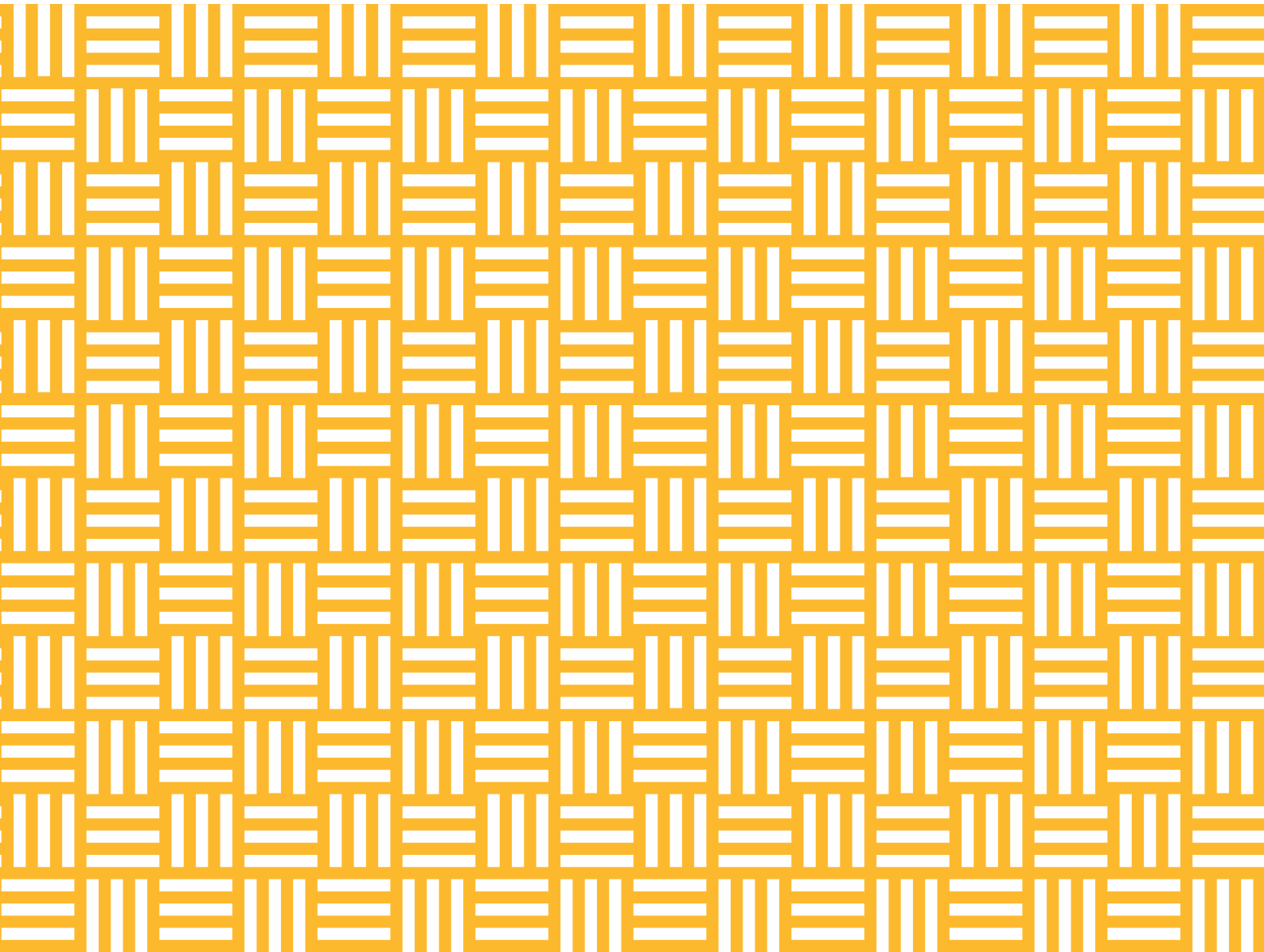




Регионална платформа на западен Балкан за застапување
на слободата на медиумите и за заштита на новинарите
Western Balkan's Regional Platform for Advocating
Media Freedom and Journalists' Safety

