



safejournalists.net

Western Balkans Journalists' Safety Index

Narrative Report North Macedonia 2022

CONTENTS

LEGAL AND ORGANISATIONAL ENVIRONMENT

9

DUE PREVENTION

19

DUE PROCESS

28

ACTUAL SAFETY

38

Introduction

The Western Balkans' Journalists' Safety Index (Index) is a research-based tool designed to measure and monitor changes in the respective social and political environments of the Western Balkan countries that have a direct or indirect impact on the safety of journalists and media professionals while practicing their profession. The index relies on research data collected and analysed by the partners of the [SafeJournalists.net](https://www.safejournalists.net) platform, based on a rigorous research procedure. The collected data on different dimensions of the complex concept of "journalists' safety" are quantified and aggregated into a composite indicator – Journalists' Safety Index, in order to measure the changes across the seven countries of the Western Balkans over time. Based on the research data, nine members of the Advisory Panel in each country¹ assessed the situation and assigned scores for 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

¹ The advisory panel in North Macedonia consists of: Sali Memed, Lejla Selman, Nikola Odzaklieski, Leunora Kaliqi, Zaneta Zdravkovska, Aneta Dodevska, Goran Momiroski, Marija Mitevaska and Ivana Nasteska.

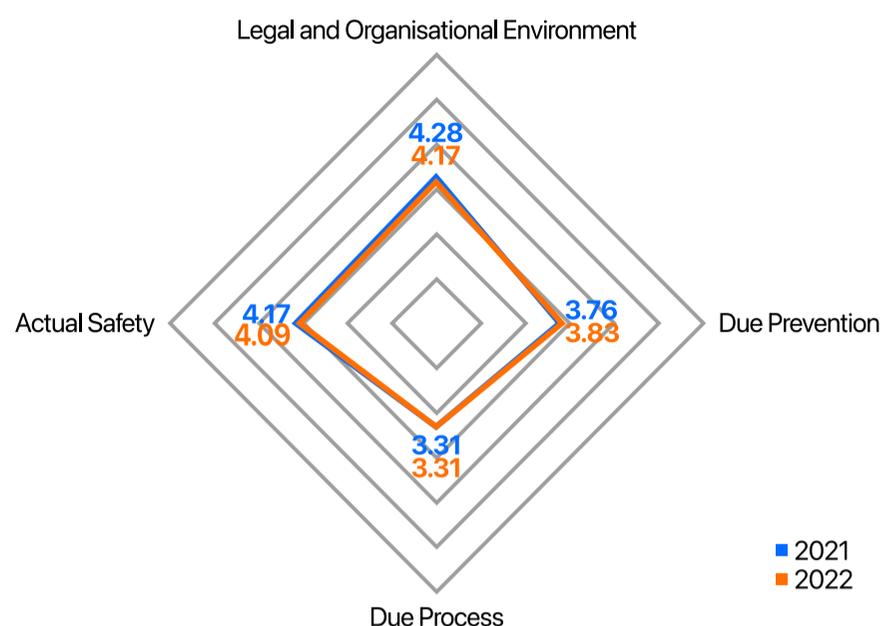
² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Tosheva have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Journalists of Macedonia, Association of Journalists of Kosovo, Croatian Journalists' Association and independent researcher in Albania³. Hence, the Index is the result of the joint effort of the Safejournalists.net Platform and it covers all the specific issues that the local partners have deemed relevant to their country's context.

The first (pilot) year for the development of the conceptual framework and methodology for assessment, collection and calculation of the index was 2020. This report refers to the situation in North Macedonia in 2022 and presents the improvement or deterioration of the situation for each of the four dimensions, taking into account the assessment for 2021 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



	2021	2022		Main new developments for every dimension
1. Legal and Organisational Environment	4.28	4.17	↓	Some of the announced legal amendments aimed at improving the safety of journalists and media workers were enacted in 2022, but the upwards trend in the number of defamation or insult cases against journalists and media outlets in 2022 compared to 2021 is disconcerting.
2. Due Prevention	3.76	3.83	↑	2022 marked some improvement in journalists' access to quick and effective measures to protect journalists in cases of threats and attacks. A special prosecutor has been appointed at the Basic Public Prosecutor's Office, responsible for monitoring the processing of cases in which journalists have been attacked, and a special call line has been set up for journalists to call.
3. Due Process	3.31	3.31		The cooperation between the competent institutions in 2022 was perceived as improved, which resulted in their efficiency in detecting the perpetrators of the attacks, however, it is still not at a satisfactory level. Investigations are mostly slow and ineffective, and no indictments have been issued against individual attacks against journalists.
4. Actual Safety	4.17	4.09	↓	The number of physical attacks and threats against journalists has increased compared to last year. The level of impunity for these types of attacks is still high in the country. The rising trend of online threats against women journalists shows cause for concern.
Journalists' Safety Index	3.95	3.92	↓	

— SUMMARY

I. LEGAL AND ORGANIZATIONAL ENVIRONMENT

- The general score for this indicator in 2022 is somewhat worse compared to the previous year, primarily due to the upwards trend of the number of defamation or insult cases against journalists and media outlets in 2022. This year, too, journalists did not perceive the Law on Civil Liability for Defamation and Insult as restrictive. The courts have not found a journalist guilty in any court proceedings for defamation or insult and have not awarded compensation for damages for impaired reputation,
- As in the previous year, no changes were observed in 2022 in terms of the protection of journalistic sources. Laws provide good protection, and journalists feel free to contact journalistic sources. However, the number of whistle-blowers who report cases of corruption

to the competent institutions or to journalists is low, which is ultimately unfavourable for journalism itself.

- The situation regarding this indicator is somewhat worse compared to the previous year because the state still hasn't taken any actions to introduce legal protection against the so-called baseless strategic lawsuits to prevent public participation (SLAPPs) against journalists and media in order to financially exhaust them. Several cases of this kind have been registered in the country, clearly indicating that it is an attempt by powerful people to put pressure on journalists. Compared to 2021, in 2022 the number of such SLAPPs against journalists and media workers has increased.
- In 2022, the situation regarding the freedom of journalists to practice their profession was somewhat worse compared to the previous year, primarily due to several cases of selective accreditation of journalists by government institutions, refusal to provide information to journalists or impeding the reporting on important events. Three professional associations are active, but it is still important to work on their sustainability. There have been no serious pressures on the associations, but there is resistance among owners or managers of private media outlets in terms of journalists joining the journalists' trade union and establishing new trade union organizations,
- As in previous years, the situation with labour rights and the working status of journalists did not improve in 2022. A large number of journalists in private media have not signed employment contracts, they work overtime or their incomes are low and irregular. Journalists in private media are afraid to initiate legal proceedings for mobbing or labour rights violations and to establish media trade unions. In the public broadcasting service, the situation is somewhat better, the journalists have employment contracts, and there is also a trade union organization.

