers, in general, when it comes to women journalists employed for an indefinite period, respect the basic rights prescribed by law, such as the payment of salaries, maternity leave and paid vacation. The position of freelance journalists, who are few in the country, was difficult and financially uncertain, especially during the health crisis caused by the covid-19 pandemic. A small number of private media have trade union organizations, that is, among journalists, there is still fear or lack of interest in trade union organizing in the media they work for. The exception is the public broadcasting service, where journalists are organized in a separate union, which is not part of SSNM. There are no collective agreements with private media, not even at the industry level. Journalists are afraid to sue editors, managers or media owners when their labour rights are violated. In 2021, there was not a single court case where a journalist sued a manager for mobbing, and there was also no final verdict for such a crime. Journalists in newsrooms do not receive free legal assistance in situations where they are sued for defamation, insult, etc. In such situations, AJM offers free legal assistance to journalists and provides legal protection in proceedings before the courts in the country.



Due Prevention

3.76



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7.00



Institutional mechanisms for immediate protection of journalists in cases of threats and attacks do not exist, officials encourage attacks on journalists and police officers treat journalists extremely harshly.

All institutional mechanisms are established for the immediate protection of journalists in the event of attacks, officials clearly and systematically discourage attacks on journalists and police authorities treat journalists with respect.

Journalists and media actors have access to immediate and effective protective measures when exposed to threats

Score for 2020: 3.34 / Score for 2021: 3.34

During 2021, there was no change in the situation regarding the existence of quick and effective measures to protect journalists in cases of threats and attacks. The mechanism for reporting attacks by journalists to the Ministry of the Interior, i.e. the telephone line for quick and efficient assistance to journalists in cases of attacks, did not function in 2021 either. Journalists who were the target of attacks had nowhere to turn to the institutions for immediate help and support, except for the Department for Computer Crime and Digital Forensics at the Ministry of the Interior and AJM. Out of the 5 registered attacks on journalists, only one was prosecuted.

In the country, since 2018, with the support of the OSCE Mission in Skopje, the Independent Union of Journalists and Media Workers (SSNM) has established a telephone line to support journalists and media workers in cooperation with the Ministry of Internal Affairs. After the cancellation of the line, the possibility of registering with an online form on the website of SSNM - <https://ssnm.org.mk/prijavi> continued. In this case, too, support was provided by the OSCE Mission in Skopje. The hotline mechanism was intended to provide support and advice to journalists and media workers in cases of blackmail, threats, verbal or physical attacks, online attacks, gender-based violence, destruction of personal and professional property and attacks on newsrooms and homes of journalists. The free phone line did not work in 2021, and reports of online attacks on journalists were submitted to the Cybercrime Department of the Ministry of the Interior at the email address cybercrime@moi.gov.mk for reporting hate speech on the Internet and attacks on journalists online. According to the AJM register, out of a total of 5 threats registered in 2021, one was made online or through social networks. After it was reported to the Ministry of the Interior, the Public Prosecutor's Office initiated a procedure, which is still ongoing. For the other attacks, AJM has no information on whether procedures have been initiated to solve them. Competent institutions do not cooperate enough, conduct

— INDICATOR 2.1

insufficiently efficient investigations and rarely prosecute the perpetrators of threats and attacks on official duty. Of particular concern is the hate speech and labelling of journalists and media workers by politicians and other public office holders.

Journalists and other media actors (whose lives or physical integrity are at real and immediate risk) have access to special mechanisms for protection/safety

Score for 2020: 3.42 / Score for 2021: 3.42

During 2021, there were no changes regarding the availability of special measures for the physical protection of journalists. There are general provisions in the legislation according to which journalists could seek protection in case of a serious threat to their life from a person who is known, but it is not clear enough how such a procedure is practically applicable. There is a legislative procedure, but the procedure for risk assessment is not clearly defined.

The Law on Criminal Procedure of the RNM contains provisions that regulate the actions of the judicial authorities during the investigation procedure, to prevent "the accused person from obstructing the conduct and smooth progress of the criminal procedure and the protection of the victim."