Indicators for the degree of media freedom and the journalists' safety [MACEDONIA]



**Indicators
for the degree
of media freedom
and the journalists'
safety
[MACEDONIA]**

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and the journalists security

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This study analyzes in detail the situation of freedom of speech and media freedom in Macedonia in the last three months of 2016 and the first nine months of 2017. The study analyzes the legal framework related to freedom of speech, the socioeconomic position, and the safety of journalists, and is a complement to the last year's study of the AJM "Indicators for the level of media freedom and the safety of journalists in Macedonia". The main purpose of this second study is to identify the changes and make comparison with the level of media freedom and journalist safety since 2016. It identifies the key issues and challenges and recommends measures that need to be taken with aim to improve the situation in the media sector in Macedonia.

For the purposes of this study, various qualitative and quantitative methods for data collection and analysis were used:

- Qualitative Document Analysis (CDA): research and analysis of other research organizations and academic institutions, non-governmental organizations, individual researchers, etc; official documents published by public institutions (legal acts, by-laws, strategies, annual reports, meeting minutes, press releases) and media texts (news, reports, articles, analyzes and other published materials).
- Qualitative interviews with 11 people (journalists, lawyers, media experts, representatives of public institutions or non-governmental organizations).
- Survey with 69 journalists from various media organizations, carried out in 2016 based on structured questionnaire prepared in the framework of the Worlds of Journalism Study.
- Official statistics requested by public institutions or obtained through available web pages or other published sources.

The survey shows that the situation with the freedom of the media in Macedonia is deteriorating and is almost the same compared to last year. This conclusion did not change despite the fact that in the middle of this year Macedonia got new government, which put the issues of media freedom and safety of journalists on its list of priorities. As stated in Freedom House's annual report for 2017, media in Macedonia are not free, and according to the Reporters without Borders' Media Freedom Index, the country is ranked at 111th place out of 180 countries.

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Indicator A: Legal protection for media freedom

Freedom of the media is protected by the Constitution² but media laws are still problematic because they are not fully compliant with the Council of Europe recommendations and the practice of the European Court of Human Rights in Strasbourg. During 2017, there were no interventions in the constitutional framework or major changes in the legislation, i.e. in the Law on Media³ and the Law on Audio and Audiovisual Media Services (LAAMS).

Within the political negotiations between the parties to resolve the political crisis mediated by the international factor, Article 75 of the Electoral Code was amended, and thus the Media Law had to be harmonized. These changes aimed at improving media coverage during the election campaign through direct political intervention in the laws. The law imposed obligation on the public broadcasting service and on all private media that will cover the elections to report in fair, balanced, and impartial manner. This approach was criticized by the AJM because parties rather than dealing with the reasons that lead to unprofessional media reporting, deal with the consequences.

With legal changes, the parties agreed within the Agency for Audio and Audiovisual Media Services to establish Interim Commission for monitoring media coverage during the pre-election period. This ad hoc body, comprised of five members nominated by the four parties, evaluated the media coverage during the election campaign, and AVMU based on this monitoring, produced periodic reports covering period of 10 days in which they found violations of the principles of fairness reporting to the candidates and recommended measures to the court.

During the election period, ad hoc body raised sixty offense proceedings against media, out of which sixteen were referring to unbalanced reporting, six to hidden campaign of government officials, and twenty to political advertising. By the Election Day, the courts reviewed only two cases, both of which were rejected, which confirmed the views of AJM, the local media organizations and the expert public that the problems in the media sector cannot be solved by provisional solutions, but with serious and sustainable reforms.

Also in July 2016, the four largest parliamentary parties in the government and the opposition agreed that the opposition should appoint the editor-in-chief of the MRT Information Program 1 in consultation with other parliamentary parties, 100 days before the election, whose mandate will end on the night of elections.