II. DUE PREVENTION

- During 2022, there was some improvement in journalists' access to quick and effective measures to protect themselves in cases of threats and attacks. A special prosecutor has been appointed at the Basic Public Prosecutor's Office, responsible for monitoring the processing of the cases in which journalists have been attacked, and a special phone line has been set up that journalists can call. However, the telephone line for reporting attacks by journalists to the Ministry of Interior, introduced back in 2018, has not been put into operation, and this was not remedied in the course of 2022. Of the seven registered attacks on journalists, only two proceedings were completed with a court verdict sanctioning the attackers.

- During 2022, there were no changes regarding journalists' access to physical protection measures in cases of serious threats to their safety. It has not been made sufficiently clear how such a procedure could be applied in practice. There are provisions in the law, but the procedure for risk assessment is not clearly defined.
- In 2022, the situation regarding this indicator did not change. Despite the measures incorporated in the Law on Prevention and Protection from Violence against Women and Domestic Violence, a mechanism for free legal aid for any victim of gender-based attacks and violence, including women journalists, has not yet been established in practice. In 2022, AJM has received a report of only one threat against a woman journalist, although their number is realistically much higher.
- There is a slight deterioration of the state of affairs related to this indicator, as examples of verbal attacks on journalists by public office holders have been registered. Otherwise, the general assessment is that in the past years, a practice of public condemnation of attacks on journalists has been established, but there is a lack of consistency in such practice among all relevant political and government representatives. Holders of public offices generally refrain from verbal attacks on journalists, with a few exceptions.
- During 2022, the police showed appropriate behaviour towards journalists and the media in different circumstances, so the situation in terms of this indicator has slightly improved. Care is taken that joint trainings with police officers include topics related to human rights, and international standards for police treatment of journalists and media workers are incorporated into the laws and codes on police work.

III. DUE PROCESS

- The perception of the cooperation between the competent institutions in 2022 has improved and resulted in their efficiency in detecting the perpetrators of the attacks, however, it is still not at a satisfactory level. Public prosecutors are very inert in terms of initiating proceedings. Specific guidelines that can help to conduct investigations more efficiently have not yet been adopted. A small positive change is the appointment of a special competent prosecutor who will monitor the processing of cases in which journalists are attacked.
- Although impunity is still a major problem, some progress has been made in 2022, primarily due to the quick and effective sanctioning of one serious threat and one physical attack on a journalist and cameraman. However, the problem of slow and ineffective

investigations remains, and no indictments have been issued against individual attacks on journalists.

- During 2022, no improvement was observed in the protection of journalists against online threats, due to competent institutions not reacting quickly and efficiently enough to find and sanction the perpetrator of a serious online life threat sent via Twitter.
- The situation regarding the transparency of court proceedings in which the parties are journalists remains the same. The basic civil and criminal court in Skopje does not provide detailed information about the court proceedings for the attacks on journalists. Courts do not have a practice of informing the public about proceedings related to attacks on journalists and media outlets. The existing information system does not provide an opportunity for a precise search of past and current proceedings in which the parties are journalists.
- The situation has not changed compared to last year. Courts and competent institutions, despite AJM's initiatives, have not yet established high-quality statistical systems, on the basis of which they could provide precise data for all court proceedings in which journalists or media are parties.

IV. ACTUAL SAFETY

- In 2022, there was a slight improvement in terms of this type of attacks against journalists and media workers in the country. Unlike 2020 and 2021, when AJM respectively registered seven and three attacks of this type, in 2022 only two attacks on journalists were registered. To make a comparison, out of the ten attacks of this type in the past two years, i.e., 2020 and in 2021, only two have been resolved in court. This clearly shows that the degree of impunity for this type of attack is still high in the country.
- Taking into account that of these four attacks of this type in the past two years in 2020 and 2021, only in one case has action been taken by the Prosecutor's Office and that procedure is still ongoing. More specifically, we are talking about a case from 2021, when an individual, Arben Esati, threatened several online media on his Facebook profile. And in this case, it is evident that the degree of impunity for this type of attack is still high in the country. Unlike the previous year, when AJM recorded only one such instance, in 2022 two cases of threats to the life and safety of journalists were recorded.
- Compared to 2021, when AJM recorded only one attack of this type, 2022 shows an increase, i.e., three attacks of this type were registered. In 2022, a positive practice was observed with the implementation of the

investigation and the actions of the judicial bodies in the country. Unlike the previous two years, 2020 and 2021, when out of three reported attacks of this type there was not a single court resolution, in 2022, for the case of journalist Nevri Ademi and cameraman Zbulim Maxuti, the attacker was convicted in court.

- AJM did not register any attacks of this type in 2022. Compared to previous years, in this dimension, the situation remains unchanged for this indicator.

Legal and Organisational environment

4.17

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

4.34

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

4.21

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

4.14

Journalists' job position is stable and protected at the workplace

3.34

1.00
2.00
3.00
4.00
5.00
6.00
7.00



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 2021: 4.58 / Score for 2022: 4.34

The overall score for this indicator in 2022 is somewhat worse compared to the previous year, primarily due to the upwards trend regarding the number of defamation or insult cases against journalists and media in 2022. This year, too, journalists did not perceive the Law on Civil Liability for Defamation and Insult as restrictive. The courts have not found a journalist guilty in any court proceedings for defamation or insult and have not awarded compensation for damages for impaired reputation.

The acts of insult and defamation were decriminalized eleven years ago, with the adoption of the Law on Civil Liability for Defamation and Insult (LCLDI). According to the analysis of the application of this Law in the past few years, the assessment of the Association of Journalists of Macedonia (AJM) and of legal experts is that defamation and insult lawsuits, with some exceptions, did not put pressure on professional journalism. However, according to AJM, the text of LCLDI contained some unclear provisions, especially regarding the fact that compensations for non-material damage were too high and could cause a negative effect on the work of journalists. Therefore, in 2020, amendments to this Law were proposed, regarding three key issues: (1) providing precise definition of the acts of defamation and insult, as acts presented in public, according to the practice of the European Court of Human Rights; (2) reduction of the amounts for compensation for damages (almost a tenfold reduction), (3) further specification of the liability for defamation, in the sense that, apart from the journalist, the author of the statement, the editor of the media outlet or his/her deputy, as well as the physical person who owns the media outlet can also be held liable for defamation or insult. Although these changes were proposed in 2020, they were only voted by the Assembly in November 2022 and have already entered into force.