From a formal-legal point of view, we are talking about the precautionary measures regulated in Article 146 of the Law on Criminal Procedure, more specifically paragraph 1, point 6, which reads "... 6) prohibition of approaching or establishing, that is, maintaining contacts or relationships with certain persons", and it is applied only when there is a known perpetrator of a crime, when there is a specific criminal report and when the procedure has been initiated. These precautionary measures are proposed by the public prosecutor and are determined by a judge in a preliminary procedure after assessing the seriousness of the situation, the type of crime, the danger to the victim, etc.

This means that a general protection mechanism has been built into the law that journalists could use in case of a serious threat to their lives, but this would be practically feasible

— INDICATOR 2.2

only if the person making the threat is known, and not in situations of an unknown perpetrator. Other cases in which journalists requested physical protection from the Ministry of Internal Affairs were not registered by AJM during 2021.

Women journalists have access to legal measures and support mechanisms when they face gender-based threats, harassment and violence

Score for 2020: 3.64 / Score for 2021: 3.64

In 2021, the situation has not changed in terms of women journalists' access to legal aid or other support measures in cases of gender-based threats, attacks or discrimination. No mechanism was yet established for free legal aid for any victim of gender-based attacks and violence, including women journalists. Journalists report all attacks to the Ministry of the Interior. Three attacks have been reported to AJM in 2021, but their number is much higher. Women journalists rarely report cases of gender-based discrimination to competent institutions.

The Istanbul Convention was ratified in North Macedonia in 2018, and its provisions were incorporated into the Law on Prevention and Protection from Violence against Women and Domestic Violence, drafted in 2020 and adopted in January 2021. Given that the Law was adopted in January 2021, such a support system was not yet established in the country during the past year. The law on prevention and protection against violence against women and domestic violence prohibits any type of gender-based violence against women and guarantees basic mechanisms for the effective protection of victims from any form of gender-based violence. Also, this law contains an obligation for institutions to establish preventive measures to prevent and protect against any type of gender-based violence and for free legal assistance for victims of gender-based violence. Such a special mechanism at the inter-institutional level for providing legal aid to victims of gender-based attacks or violence, including women journalists, has not yet been established. According to the practice of AJM, women journalists who were victims of harassment, attacks or threats based on gender, have so far reported it mainly to the Ministry of the Interior, but also AJM. Until now, AJM does not have information on how many reports of women journalists were submitted to the Ministry of Internal Affairs for gender-based violence or threats during 2021, but in

— INDICATOR 2.3

the register of attacks maintained by AJM, three reports of women journalists were registered for 2021. For cases of discrimination against women journalists in the workplace, they can also turn to the Commission for Prevention and Protection from Discrimination. However, according to AJM's findings, women journalists rarely use that opportunity, most likely out of fear that they may suffer consequences at the workplace.

The practice of regular public condemnation of threats and attacks against journalists and media has been established

Score for 2020: 3.78 / Score for 2021: 3.78

The situation in 2021 was not changed compared to the previous year. The practice of public condemnation of attacks on journalists has been established. Public office holders generally refrain from verbal attacks on journalists, except for separate cases when politicians and public office holders have verbally attacked journalists. AJM in 2021 noted two such examples.

During 2021, there were several examples when elected or appointed officials clearly and unequivocally condemned attacks on journalists. The general assessment is that there is a practice of public condemnation of attacks on journalists, but there are also opposite examples that have been observed in 2021. We are talking about cases when MPs, government officials or mayors publicly devalued or belittled journalists at press conferences. The most pronounced negative example of the devaluation of a journalist was that of the mayor of Karposh Municipality, Stevcho Jakimovski, from November 2021. To the journalist's questions addressed to Mayor Jakimovski after the end of the first hearing of the court proceedings in which he is accused of abuse of office, he accused the journalists that their presence at the first hearing was orchestrated by "one centre." Another example is the behaviour of the president of the State Election Commission (SEC), during a press conference, about the results of the local elections in 2021. He disparaged the journalists from the online media and instead of answering a question posed by a journalist, he got into a verbal argument with her. However, the general assessment is that the atmosphere in which journalists work in general, including those investigating corruption, is much freer. Holders of public offices generally refrain from verbal attacks on journalists, except in isolated incidental cases. In 2021, AJM registered only two such cases, they were with the mayor of Karposh Municipality, Stevcho Jakimovski, from November 2021, when the journalist's questions were addressed to him after the end of the first hearing of the court proceedings in which he is accused of abuse of official position, he accused the journalists that their presence at the first hearing was