1 Freedom House, Profile of Macedonia - Freedom of the press 2017, Accessed on November 29, 2017: <https://freedomhouse.org/report/freedom-press/2017/macedonia>

2 Constitution of the Republic of Macedonia.
3 Media Law of the Republic of Macedonia.

Indicator B: The journalist position in the editorial office, professional ethics, and the censorship level

Regarding the journalists position in the editorial office, professional ethics and the censorship level it can be concluded that the situation is deteriorating. Namely, the first three largest national daily newspapers were closed, with over hundred journalists left out of work. However, risks do not exist only in print media. The mismanagement by the previous government, the use of public money to finance private media in order to control their editorial policy, led to fundamental shifts in the media sector, and placed the media in unwanted risks.

In situation when many overwhelm the media market and weak media, and the government is the biggest advertiser, most of the media see their survival in establishing clientelism with the government. Such media are favorable to the government, followed by high degree of self-censorship, and with very high risk for journalist to be fired. Often, these fired journalists go to work on online media, which have very small number of employees. It affects the quality of published content and often violates professional and ethical standards.

Indicator C: Journalists' safety

The safety of journalists in the Republic of Macedonia is threatened. They are still being attacked for their work. In this period were recorded 18 attacks on journalists, most of which are physical and verbal attacks. Compared to last year, the difference is that the new government and the police declaratively express their willingness to cooperate with the Journalists' Association in order to put end to the policy of impunity for violence against journalists. However, we are still far away to achieve the ultimate goal - building institutional mechanism for the prevention and punishment of violence against journalists. AJM since January this year has improved cooperation with the Ministry of Interior, and it is expected to improve cooperation with the Prosecution.

A

Legal protection for media freedom

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

During 2017, there were no interventions in the constitutional framework or major changes in the legislation. Therefore, all the conclusions regarding the legal guarantees observed in the last year's report are valid⁴. However, compared to last year, there are significant changes in the political context, which makes part of the assessments in this report to some extent different from last year.

The basic legal framework for the media in Macedonia consists of the Law on Media⁵ and the Law on Audio and Audiovisual Media Services (LAAMS)⁶. In the period covered by this report, there were almost no changes in the existing legal framework concerning the media. On the other hand, media freedom was one of the main topics surrounding political and expert debate.

The period from the last report to September 2017 was fully marked by the December 2016 elections, which were supposed to draw the country out of the deep political and institutional crisis. In late May 2017, a new coalition government led by the previous opposition (SDSM) and several parties representing the Albanian community in Macedonia (DUI and DPA reformers) was created. Then the ruling party - VMRO-DPMNE, which ruled without interruption since 2006, turned into opposition.

As result of this development of the events on the political scene, the Parliament of Macedonia has not been functioning for almost 9 months. In the same period, Macedonia had technical government, which according to the Przhino Agreement ran the country from the beginning of 2016 to the middle of 2017, without clear political mandate and limited competencies. Due to this, in the period covered by this report, the legislature had very small scope of activities.

As response to the political crisis as well as the pressure from the international factor due to the established situation of deeply endangered

democracy and media freedom⁷. As result of the Przhino Agreement⁸ in the eve of the elections an intervention was made in Article 75 of the Electoral Code and adequate intervention in the Law for media, which aimed to free the media from the constraints of the ruling structures. These interventions⁹ imposed obligation on the public broadcasting service, commercial broadcasting companies and electronic media (publications) (internet portals) that decided to cover the elections to do so in fair, balanced and unbiased manner in their overall program.

According to the OSCE - ODIHR¹⁰ assessment following the parliamentary elections of 2016, with which AJM fully agrees, the essential media reforms foreseen in the Przhino Agreement were not finalized and appropriately implemented in the pre-election period.