— INDICATOR 1.1

In 2022, according to the data obtained from the Basic Civil Court Skopje, the number of lawsuits for defamation and insult has increased, so that the total number of active cases in which one of the parties is a journalist or a media outlet has grown to 54, in contrast to 2021, when it was 20. During 2022, as in the previous several years, AJM has not registered any completed court proceedings in which a journalist was convicted nor was a court decision made according to which a journalist should pay compensation to the plaintiff for non-material damages due to impairment of reputation and dignity. Furthermore, journalists themselves do not perceive the Law as restrictive, as the number of cases against journalists and media was decreasing until 2021. Nevertheless, the increase in the number of lawsuits against journalists in 2022 is worrying.

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

Score for 2021: 4.80 / Score for 2022: 4.80

As in the previous year, there were no changes in 2022 regarding the protection of journalistic sources. The laws provide solid protection, and journalists feel free to contact journalistic sources. However, the number of whistle-blowers who report cases of corruption to competent institutions or to journalists is low, which is ultimately unfavourable for journalism itself.

The right to protect the journalistic source in RNM is a constitutional category, but it is also guaranteed by the provisions of 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. In addition, the Law on the Protection of Whistle-blowers regulates the issues of whistleblowing protection, the rights of whistle-blowers, as well as the actions and duties of institutions in relation to protected whistleblowing and providing protection to whistle-blowers.

As in the year before, in 2022 not a single case of the authorities pressuring a journalist to reveal his source was registered, nor of a journalist being sanctioned for refusing to reveal the identity of the source of information. AJM has not registered any cases of confiscation of a journalist's equipment, nor any other attempt by the authorities to find out the source of information. Journalists working on investigative topics related to corruption or crime generally feel free to contact sources of information. However, although whistle-blowers (as an important group of journalistic sources) are legally and institutionally better protected, only a small number of them report cases to the competent institutions or journalists on their own initiative. This 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 2021: 4.37 / Score for 2022: 4.21

The situation regarding this indicator is somewhat worse compared to last year because the state has not yet taken actions to introduce legal protection against the so-called baseless strategic lawsuits to prevent public participation (SLAPPs) against journalists and media in order to financially exhaust them. Such a practice has been registered in the country with several cases, which clearly indicate that it is an attempt by powerful people to put pressure on journalists. Compared to 2021, in 2022 the number of such SLAPPs against journalists and media workers has increased..

In 2022, no examples of discriminatory or arbitrary application of other laws with the aim of restricting the freedom of journalistic work were observed. Attempts to silence journalists, based on the arbitrary application of legal provisions related to spreading disinformation, fear, panic or similar, were not registered either. In 2022, not a single case of endangering the safety of journalists when reporting on protests was registered.

What gives cause for concern, however, is the increase in the number of lawsuits aimed at pressuring, intimidating or financially draining defendants, in this case journalists, in order to demotivate or deter them from public criticism (SLAPPs). These lawsuits, especially when they are initiated by politicians and public office holders, can cause the effect of self-censorship among journalists. During 2022, AJM registered five such cases, all related to the investigative video stories of the Investigative Reporting Lab: "Swiss Secrets" (financial crime) and "Dirty Blood" (medical treatment of patients during the coronavirus pandemic). There are no legal protection mechanisms in the country that protect journalists from such lawsuits. The Association of Journalists of Macedonia offers free legal aid and coverage of attorney's fees for sued journalists and media.

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

Score for 2021: 4.32 / Score for 2022: 4.14

In 2022, the situation in terms of journalists freely practicing their profession was somewhat worse compared to the previous year, primarily due to several cases of selective accreditation of journalists by government institutions, refusal to provide information to journalists or impeding the reporting on important events. Three professional associations are active, but it is still important to work on their sustainability. There were no serious pressures on the associations, but there is resistance among owners or managers of private media outlets, for journalists to join the journalist trade union and to establish trade union organizations.

In 2022, no cases of preventing a journalist from reporting at an event due to not carrying an accreditation or another document were registered. However, AJM noted cases of selective awarding of accreditations to journalists by the Government, for events organized by the Government, ministries and other government institutions. In addition, there were situations when representatives of public institutions refused to provide information to journalists or made it "difficult" for them to report on important events. Characteristic is the case with the behaviour of judge Natasha Todorova from the Civil Court in Skopje towards the journalist Kristijan Landov, during the main hearing on a case in which the parties are the agency Makfax and the media outlet A1on.mk. Before the beginning of the court hearing, the judge asked for Landov 's press ID, and after it was established that it was properly issued by the employer, he took a seat in the section designated for the public. When the judge finished checking the IDs of the other attendees, she asked him, using a high tone of voice, not to record, to shut down his computer and to leave the courtroom. Landov replied that he was not recording and that he only intended to write notes on the computer so that he could accurately convey parts of the public hearing. The judge told him, again with a high tone of voice: "It's not your place to take notes, the court keeps the minutes, not you. Pick everything up and leave!". For this case,

the journalist Landov, with the support of AJM, submitted a complaint to the Judicial Council about the judge's behaviour.

Before 2019, in court proceedings for insult and defamation, journalists working in online media did not receive the same treatment as journalists in traditional media, because, according to the interpretation of the courts, online media were not covered by the Law on Media, and therefore cannot be considered media. In May 2019, the four appellate courts in the RNM reached a conclusion, according to which, online media, which appear as parties in proceedings for insult and defamation before first-instance civil courts, must have the same treatment as traditional media. However, in April 2021, the Basic Civil Court in Skopje did not abide by this conclusion and rejected the lawsuit of the journalist Goran Trpenoski, who reported for the online media outlet sdc.mk during the incidents in the RNM Assembly on April 27, 2017. In the verdict, the court reasoned that at that time, Trpenoski was not a journalist because he worked in an online media outlet and therefore had no right to compensation for damages caused due to fear. Dissatisfied with the verdict, the journalist Trpenoski filed an appeal against the verdict in 2021 to the Court of Appeals in Skopje, which on December 22, 2022 ruled that the appeal is rejected as unfounded and the first-instance verdict is confirmed.

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). The annual regular Electoral Assembly held in December 2022 had the biggest attendance to date, gathering around 485 regular members – journalists and media workers – to express their opinion about the future of journalism in the country in a democratic and fair way.