— INDICATOR 2.4

orchestrated by “one centre.” The second case was the behaviour of the president of the State Election Commission (SEC), during a press conference, about the results of the local elections in 2021. He addressed journalists from the online media with disparagement and, instead of answering the journalist's question, entered into a verbal argument with her.

Police authorities are sensitive to journalists' protection issues

Score for 2020: 4.50 / Score for 2021: 4.61

The general assessment is that the police during 2021 showed correct behaviour towards journalists and the media in various situations. Attention is paid to the fact that the training of police officers includes topics related to human rights, and international standards are incorporated into the laws and codes according to which the police work. The regular cooperation between AJM and the Ministry of the Interior continued during 2021.

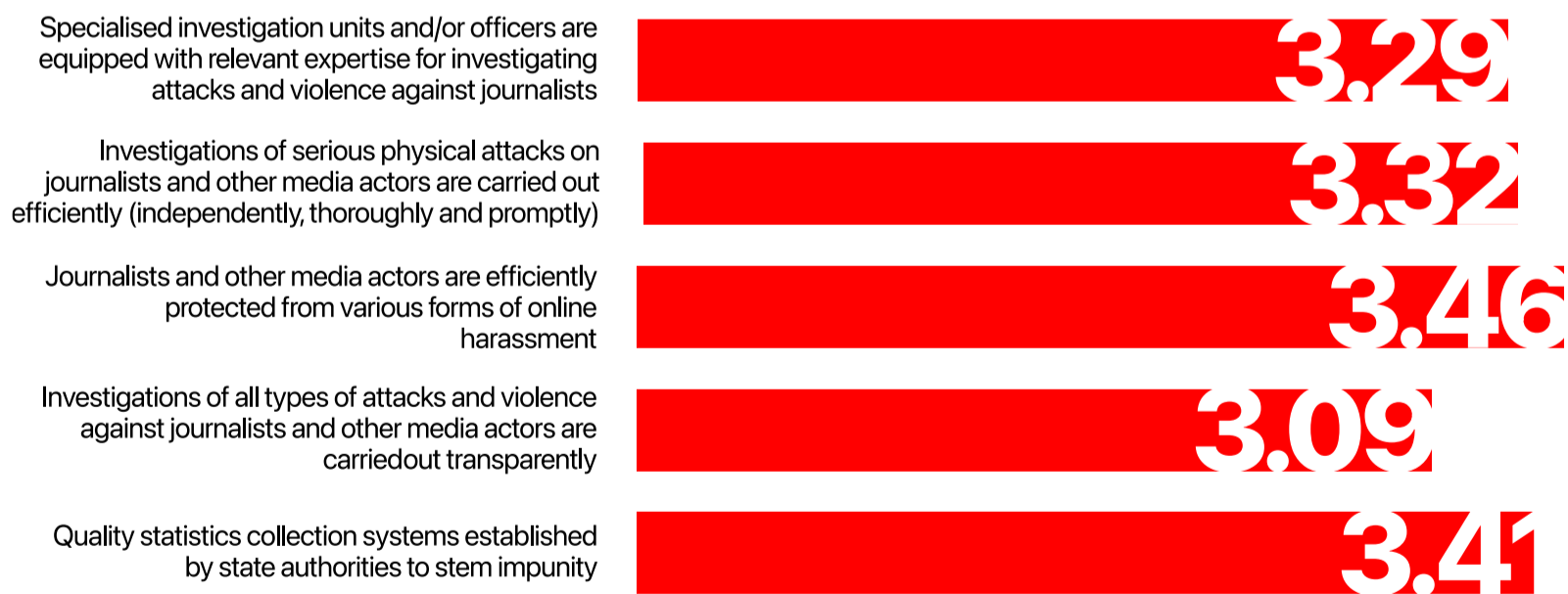
International standards for respect for human rights are incorporated in the Code of Police Ethics, the Law on Police and other relevant laws. The training of police officers that is carried out within the framework of the Ministry of the Interior also contains modules related to familiarization with the basic human rights determined by the ratified international agreements and conventions. In addition, the AJM and the Ministry of the Interior jointly conducted specific training to acquaint police officers with the role of journalists in a democratic society.