In the period between August 2016 and September 2017 which is covered within this report, no attempt was made by the new Government to further restrict the online space (online) media, although some requests for certain "settlement" of the situation in the online sector came from individuals close to the new government¹¹. In the Plan 3-6-9, the Government envisages debate on the need to amend the Law on Media, which can in fact mean debate on the need for legal regulation of online media. However, there is still need to clarify the dilemmas whether the demands for stricter regulation of the online media are result of reasoned concern or a conscious intention to limit the freedom of expression on the Internet, which is contrary to the efforts of the Council of Europe and other international organizations that advocate for Internet freedom¹².

4 AJM, Indicators for the level of media freedom and the safety of journalists. MACEDONIA, 2016, p.10.

5 Law on Media of the Republic of Macedonia.

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

7 In the report prepared by senior EU group of experts led by Priebe in 2015 it is said media are heavily influenced by politics and political parties, and especially by the then government. See: https://ec.europa.eu/neighborhood-enlargement/sites/neighborhood-files/news_corner/news/news-files/20150619_recommendations_of_the_senior_experts_group.pdf.

8 The Przhino agreement. Accessed on November 21, 2017: <https://www.mkd.mk/makedonija/politika/dui-go-objavi-celosniot-dogovor-na-liderite-od-2juni>.

9 Election Code of the Republic of Macedonia, Article 75.

10 OSCE, the former Yugoslav Republic of Macedonia - Early Parliamentary Elections 11 December 2016 - OSCE / ODIHR Election Observation Mission (Warsaw: 2017), 19. Accessed on November 29, 2017: <http://www.osce.org/mk/odihr/elections/fyrom/302261?download=true>

11 Victor Danno, "Spikes are broken for regulation of online media and bloggers", January 21, 2016. Accessed on November 30, 2017: <https://www.it.mk/se-krshat-kopja-za-regulirane-na-online-media-and-bloggers/>.

12 Snezhana Trpevska, interview with AJM team member, July 2017.

Amendments to the media legislation were agreed by the four political parties participating in the Przhino negotiations in the first six months after the establishment of the new Government, in accordance with the recommendations set forth in the so-called Pribe's Report¹³. These changes should lead to thorough reforms in the media sector, in order to free the media from political, economic, and other influences. At the moment of preparing this report, that six-month period has not yet been passed, but with the so-called Government Plan 3-6-9¹⁴, published on July 17, 2017 are provided measures regarding the situation in the media:

- Adopting statement for expressing strong political will and support from the Government and institutions for the continuous application of the Ethics Code for Media Reporting;
- Adoption of the Government's decision to stop commercial advertisements from commercial broadcasters (excluding social media) and communicate communication with citizens through the public broadcasting service;
- Publication of all Government advertising costs and explanation of the media selection criteria for the period 2008-2017, in the format submitted by the European Commission;
- Holding a public consultation with media, media associations and civil society organizations;
- Preparing draft amendments to the Law on Media and the Law on Audio and Audiovisual Media Services, which will enable the application of the Code of Ethics for Reporting in and out of the Elections as well as for strengthening the independence and capacity of the media regulator and the public broadcasting service;
- Preparing draft amendments to the legislation that will ensure the selection of members of the Council of the Agency for Audio and Audiovisual Media Services (AAAMS) based on merit;
- Preparing overview of all previous cases of physical and verbal attacks and pressures, hate speech, etc. on journalists;
- Holding weekly briefing of the Government with the media.

Plan 3-6-9 has not yet been translated into specific solutions, although some initial steps have been taken. On August 22, 2017, the Government adopted conclusion that halts all government advertisements in commercial broadcasters and print media.

The halt of government advertising to private media was welcomed by AJM and other media NGOs that have for years warned that the government's large share in the private media funding disturbs the media market, makes the media financially dependent on the government and violates their editorial independence. However, such solution is not enough, since Article 102 of LAAMS still gives the legal possibility to the Government to advertise and thereby influence the media market. Therefore, this article of the Law should be abolished.