Journalists and media workers are also organized in the Independent Trade Union of Journalists and Media Workers – SSNM, which is not part of any trade union organization at the national level. There is also a special trade union of the public broadcasting service, which is not part of SSNM. SSNM was established in 2010 and is a full member of the International Federation of Journalists (IFJ), as well as the European Federation of Journalists (EFJ). SSNM unites journalists, video and photojournalists, as well as other media workers who are involved in the content production process. Currently, SSNM has over 300 active members. According to SSNM representatives, the owners and managers of most private media (especially some of the national coverage TV stations) carry out subtle forms of hindering journalists from joining the journalists' trade union or establishing trade union organizations within their media outlet.

— INDICATOR 1.4

There is also a Council of Media Ethics (SEMM), which was established in December 2013. SEMM is a self-regulatory body, with a large number of broadcasting, print and online media as voluntary members. SEMM is not facing serious pressures, but this body is still vulnerable due to problems related to its sustainability and long-term stability. Therefore, like other journalist associations (AJM and SSNM), this body still needs strong support from the professional media community, the state and the international donor community.

Journalism as a profession is not subject to licensing in the country and during 2022 there were no attempts or initiatives to introduce licensing. The Law on Media, adopted in 2013, contains a restrictive definition of the term journalist. In practice, however, there are no registered examples of restricting individuals from working as journalists.

Journalists' job position is stable and protected at the workplace

Score for 2021: 3.34 / Score for 2022: 3.34

The situation with labour rights and the working status of journalists did not improve in 2022 either. A large number of journalists in the private media have not signed employment contracts, work overtime or their incomes are low and irregular. Journalists in private media are afraid to initiate legal proceedings for mobbing or labour rights violations and to establish trade unions in the media. In the public broadcasting service, the situation is somewhat better, journalists have employment contracts, and there is also a trade union organization.

In 2022, as in previous years, no precise data could be found on how many journalists have signed employment contracts. Many journalists in private media have fixed-term or freelance contracts. In addition, they continue to work unpaid overtime, and they also work without compensation during holidays and weekends. Violation of workers' rights and low incomes are the most common problems faced by the journalistic profession. According to the data obtained from the Independent Trade Union of Journalists and Media Workers (SSNM), the majority of journalists have monthly incomes far below the average salary in the country, which in 2021 was 28,869 denars. But the salary of the majority of young journalists, according to the SSNM survey, does not even reach this amount. A third of the surveyed young journalists answered that they were paid between 15,000 and 20,000 denars, a little more than ten percent answered that their salary was from 25,000 to 30,000 denars, and a quarter said that they had a salary higher than 30,000 denars. The situation is somewhat better in the public broadcasting service, where the average salary of journalists is around MKD 38,000, although it is considered that the salaries of journalists, especially those with longer experience, are lower than the salaries of journalists in private TV stations with national coverage. However, unlike some of the private media, the regularity of salary payments to MRT employees has never been an issue, nor was their job security, which is guaranteed by the signed employment contracts.

— INDICATOR 1.5

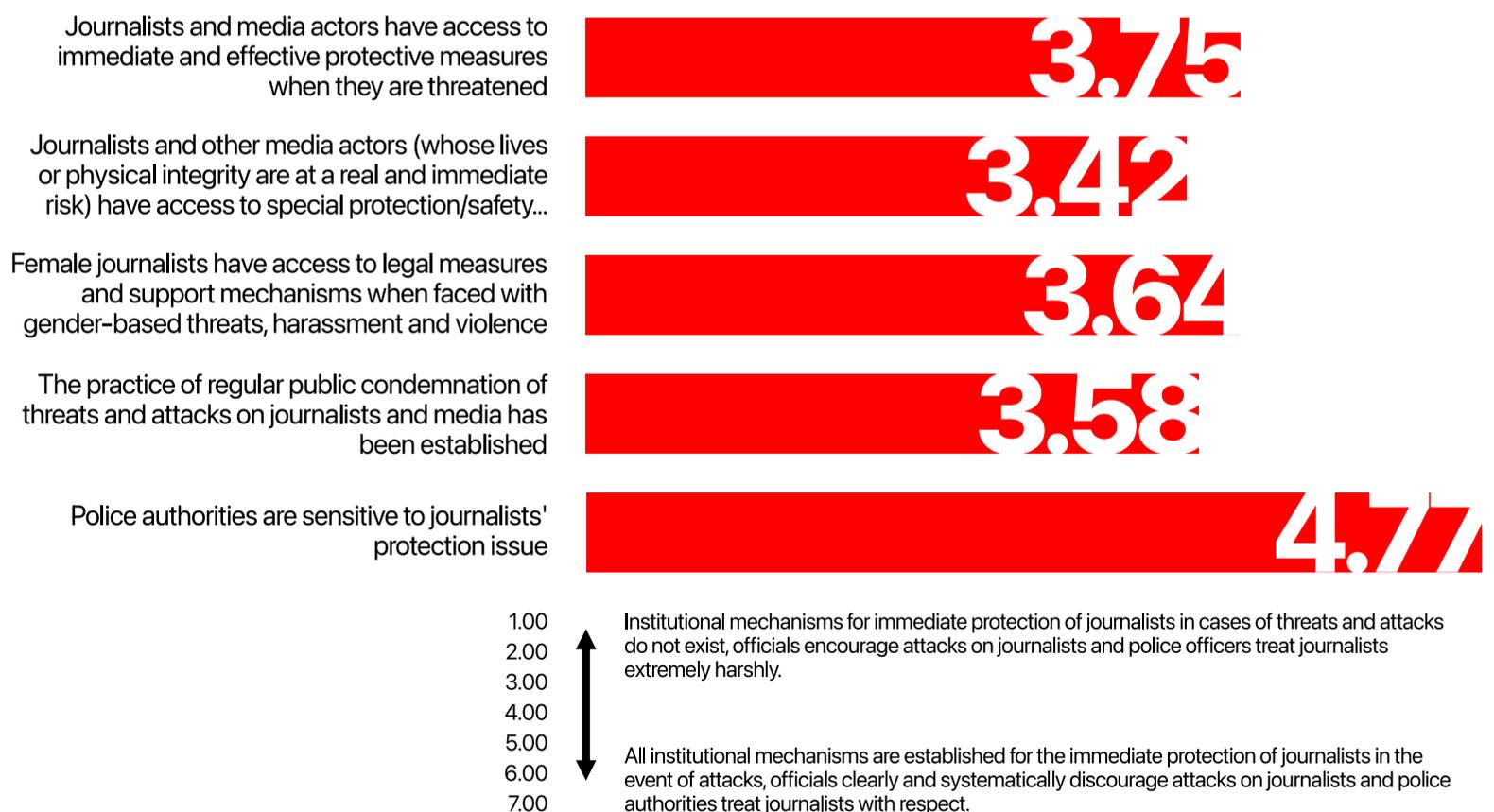
The general assessment is that the position of women journalists in newsrooms does not differ much from the position of male journalists. There is no disaggregated data on how many male and female journalists have signed employment contracts, but it is considered that employers, in general, when it comes to women journalists with permanent employment contracts, respect the basic rights prescribed by law. The fact is that gender discrimination and the unfavourable position of women, compared to that of men, in the workplace is often not recognized by the journalists themselves. However, there are media in the country such as MIA (Media Information Agency) and IRL (Investigative Reporting Lab), where women are the majority, and they also have a significant role in the newsroom.