In 2021, due to the restrictions related to the pandemic, the cooperation between AJM and the Ministry of the Interior in organizing training was realized with reduced intensity. Two trainings were held together with the Department for Internal Control, Criminal Investigations and Professional Standards, as well as with police station commanders from Skopje. In December 2017, a Memorandum of Cooperation was signed, and in December 2019, a Cooperation Protocol was established between AJM and the Ministry of Internal Affairs, the main purpose of which is to develop, maintain and promote good relations between media workers and police officers. In the context of that cooperation, AJM published several manuals, which, apart from journalists, are also intended for police officers. During 2021, no more serious problems were registered in the behaviour of the police towards journalists and the media.



Due Process

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Institutions do not investigate and do not sanction attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

Institutions are fully effective and transparent in investigating and sanctioning attacks on journalists, including online harassment, threats against the lives and physical safety of journalists and physical attacks on journalists and media.

Specialized investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Score for 2020: 3.29 / Score for 2021: 3.29

The cooperation between the competent institutions in 2021 was not improved and did not result in their sufficient efficiency in discovering the perpetrators of the attacks. Public prosecutors are very inert in starting proceedings. At the competent institutions, there are no special departments, nor specially designated persons for conducting investigations into attacks on journalists. No special instructions have been adopted that can help to conduct investigations more efficiently.

Competent institutions have not yet formed special departments or appointed persons responsible for conducting investigations and procedures related to acts of violence against journalists. AJM raised this issue in 2020 at meetings with representatives of the Ministry of Justice and the Basic Public Prosecutor's Office. The initiative of AJM to establish such departments and train personnel met with a positive response, but in 2021, the PSO did not take steps in that direction. In the institutions, there are no special instructions for the effective detection and prosecution of perpetrators of attacks and threats against journalists. Separate guidelines in that regard are contained in the documents that AJM developed in cooperation with the Ministry of the Interior: "The Manual for the Safety of Journalists during High-Risk Events", "The Guidelines for Professional Reporting on Violent Extremism and Terrorism" and "The Protocol for Information on cases related to violent extremism and terrorism."

Competent institutions do not cooperate enough and rarely bring charges against the perpetrators of threats or attacks, and in cases where investigations are initiated, they are conducted slowly and inefficiently. Therefore, in communication with the Ministry of the Interior and the PPO, AJM constantly insists on strengthening the cooperation between them

– INDICATOR 3.1

and opening special departments and persons who will be trained and whose primary focus will be to act after attacks and threats to the safety of journalists and media workers.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

Score for 2020: 3.28 / Score for 2021: 3.32

Although impunity is still a major problem, some progress has been made in 2021, primarily due to the swift and effective sanctioning of serious online threats against journalists. The problem of slow and ineffective investigations remains, and no charges have been brought against individual attacks on journalists. However, it is positive that the competent institutions are open to cooperation with AJM and through joint consultations show a willingness to work on improving the safety of journalists and media workers.

In 2021, there was only one attack, i.e. a serious threat to journalists and online media, for which a procedure was then initiated by the competent institutions. During the local elections, three women journalists, who reported the cases to the AJM office, were the targets of attacks and threats. For the cases involving journalists Xhumadije Ibrahim, Salije Sadiku and Ferikan Iljazi Arifi related to attacks during the election process, AJM submitted petitions to the Ministry of the Interior and the SEC, but to date, there has been no resolution. In the case of the serious threat to journalists and online media by the Association of Journalists of Macedonia - AJM, the Ministry of Internal Affairs and Communications Tetovo submitted a request to act on reports of threats to the safety of journalists and media on the social network Facebook. We are talking about a case in which the profile of this social network, named Arben Esati, published content followed by explicit threats to journalists and media workers from the media: Without censure, TV 21, Gazeta Express, Tetova Sot, Koha TV, Koha News, Kumanova sot, Shenja TV and Lajm Press. But we do not have a judicial epilogue for this case to date. Impunity is still a big problem, primarily due