The new government announced data that the previous government spent 38 million euro for media campaigns¹⁵ and public opinion polls¹⁶ in the period 2008-2015, which confirms the conclusion of the last year's analysis that "... the government continuously used public funds for corruption the media through the so-called government campaigns."¹⁷ For the purposes of this report based on the provisions of the Law on Free Access to Public Information: AJM requested data from ministries and municipalities on the amount of funds spent on advertising over the last year. The request was sent to all ministries and those municipalities that did not respond and / or did not spend funds for advertising last year. Only one ministry did not respond to the request of the AJM and less than one third of the municipalities to which the request was sent.

Unlike last year, the total cost of ministries for this year is lower. The municipalities, which did not submit answer last year or did not have any expense, do not differ from last year's average, except the Municipality of Prilep, which in the first six months spent 2,168,252.00 MKD. (according to their estimation in 2017, total of 4,000,000,00 MKD will be spent), and it is equal to the cost of the Ministry of Internal Affairs, which otherwise last year was singled out as the biggest advertiser.

Regarding the independence of the regulator and the public broadcasting service with the exception of the agreed amendments to the Przhino Agreement, new laws and by-laws were not adopted, which is above all, result of the political crisis that Macedonia faced in the past period. Therefore, in this report, as in the last year, the qualifications for the independence of these two

¹³ "(INTEGRAL) Reinhard Pribe's entire report on crime, corruption and wiretapping" Local, June 19, 2015, Accessed: November 27, 2017, <http://lokalno.mk/integralno-celiot-izveshtaj-na-rajnhard-pribe-for-crime-corruption-and-supply-of-authority/>.

¹⁴ Government of the Republic of Macedonia, Plan 3-6-9. Accessed on November 21, 2017: <http://www.sep.gov.mk/data/file/Dokumenti/Plan%203-6-9%20MK.pdf>.

¹⁵ In this amount are not calculated 2006, 2007 and 2016, since documents for these years have not been found yet.

¹⁶ The Government of Republic of Macedonia. The previous government spent 38 million euros for media campaigns and public opinion research. Accessed on November 21, 2017: <http://vlada.mk/node/13464>.

¹⁷ For comparison, see p. 17 from the last year's report. Available at: http://znm.org.mk/?page_id=1357.

institutions remain the same for the most part. It is important to note that in the past period there was some improvement in the work of the media regulator, and to lesser extent with the public service. In addition to this are the assessments of some of the interviewed journalists:

„2017 specifically, it is probably improved by minimum with the new government ... because the trolling in media and social networks has stopped ... but the general situation is still defeating, with some hope of normalization and establishing some minimum acceptable conditions for the functioning of minimum professional journalism.“¹⁸

Regarding the regulator, it was confirmed by most interviewed journalists and experts that there is tendency to improve professionalism and objectivity over the last year, but that does not mean that the regulator is independent.

„AAMS was never independent from the ruling parties. It is enough to see the composition of the members of the Council of the Agency and it can be concluded what most of the journalists and independent activists say that the Media Agency is politicized. Improving the work of the regulator is noticeable in terms of numerous decisions and measures of this body that were principled and adopted by independent position.“¹⁹

The representative of AJM in the media regulator considers that in order entirely to erase such image (of dependence) from the memory, longer period of real professional work of the Agency will be required, which should take into account the overall environment in which the media operate²⁰. There is general perception that the problem has systemic nature and that is why it is first necessary to create more favorable legal environment for full independence and professionalization of the regulatory body in Macedonia.

Similar is the perception of the Agency's work on hate speech, although in certain situations during 2016 and 2017, the Agency concluded hate speech after long years of total passivity. For example, for the measures taken due to hate speech ascertained in the TV Sitel program²¹ as part of the election announcement in December 2016, the impression on the part of the interviewed interlocutors is that *“the Agency and these as well as the past elections were not powerful enough to silenced reporters and media spreading hate speech.”²²* This opinion is shared by other journalists and media workers interviewed for the purpose of this report:

„Hate speech, rhetoric of discrimination against groups and individuals, public threats and calling for violence is practice in some of the national electronic and written media that, unfortunately, escalated separately in the last two years.“²³

Now, there is no case of hate speech at the Criminal Court nor information that the Prosecution has taken measures. The problem of hate speech is systemic and the competent institutions still tolerate such behavior in the media.