Journalists are afraid to sue managers or media outlet owners when their labour rights have been violated. In 2022, there hasn't been a single case of a journalist suing a manager for mobbing, nor was there a final verdict for such an act. Journalists in newsrooms usually do not receive free legal aid in situations where they are sued for defamation or insult. In such situations, AJM provides them with free legal aid and representation, i.e., defence counsel in the proceedings before the courts in the country. Only a small number of private media outlets have trade union organizations, that is, journalists are still afraid or uninterested in trade union organizing in the media outlet they work for. The exception is the public broadcasting service, where journalists are organized in a separate union that is not part of SSNM. There are no collective agreements in the private media, nor at the industry level.



Due Prevention

3.83



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

Score for 2021: 3.34 / Score for 2022: 3.75

In the course of 2022, there was some improvement in journalists' access to quick and effective measures to protect journalists in cases of threats and attacks. A special prosecutor has been appointed at the Basic Public Prosecutor's Office, responsible for monitoring the processing of the cases of attacks on journalists, and a special phone line has been set up that journalists can call. However, the telephone line for reporting attacks by journalists to the Ministry of Interior, introduced back in 2018, has not been put into operation, and this was not remedied in the course of 2022. Of the seven registered attacks on journalists, only two proceedings were completed with a court verdict sanctioning the attackers.

In 2018, the Ministry of Interior established the first telephone line to support journalists and media workers, in cooperation with the OSCE Mission and the Independent Trade Union of Journalists and Media Workers (SSNM). The aim was 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 journalists' homes. However, for more than two years, this phone line has not been functioning, and reports of online attacks or hate speech against journalists have been submitted to the Department for Cyber Crime and Digital Forensics at the Ministry of Interior.

In September 2022, there was small progress made in this regard, as the Basic Public Prosecutor's Office nominated a prosecutor in charge of monitoring the processing of the cases in which journalists were attacked or harmed. A phone line has also been set up in the Public Prosecutor's Office, through which journalists can contact the competent prosecutor in connection with the procedures for physical attacks and violence, as well as for serious life threats sent through social networks. The intention of the Public Prosecutor's Office of

— INDICATOR 2.1

RNM is to appoint prosecutors for the protection of journalists in other cities around the country, in the upcoming period.

According to the AJM register, a total of seven threats and attacks were registered in 2022, one of which was sent via Twitter. After it was reported to the Ministry of Interior, the Public Prosecutor's Office initiated a procedure against the perpetrator, which is still ongoing. AJM has information that convictions have already been issued for some of the other registered cases (for example, the axe attack on a journalist and cameraman and the attack on a cameraman made by an individual). However, according to AJM, the cooperation with the competent institutions is not at a satisfactory level, they do not conduct the investigations efficiently enough and rarely prosecute ex officio those who have made threats and attacks. 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 2021: 3.42 / Score for 2022: 3.42

During 2022, there were no changes regarding journalists' access to physical protection measures in cases of serious threats to their safety. It has not been made sufficiently clear how such a procedure could be applied in practice. There are provisions in the law, but the procedure for risk assessment is not clearly defined..

The Law on Criminal Procedure of RNM contains provisions that regulate the actions of the judicial authorities during the investigation procedure, with the aim of preventing "the accused person from obstructing the implementation and unhindered progression of the criminal procedure and the protection of the victim". From an official and 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, i.e., 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 determined by a judge in a preliminary procedure, based on an assessment of the seriousness of the situation, the type of crime, the danger to the victim, etc.

Accordingly, there is a general protection mechanism in the law that journalists could use in the event of a serious threat to their lives, but this, according to legal experts, is practically feasible only if the person who is making the threats is known, and not in situations of an unknown perpetrator. In 2022, no cases were registered in which journalists requested physical protection measures from the Ministry of Interior.

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

Score for 2021: 3.64 / Score for 2022: 3.64

In 2022, the situation regarding this indicator did not change. Despite the measures incorporated in the Law on Prevention and Protection from Violence against Women and Domestic Violence, a mechanism for free legal aid for any victim of gender-based attacks and violence, including women journalists, has not yet been established in practice. In 2022, AJM has received a report of only one threat against a woman journalist, although their number is realistically much higher..

In North Macedonia, the Istanbul Convention was ratified in 2018, and its provisions were incorporated into the Law on Prevention and Protection from Violence against Women and Domestic Violence, drafted during 2020, adopted in January 2021. The Law on Prevention and Protection from Violence against Women and Domestic Violence prohibits any type of gender-based violence against women and guarantees basic mechanisms for effective protection of victims from any form of gender-based violence. Also, this law contains an obligation for institutions to establish pre-emptive measures to prevent and protect against any type of gender-based violence and for free legal aid for victims of gender-based violence. Still, in 2022, such a separate mechanism at the inter-institutional level to provide legal aid to victims of gender-based attacks or violence, including women journalists, has not been established. In the context of the implementation of this law, the Ministry of Labour and Social Policy of the Republic of North Macedonia is responsible.

According to the practice of AJM, women journalists who were victims of harassment, attacks or threats based on gender, so far reported it mainly to the Ministry of Interior, but also to AJM. In the register of attacks maintained by AJM for the year 2022, only one application from a woman journalist was registered. For cases of discrimination in the workplace, women journalists

— INDICATOR 2.3

can also turn to the Commission for Prevention and Protection against Discrimination. However, according to AJM's findings, women journalists rarely use this 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 2021: 3.78 / Score for 2022: 3.58

There is a slight deterioration of the situation in terms of this indicator, as examples of verbal attacks on journalists by public office holders have been registered. Otherwise, the general assessment is that in the past years, a practice of public condemnation of attacks on journalists has been established, but there is a lack of consistency in such practice among all relevant political and government representatives. Holders of public offices generally refrain from verbal attacks on journalists, with a few exceptions..