— INDICATOR 3.2

to the insufficient capacities and cooperation of competent institutions. On the part of the police, some of the attacks and threats are processed quickly, but then the procedure stops or is very slow when charges are to be brought. The investigation rarely ends with a court decision in which the perpetrators of threats or attacks are punished. Perpetrators of attacks on journalists are usually not prosecuted *ex officio*, forcing journalists to pursue private lawsuits. However, it is important to note that in December 2021, a court verdict was passed in favour of the Association of Journalists of Macedonia, which imposed a sanction on the person who sent a serious online threat to all journalists writing on the Facebook page of AJM. This is the first example of the Prosecutor's Office and the court fully investigating and sanctioning a serious offence committed through an online platform against journalists.

Journalists and other media actors are efficiently protected from various forms of online harassment

Score for 2020: 3.46 / Score for 2021: 3.46

During 2021, there has been a significant improvement in the protection of journalists from online threats, as the competent institutions reacted quickly and efficiently to find and sanction the perpetrator of a serious online threat against all journalists written on AJM's Facebook page. However, AJM has not yet received information from the Prosecutor's Office about how it acted concerning other online attacks on journalists committed in 2021.

According to the RNM Criminal Code, online attacks on journalists can be sanctioned on two grounds. First, according to Article 394-d, spreading 'hate speech' content in public, through a computer system, against any person or group on various grounds, including based on 'personal and social status', is punishable by imprisonment from one to five years. The article does not explicitly use the term 'hate speech', but a broader description of the content that includes: racist and xenophobic written material, an image or other representation of an idea or theory that helps, promotes or incites hatred, discrimination or violence. Second, according to Article 144 paragraph 1, any serious threat to attack someone's life or body or the life or body of a person close to him will be punished with a fine or imprisonment for up to six months. In addition, according to paragraph 4 of the same article, anyone who sends a threat through an information system, that he will commit a crime (for which a prison sentence of five years or a heavier penalty is prescribed) against any person or group on various grounds, including based on "personal and social status", shall be punished with imprisonment of one to five years. According to the previous practice, the PPO will act on official duty according to paragraph 4 of Art. 144 of the CC, only if there is an explicit threat of a crime for which a prison sentence of over 5 years is prescribed. It is for these reasons that amendments to the Criminal Code have been proposed to untie the hands of the Public Prosecutor's Office to handle and prosecute any type of (online and offline) threats against journalists, with a qualified form of this crime

— INDICATOR 3.3

(stricter sanctions for threats against journalists). By the end of 2021, these amendments to the Criminal Code had not yet been adopted by the Parliament. It was rare for a journalist to privately sue for online threats or harassment, and for those reasons these cases often went unsolved and contributed to a climate of impunity. According to AJM statistics, the total number of registered threats in 2021 was 5, one of which was sent through online platforms and was a threat to the lives of journalists. The threat was reported to the Department for Computer Crime and Digital Forensics at the Ministry of Internal Affairs. On December 29, 2021, a court verdict was passed in favour of the Association of Journalists of Macedonia (AJM) for the case in which a comment was written by the profile named "Sasho Mitev" under a post on the Facebook page of AJM. According to the judgment of the Basic Criminal Court, Sasho Mitev is guilty under Article 394 of the Criminal Code and is sentenced to three months in prison because he "spread racist and xenophobic written materials that promote and incite hatred and violence" through computer systems...toward a group of journalists, based on personal and social status." This is the first example of the court and the prosecutor's office fully completing a procedure for an online threat against journalists.

Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

Score for 2020: 3.09 / Score for 2021: 3.09

The situation, regarding the transparency of court proceedings in which the parties are journalists, has not improved. The Basic Civil and Basic Criminal Courts in Skopje do not provide detailed information about court proceedings for attacks on journalists that have occurred in recent years. Courts do not have a practice of informing the public about proceedings against journalists or in which journalists are parties who have been the target of attacks. In addition, the automatic case management information system (ACMIS) does not provide an opportunity for a precise search of past and current proceedings in which the parties are journalists, and thus the public has difficulty accessing this information.

The general perception is that the courts are not transparent enough regarding the conduct of court proceedings for attacks on journalists or the media. The Basic Civil and Basic Criminal Courts in Skopje do not provide detailed information on court proceedings for attacks on journalists that occurred in past years. Courts do not have a practice of informing the public about proceedings against journalists or in which journalists are parties as the subject of attacks or threats. The information system for automatic case management (AKMIS) does not provide an opportunity for a precise search of past and current proceedings in which the parties are journalists, and thus the public has a harder time accessing this information. During 2021, AJM managed to get only information from the Basic Civil Court that there are a total of twenty active cases for acts of defamation and insult, in which a journalist or media appears as a party.

Quality statistics collection systems established by state authorities to stem impunity

Score for 2020: 3.41 / Score for 2021: 3.41

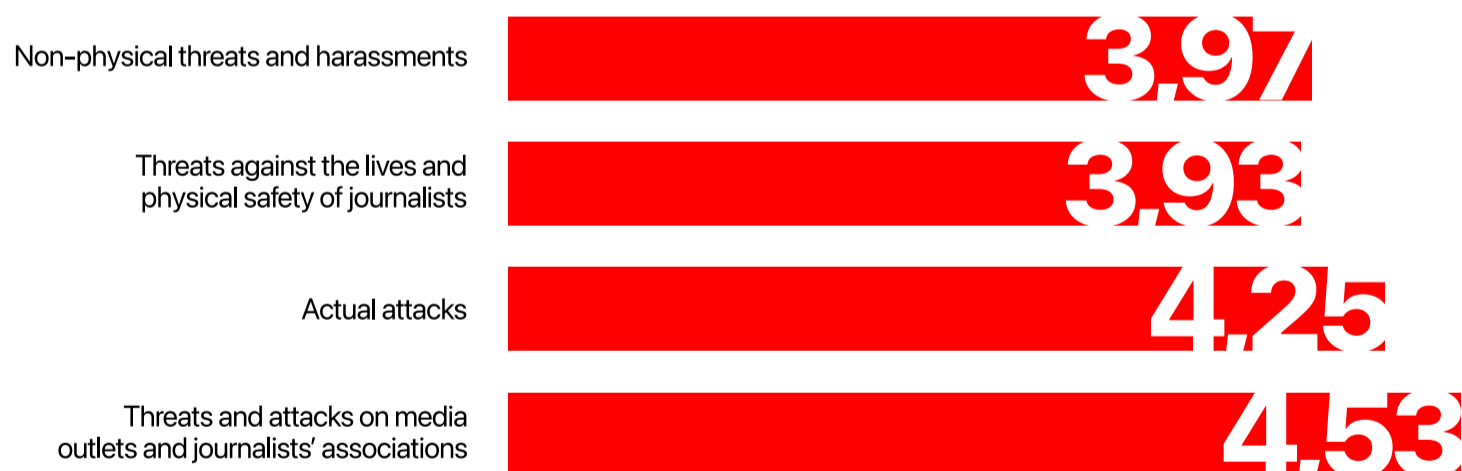
The situation has not changed compared to last year. Courts and competent institutions, despite the initiatives of AJM, have not yet established quality statistical systems, based on which they can provide precise data for all court proceedings in which journalists or media are parties. Court databases do not allow searching the data according to different criteria.

The Ministry of Internal Affairs has not established a registry of statistical data on attacks and threats against journalists. The Ministry of Internal Affairs has so far issued a statement only once, in 2018, in which it published statistical data on the number of attacks on journalists and media. Neither the Civil nor the Criminal Court in Skopje can provide detailed information regarding the cases in which the journalists appear as a party in the proceedings. Their justification is that the new case management system (AKMIS) is based on codes, not the names and professions of the parties.