Concerning the situation in the public service, the conclusion that arises from most interviews is that *it still lacks institutional autonomy, and even less independent editorial policy.²⁴* In order to improve, the public and the journalistic profession should also have share in the election of editors and directors besides the Parliament.²⁵ There is also great degree of agreement between journalistic organizations and the expert public on the need for sustainable funding of MRT, the independence of the MRT Program Council, the choice of professional editorial team, the production of quality media program, the employment of new journalists and other creative staff, the development of the correspondent network, and more.

¹⁸ Darko Chekerovski, interview with AJM team member, July 2107.

¹⁹ Snezhana Trpevska, interview with AJM team member, July 2017.

²⁰ Zoran Fidanovski, interview with AJM team member, July 2017.

²¹ Media Agency found Sitel's hate speech, Ako.mk, last modified on November 21, 2017:

<http://ako.mk/%D0%B0%D0%B3%D0%B5%D0%BD%D1%86%D0%B8%D1%98%D0%B0%D0%B0%BC%D0%B0%BC%D0%B8-%D0%BE%D0%BE%D0%BD%D1%82%D0%B8%D1%80%D0-%D0%B3%D0%BE%D0%B2/>.

Journalist who wants to remain anonymous, interview with AJM team member, July 2017.

²² Mladen Chadikovski, interview with AJM team member, July 2017.

²³ Zoran Fidanovski, interview with AJM team member, July 2017.

²⁴ Ivan Bojadziski, interview with AJM team member, July 2017.

²⁵ Official Gazette of RM, 143/2012.

A.2. Are defamation laws causing intimidation effect for journalists?

The defamation and the insult were decriminalized in 2012 with the adoption of the Law on Civil Liability for Slander and Defamation.²⁶ In the past year, no changes have been made in this law. As noted in the last report, in the period 2013-2015, numbers of disputes were noted in which senior government officials appeared as plaintiffs, and as defendants, reporters critical of the government. Almost all of these cases ended with positive outcome for the plaintiff and inadequate financial penalties for the defendants. During 2013 and 2014, there were dozens of civil cases of libel against journalists, although most of them were resolved through mediation, outside the court procedure.

In the first report covering the period until July 2016, about 40 lawsuits were filed for defamation and insult against journalists. Before the decriminalization of defamation and insult, however, their number was about 330.

In the period covered by this report, according to the information obtained from the AJM lawyer representing the members of the Association in cases of defamation and insult, there are about 30 active cases that indicate visible trend of reducing the defamation charges and insult, which in the past period was used as mechanism for pressuring journalists. There is no precise record of the percentage of these cases initiated by civil servants or politicians, but the general impression gained from the interviews conducted and the continuing monitoring of court practice is that in the last year the authorities increasingly less use the libel and the insult to press critical journalism. An exception is dozen defamation lawsuits that senior government officials from DUI have raised against critical media in Albanian language. In the report on the human rights situation in Macedonia in 2017 published by the US State Department, this phenomenon was qualified as a means of censoring critical journalists.

The same perception is shared by all journalists interviewed for the purpose of this report. Journalist Mladen Chadikovski assesses that the situation has improved significantly, although there are still cases of defamation and insult against journalists which are lead in the courts. One of the interviewed journalists, who wants to be anonymous, believes that the reason that led to the reduction in the number of such court proceedings "... is not the awareness of the government officials, but the political crisis in the country that began with the announcement of wiretaps of the opposition, which paid much attention to the Special Prosecutor's Office and the upcoming early parliamentary elections."

²⁶ Official Gazette of RM, 143/2012.

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

As was noted in last year's report, in previous election cycles until 2016, influential media close to the government almost did not respect the rules of political pluralism in the reporting. Therefore, in July 2016, the four largest parliamentary parties agreed to implement special temporary measures that would apply to the campaign for early parliamentary elections.