The general assessment is that there is much more freedom in the atmosphere in which journalists work in general, including those who investigate corruption. A practice of public condemnation of attacks on journalists by the holders of public offices has been established, but there are also opposite examples that have been observed in 2022. These are cases when MPs, politicians or leaders of political parties publicly devalued or belittled journalists at press conferences, party rallies or on social media. The most pronounced negative example of the devaluation of journalists was that of the leader of the political party Levica, Dimitar Apasiev, who used a stigmatizing and insulting speech towards journalists (even calling them "prostitutes"), as a sign of disgruntlement with the way they reported from the intergovernmental conference in Brussels.

The second example is the inappropriate communication of Hristijan Mickoski, the president of the opposition party VMRO-DPMNE, who publicly disparaged journalists reporting on the bilateral dispute with Bulgaria. In his speech at the party rally held in front of the Government in July 2022, he used insulting and belittling expressions for the journalists: "They lied to us that they are not negotiating about the language, that they are not negotiating about the identity, and today, if we are being honest, that handful of scribblers paid by the government are writing short columns convincing us that they have achieved yet another triumph". AJM reacted to these two cases, pointing out that the public labelling of journalists

— INDICATOR 2.4

and the media, especially by presidents of political parties, negatively affects the freedom of the media and contributes to censorship and self-censorship among journalists.

Police authorities are sensitive to journalists' protection issues

Score for 2021: 4.61 / Score for 2022: 4.77

During 2022, the police showed appropriate behaviour towards journalists and the media in different circumstances, so the situation in terms of this indicator has slightly improved. Care is taken that joint trainings with police officers include topics related to human rights, and international standards for police treatment of journalists and media workers are incorporated into the laws and codes on police work..

International standards for respecting 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 in the framework of the Ministry of Interior also includes 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 Interior jointly conducted specific trainings to acquaint police officers with the role of journalists in a democratic society.

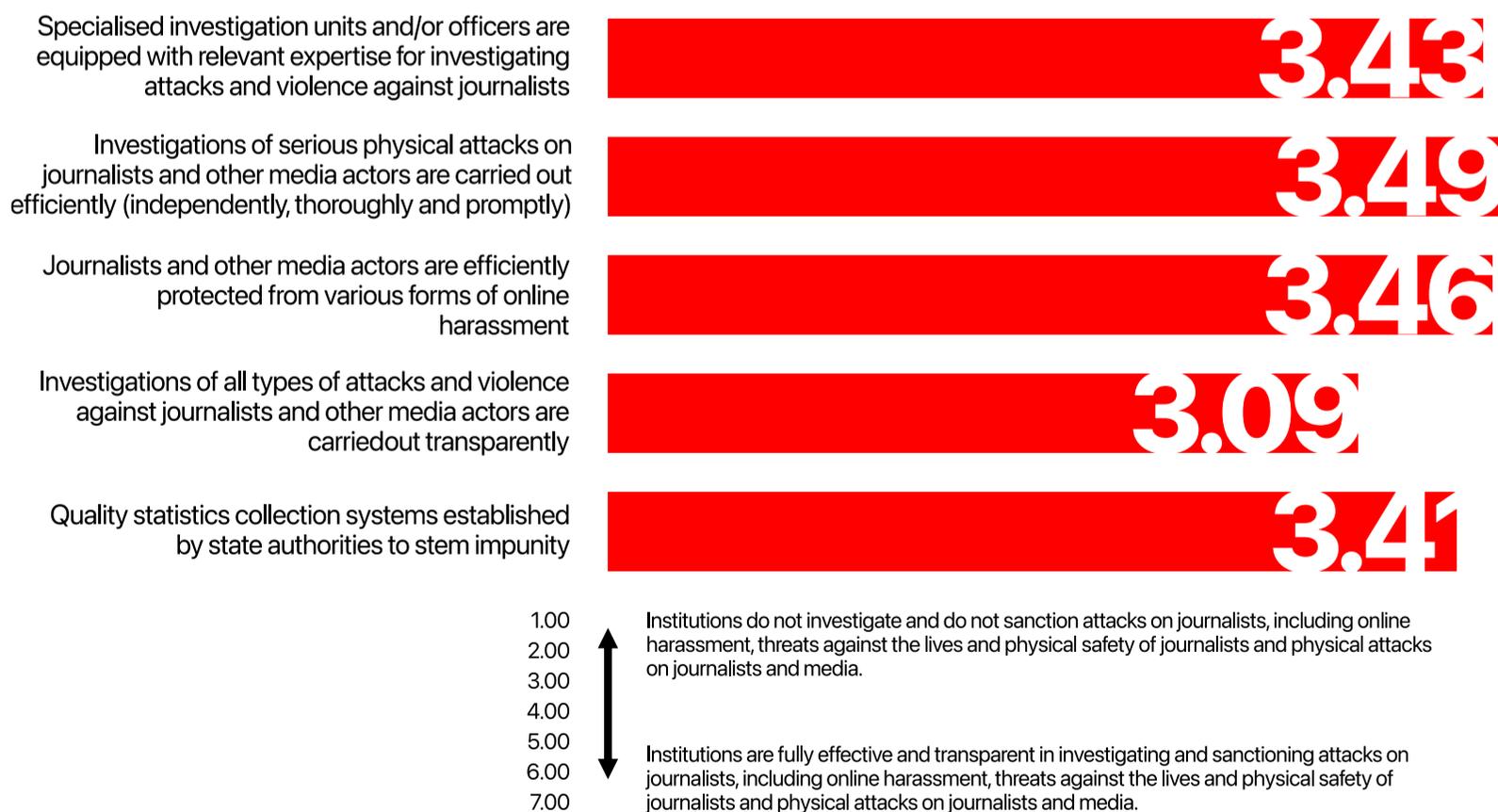
In December 2017, a Memorandum of Cooperation was signed, and in December 2019, a Cooperation Protocol was established between AJM and the Ministry of Internal Affairs, the main purpose of which is to develop, maintain and promote good relations between media workers and police officers. In 2022, the cooperation between AJM and the Ministry of Interior, in the organization of trainings, showed a drop in intensity. Two trainings were held together with the Department of Internal Control, Criminal Investigations and Professional Standards and commanders of police stations from Skopje. In 2022, AJM, in cooperation with the Ministry of Interior, prepared a Protocol for safety in the online space for women journalists.

In the context of this cooperation, AJM published several manuals, which, apart from journalists, are also intended for police officers. During 2022, no serious problems were registered in the behaviour of the police towards journalists and the media.