IV

Actual safety

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There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Non-physical threats and harassments

Score for 2020: 3.91 / Score for 2021: 3.97

In 2021, there was a slight improvement in the context of this type of attack against journalists and media workers in the country, in contrast to 2020, when AJM registered seven. A small number of threats have been registered, and they are not aimed at endangering the physical safety of journalists. However, it is worrying that among the perpetrators are also police officers and representatives of political parties.

In 2021, there was a slight improvement in the context of this type of attack against journalists and media workers in the country, in contrast to 2020, when AJM registered seven. The three cases of verbal attacks on women journalists during the local elections in 2021:

- Xhumadije Ibrahim from TV Clan Makedonija faced verbal attacks from the candidate of the Alliance for Albanians for mayor in Tetovo, Vulnet Murseli.
- Ferikan Iljazi Arifi from Euronews Albania - verbally attacked by a member of the electoral board and a representative from the Ministry of the Interior during the reporting of the local elections last year and
- Salije Sadiku from TV21 - verbal attack by the independent candidate for mayor of Kichevo Municipality, Fatmir Limani.

Threats against the lives and physical safety of journalists

Score for 2020: 3.89 / Score for 2021: 3.93

In 2021, only one threat aimed at endangering the physical safety or life of journalists was registered, which is an improvement compared to 2020, when AJM registered three cases. The Ministry of the Interior submitted a notification to the AJM that a criminal complaint was filed against A.E. (36) from the village Tearce, Tetovsko, due to the existence of grounds for suspicion of a committed crime "endangering security" against journalists. The response of the Ministry of the Interior concerning this case is to be welcomed, and the next step is immediate proactivity on the part of the prosecutor's office, and then the court, to bring those who violate the rights of journalists to justice. For this case, the Ministry of Internal Affairs initiated a procedure against the threat, but there is still no information about the further course of the procedure concerning this case. The fact that these types of threats are directed online and are mostly directed at women journalists is worrisome.

Comparatively, in 2020, when AJM recorded a total of three such attacks, the past year 2021 saw only one such example. In March 2021, AJM registered this type of attack on the media and threats to a group of journalists from the media Without Censorship, TV 21, Gazeta Express, Tetova Sot, Koha TV, Koha News, Kumanova Sot, Shenja TV and Laimy Press, via Facebook- the profile of the person Arben Esati, during which content was published followed by explicit threats to journalists and media workers from the mentioned media.

Actual attacks

Score for 2020: 4.18 / Score for 2021: 4.25

In 2021, one physical attack on journalists was registered, in contrast to 2020, when there were two such attacks. More specifically, during demonstrations organized by disgruntled citizens and relatives of accused persons in the “Monstrum” case, AJM received a report from colleagues from the Media Information Agency (MIA) that there was an attempt to take away the equipment of the team members, while that the cameraman was pushed and his equipment damaged. AJM publicly condemned the attackers for this through a statement.

Compared to 2020, when AJM recorded two attacks of this type, in 2021 only one attack of this type was recorded: AJM registered the attack on the MIA news team while reporting on a protest when several people tried to take away their equipment from the team. Namely, during the protests of a group of citizens about the “Monstrum” case on 26/02/2021, there was pushing and an attempt to take away the equipment of the crew members, during which the cameraman was pushed and his equipment was damaged.

Threats and attacks on media outlets and journalists' associations

Score for 2020: 4.53 / Score for 2021: 4.53

There are no changes in the situation compared to the previous year. AJM did not register a single attack of this type in 2021. But since the attacks from previous years have not been resolved, the rating remains the same for this year as well.

In 2020, AJM registered two cases of threats against the media. In both cases, it is about threats addressed to the media because of their investigative work on corruption cases or expressed critical views in public. After the publication of an investigative story related to construction activities in the Taftalidze neighbourhood in Skopje, the editorial office of IRL was exposed to verbal pressure and harassment; The journalists and activists of Civil Media, Jabir Derala and Petrit Sarachini, were sent threats and insults through the Facebook social network by Marjan Kamilovski. In 2021, AJM registered no new attacks of this type, but since attacks from previous years have not yet been solved, the rating remains the same.

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