These measures included appointing the opposition's main editor-in-chief for the MRT's news program in consultation with other parliamentary parties, whose mandate will last 100 days before the election and will end at the night of the election as well as establishment of interim monitoring committee for the reporting of the audiovisual media during the pre-election period, the so-called Ad Hoc Body that functioned within the Agency for Audio and Audiovisual Media Services. The reason for the formation of this body in the Agency, which actually has the same competence, is due to the perception that dominated in the past years i.e. the Agency did not perform this function in impartial and independent manner.

AJM, local media organizations and experts criticized this concept as solution that derogates the core competencies of the Agency, but also the professional principles of journalism i.e. journalists to keep distance from any political party, due to the fact that political parties propose individuals for the position of editor in the public service and members of the Ad Hoc body.

On August 31, 2016, when the new editor of the Information Program of MTV²⁷ came into office on the proposal of the opposition at that time, Ad Hoc Body was created and was tasked with monitoring the implementation of the provisions of the Electoral Code for covering the election campaign by the audiovisual media.²⁸ The Ad hoc body functioned until the end of the election campaign, and it consisted of five members out of which (at least) one had to be Albanian. Two members were nominated by the ruling and opposition parties, while the fifth member was elected by consensus among the four appointed members. A hundred days before the elections, AAVMS was obliged to create procedures for monitoring the balanced reporting prescribed by the Electoral Code. The ad hoc body evaluated the reporting of audiovisual media for political actors and candidates based on the monitoring reports carried out by the AQMU expert service, periodically for 10 days.

The ad hoc body was supposed to assume the supervisory role of AAVMS, but the amendments to the Electoral Code were not fully clear and harmonized which caused uncertainty about the Commission's mandate in the period before the campaign - from October 17, when the elections were scheduled, until November 21, when the election campaign officially started.

With the amendments to the Electoral Code, AAVMS was provided to monitor the online media. However, despite the legal obligation, AAVMS did not oversee the reporting from the online media due to the fact that there is no register of online media and at the same time this kind of regulatory practice in Europe.

The Commission proposed over sixty offense proceedings, out of which sixteen were referring to unbalanced reporting, six to concealed campaign by government officials, and twenty-nine to political advertising. By the Election Day, the courts reviewed only two items, but both were rejected.

The main assessment of the international observation mission was that the parties' commitments regarding the media were not fulfilled in practice - conclusion by which AJM and other media organizations and observers agreed.²⁹ The general perception of the interviewed journalists is that "*The Ad hoc body was imposed a body, created by political agreement.*"³⁰ This body showed great political divisions during the operation, which is indicator for the members' closeness to the political parties, which nominated them. There were also attempts for balancing decision-making, but this body was not able to impose itself as serious factor that has credibility in the media. Regarding the expediency, i.e. the effectiveness of this body, there is opinion that its establishment is precedent that must not be repeated, since it was composed of nominated political party members. With it, in fact, the competence of AAVMS was derogated as a result of the fact that AAVMS did not perform its independent and impartial work.³¹

27 "Santa Argirova new editor of the information program of MTV", Fokus, August 31, 2016, November 27, 2017: <http://fokus.mk/santa-argirova-nov-urednik-na-informativnata-programa-na-mtv/>.

28 "Known composition of the ad hoc body", Fokus, August 9, 2016, November 27, 2017: <http://vecer.mk/makedonija/poznat-sostavot-na-ad-hok-teloto>

29 "AJM welcomed the findings from the international media monitors", MKD.MK, December 13, 2016, November 27, 2017: <https://www.mkd.mk/makedonija/politika/znm-gi-pozdravi-naodite-na-international-nabljuduvachi-for-media>.

30 Journalist who wants to remain anonymous, interview with AJM team member, July 2017.

31 Snezhana Trpevska, interview with AJM team member, July 2017.

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

The laws formally guarantee the freedom of journalistic work and association, but in practice, this is not the case. In Macedonia, the journalistic profession is not licensed, but it is defined in the Media Law.³² More specifically, a journalist is defined as "person who collects, analyzes, processes or classifies information published in the media and is employed by the media or contracted to work with them or person who carries out journalistic activities as independent profession (free journalist)".