Due Process

3.31



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

Score for 2021: 3.29 / Score for 2022: 3.43

The perception of the cooperation between the competent institutions in 2022 has improved and resulted in their efficiency in detecting the perpetrators of the attacks, however, it is still not at a satisfactory level. Public prosecutors are very inert in terms of initiating proceedings. Specific guidelines that can help to conduct investigations more efficiently have not yet been adopted. A small positive change is the appointment of a special competent prosecutor, who will monitor the processing of the cases in which journalists are attacked.

Thanks to the insistence of AJM in the past two years, in October 2022 there was a change in the situation in terms of improving the efficiency of investigations in cases of threats and attacks on journalists. A positive change is the appointment of prosecutor Iskra Hadji Vasileva as a prosecutor in charge of monitoring the processing of the cases in which journalists are attacked. Through the established special line for communication with the Public Prosecutor's Office, journalists will be able to be informed about the course of proceedings for physical attacks and violence.

However, there are still no special instructions adopted by the Ministry of Interior and the Public Prosecutor's Office for the effective detection and prosecution of perpetrators of attacks and threats against journalists. Separate guidelines in this regard are contained in the manuals that AJM developed in cooperation with the Ministry of Interior: "Manual for the Safety of Journalists during High-Risk Events", "Guidelines for Professional Reporting on Violent Extremism and Terrorism" and the "Information Protocol for cases related to violent extremism and terrorism". In 2022, AJM, in cooperation with the Ministry of Interior, developed a "Protocol for online safety of journalists (with a focus on women journalists)".

— INDICATOR 3.1

A second problem is that the competent institutions still do not cooperate enough and rarely initiate indictments against the perpetrators of threats or attacks, and in cases where investigations are initiated, they are conducted slowly and inefficiently. Therefore, in the communication with the Ministry of Interior and the PPO, the AJM constantly insists on strengthening the cooperation between them and the persons who will be delegated to be well trained with a primary focus on dealing with cases of attacks and endangering 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 2021: 3.32 / Score for 2022: 3.49

Although impunity is still a major problem, some progress has been made in 2022, primarily due to the quick and effective sanctioning of one serious threat and one physical attack on a journalist and a cameraman. However, the problem of slow and ineffective investigations remains, and no indictments have been issued against individual attacks on journalists.

According to AJM's register, since the beginning of 2022, a total of seven attacks and harsh threats against journalists have been registered, in contrast to last year, when a total of five were registered. For the first physical attack registered in February 2022, when the cameraman and journalist of TV Polog were attacked, a quick investigation was conducted, which ended with a court conviction for the attacker. Also, in late 2022, the court ruled in favour of the TV24 cameraman and convicted the assailant, who pled guilty to the physical assault at the trial. For the other five attacks, three of which have been reported to the Ministry of Interior, AJM still has no information about a legal resolution.

This shows that impunity is still a big problem, primarily due to the insufficient capacities and cooperation of the 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 indictments are to be issued. It is very rare that the investigation 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 the first positive example was in December 2021, when a court verdict was passed that

— INDICATOR 3.2

imposed a sanction on a person who sent a serious online threat to all journalists written on AJM's Facebook page. It was the first example of the prosecutor's office and the court fully investigating and sanctioning a serious crime committed against journalists through an online platform. An increase in efficiency in the initiation and implementation of investigations into cases of attacks and threats against journalists is expected with the appointment of the competent prosecutor.

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

Score for 2021: 3.46 / Score for 2022: 3.46

During 2022, no improvement was observed in the protection of journalists against online threats, due to the fact that the competent institutions did not react quickly and efficiently enough to find and sanction the perpetrator of a serious online life threat sent through Twitter.

According to the RNM Criminal Code, online attacks on journalists can be sanctioned on two grounds. First, according to Article 394-d, spreading contents with 'hate speech' in public, through a computer system, against any person or group on various grounds, including on the basis of '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 content that includes: racist and xenophobic written material, an image or other representation of an idea or theory that aids, promotes or incites hatred, discrimination or violence. Second, according to Article 144 paragraph 1, any serious life threats or physical threats or life or physical threats of a person close to them, 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 ICT system, of committing a crime (for which a prison sentence of five years or a more severe penalty is prescribed) against any person or group on various grounds, including on the basis of "personal and social status", shall be punished with imprisonment of one to five years. The prosecution authorities will issue an indictment 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. Precisely for these reasons, amendments to the Criminal Code have been proposed to enable the PPO to handle and prosecute any type of (online and offline) threats to journalists, with a qualified form of this crime (stricter sanctions for threats to journalists). By the end of 2022, these amendments to the Criminal Code had not yet been adopted by the Parliament.

— INDICATOR 3.3

The reason why many cases of attacks on journalists often went unsolved and contributed to the creation of a climate of impunity was that journalists rarely chose to sue privately for threats or harassment. According to AJM's statistics, the total number of registered threats and attacks in 2022 was seven, one of which was sent via Twitter and was a threat to the life of journalist Furkan Saliu. The threat was reported to the Department of Cyber Crime and Digital Forensics at the Ministry of Interior, but no effective further investigation was conducted to sanction the person who sent the threat.

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

Score for 2021: 3.09 / Score for 2022: 3.09

The situation regarding the transparency of court proceedings in which the parties are journalists remains the same. The basic civil and criminal court in Skopje does not provide detailed information about the court proceedings for the attacks on journalists. Courts do not have a practice of informing the public about proceedings related to attacks on journalists and media. The existing information system does not provide an opportunity for a precise search of past and current proceedings in which the parties are journalists.

Courts are not transparent enough regarding the conduct of court proceedings for attacks on journalists or media. The judiciary is more open and transparent than five years ago, but it is still not enough. These positive movements are not due to a systematic improvement, an adopted strategy or an implemented reform, in terms of increasing the transparency and publicness of the judiciary, but it is more due to the personal contribution of individuals to increase the degree of transparency in the work of the institutions they represent. More attention is paid to enabling formal than essential transparency in the judiciary. The quality of the current legal framework does not sufficiently contribute to optimal transparency and openness of the justice sector. The basic civil and criminal court in Skopje does not provide detailed information about court proceedings for attacks on journalists that occurred in the 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 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 a harder time accessing this information. During 2021, AJM managed to get only

— INDICATOR 3.4

information from the Basic Civil Court that there are a total of fifty-four active cases for the acts of defamation and insult, in which a journalist or media is a party.

Quality statistics collection systems established by state authorities to stem impunity

Score for 2021: 3.41 / Score for 2022: 3.41

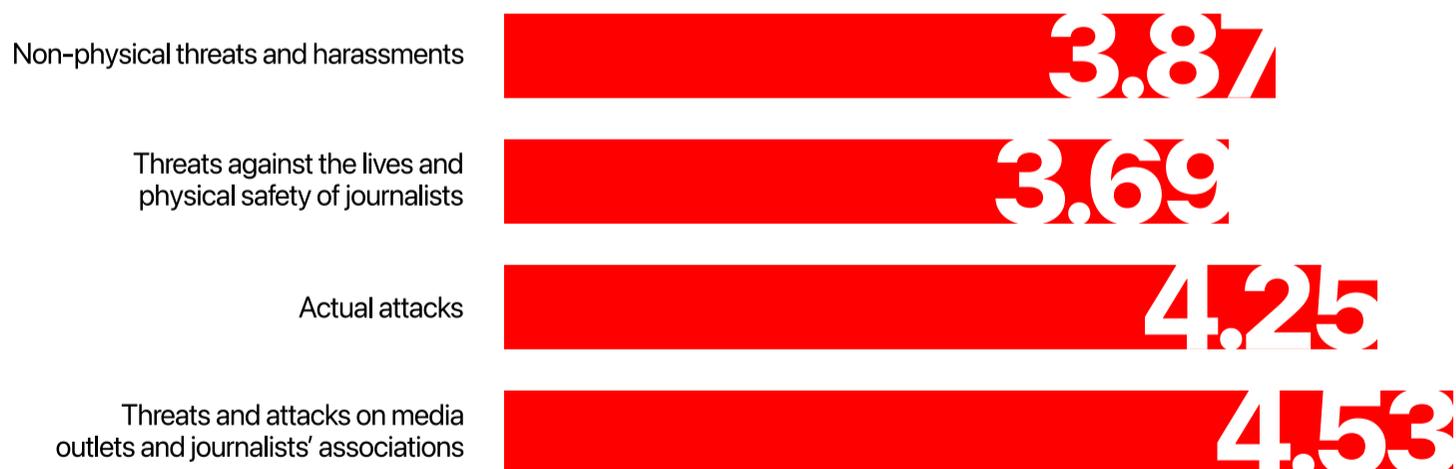
The situation has not changed compared to last year. Courts and competent institutions, despite the initiatives of AJM, have not yet established quality statistical systems, on the basis of which they can provide precise data for all court proceedings in which journalists or media are parties.

The Ministry of Interior has not established a registry of statistical data on attacks and threats against journalists. Neither the civil nor the criminal court in Skopje are able to provide detailed information regarding the cases in which journalists appear as a party in the proceedings. Court databases do not allow searching the data according to different criteria. Their justification is that the new case management system (ACMIS) is based on codes, not names and professions of the parties.

IV

Actual safety

4.09



1.00
2.00
3.00
4.00
5.00
6.00
7.00



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 2021: 3.97 / Score for 2022: 3.87

Although in 2022 there was a slight improvement in terms of the number of attacks from this category, the degree of impunity for this type of attacks is still high in the country. Unlike 2020 and 2021, when AJM registered respectively seven and three attacks of this type, in 2022 only two attacks on journalists were registered. However, of the ten attacks that took place in the previous two years, in 2020 and in 2021, only two have been resolved in court.

- Verbal attack and derogatory words addressed to the journalist Maja Jovanovska when she was asked to answer a question from the head of the Department of Urban Planning in the Municipality of Mavrovo Rostuse, Sadredin Elezoski .
- Employees of the Directorate of Communal Hygiene Skopje, kept two journalists, Furkan Saliu and Avni Tahiri, against their will in the premises of the institution. In 2021, there was a slight improvement in the context of this type of attacks against journalists and media workers in the country, in contrast to 2020, when AJM registered seven.

However, it is important to point out that out of a total of 10 attacks of this category that occurred in 2020 and 2021, a procedure has been initiated for only a part of them, i.e., only two have been resolved by court. It shows that, despite the reduction in the number of such attacks in 2022, their sanctioning is still ineffective.

Threats against the lives and physical safety of journalists

Score for 2021: 3.93 / Score for 2022: 3.69

Regarding this indicator, there is a certain deterioration of the situation, primarily due to the ineffective sanctioning of the threats that occurred in previous years. Out of four threats of this type, only in one case was action taken by the prosecution and the procedure is still unfinished. Compared to 2021, when AJM recorded only one threat, in 2022 there were two threats to the lives and safety of journalists.

- The explicit death threat addressed to the journalist Furkan Saliu on Twitter.
- In the secondary school "7 Mart", the journalist Nevrij Ademi, while he was waiting to record an article with the school principal, an unknown person took his phone and pushed his microphone. Immediately afterwards, that same person, using rude language, tried to push the journalist out into the schoolyard.

In 2020 and 2021, four attacks of this type took place, and in only one case was a procedure initiated by the prosecutor's office. It is a case from 2021, when a natural person sent a serious threat to several online media on his Facebook profile. However, the procedure was still not completed until the end of 2022. This shows that even serious threats to journalists are still ineffectively sanctioned in the country.

Actual attacks

Score for 2021: 4.25 / Score for 2022: 4.25

Compared to 2021, when AJM recorded only one attack of this type, in 2022 there was an increase, that is, three attacks of this type were registered. But in 2022 there was a positive practice with the conducting of the investigation and the action of the judicial authorities, in contrast to the past two years 2020 and 2021, when for three reported attacks there was no judicial resolution.

- Physical attack with an axe against journalist Nevri Ademi and cameraman Zbulim Maxuti .
- Physical attack in front of the web-portal's owner's house by two masked persons.
- Verbal and physical attack on cameraman Ljubisha Ignatov by Mile.P , owner of the house where Oleksandr Onishchenko lives.

An investigation was initiated for the case of journalist Nevri Ademi and cameraman Zbulim Maksuti and a court proceeding followed, which ended with a conviction for the attacker. However, the three cases of physical attacks on journalists from 2020 and 2021 have not been investigated and sanctioned by the judicial authorities.

– INDICATOR 4.4

Threats and attacks on media outlets and journalists' associations

Score for 2021: 4.53 / Score for 2022: 4.53

AJM did not register any attacks of this type in 2022. Compared to previous years, in this dimension, the situation remains unchanged for this indicator.

Title

Western Balkans Journalists' Safety Index
Narrative Report North Macedonia 2022

Publisher

Association of Journalists of Macedonia



Author

Milan Spirovski

Legal Expert

Ivan Breshkovski

Media Expert

Marina Tuneva

Translator

Kristina Naceva

Design

comma.rs

This publication was produced with the financial assistance of the European Union and Civil Rights Defenders. The contents of the publication are the sole responsibility of the Association of Journalists of Macedonia and may in no way be taken to reflect the views of the European Union and Civil Rights Defenders.