AJM with other media organizations were and are still against the definition of the journalistic profession by law. According to them, the definition of journalism as free profession by law creates the basis for limiting the work of the journalist and therefore true and professional journalism can be subject to self-regulation, and not to legal regulation. Therefore, AJM's commitment is completely to delete this article from the Law³³ - attitude that has been expressed in all public consultations on media legislation in the past period.

Journalists can follow parliamentary sessions with appropriate accreditation, although this right has been breached several times over the past five years. The most serious violation of this right occurred on December 24, 2012, when the parliamentary safety force expelled journalists from the parliamentary gallery from where they reported on the adoption of the 2013 Budget. The purpose of the government at that time was to prevent journalists from reporting on the violent expulsion of opposition MPs from the plenary session, which blocked the debate on the budget, arguing that the parliamentary procedures for its adoption had been violated.

Regarding this case, following the exhaustion of all legal procedures in the Macedonian courts, AJM in 2013 filed official complaint with the European Court of Human Rights.³⁴ In February this year, the Court ruled in favor of the AJM's complaint. In the judgment, the European Court found violation of two rights guaranteed by the European Convention on Human Rights, namely: the right to freedom of expression

under Article 10 and the right to fair trial under Article 6 of the Convention.³⁵

The case had great echo in the Macedonian public and the expert community, but it was also observed internationally. In the AJM statement on the verdict, it was emphasized that³⁶ *"this verdict is the first to determine violation of the freedom of expression and is very important for the democracy and the rule of law in the Republic of Macedonia. At the same time, the verdict is also victory for the journalistic community, which showed that it is always worth fighting for justice. Justice may be slow, but it always wins."*

On April 27, 2017 was reported even more dramatic attack on journalists that reported on the election of the new parliamentary speaker from the new parliamentary majority. The supporters of the ruling party at that time, organized in the so-called Civic Initiative "For Common Macedonia" violently entered in the Parliament in order to prevent the constitution of the new government that emerged from the December 2016 elections. VMRO-DPMNE's supporters, besides attacking lawmakers from the new parliamentary majority, were threatening and harassing to hundreds of journalists, camera operators and photo-reporters who for hours were practically abducted by a violent mob, without any police protection. AJM offered legal aid to all journalists who were physically assaulted or exposed to various pressures and threats in the performance of their professional duties in the Assembly, or their equipment was damaged.³⁷

Most of the journalists are organized in professional associations. The largest and oldest association is AJM, founded in 1946 and is member of the International Federation of Journalists (MFJ) and the European Federation of Journalists (EFJ). AJM is independent, non-governmental and non-political organization whose goal is to protect and promote freedom of speech and ethical journalism.³⁸ Since 2010, following the amendments to the Statute, the leadership of AJM is elected at free elections, in which all members of the organization participate, according to the principle, one member - one vote.

³² Law on Media, Article 2, line 4.

³³ "Law on Media: Reporters with divided views on the question of who is a journalist", *Telegraf.mk*. July 30, 2016, November 27, 2017: <http://www.telegraf.mk/aktuelno/macedonia/ns-newsarticle-19945-zakon-za-mediumi-novinarite-se-podelija-za-prasanjeto-koj-e-novinar.nsp>.

³⁴ Marulich Jakov Simona, "Macedonian Journalists Will Demand Justice in Strasbourg" *Balkan Insight*, June 5, 2014, November 27, 2017: <http://www.balkaninsight.com/en/article/macedonia-journalists-to-look-for-justice>.

³⁵ The full text from the judgment is available at:

[http://hudoc.echr.coe.int/eng#{"itemid":\["001-170839"\]](http://hudoc.echr.coe.int/eng#{)

³⁶ Association of Journalists of Macedonia, A victory for journalists justice in Strasbourg, *Skopje*, 2017, November 27, 2017: <http://znm.org.mk/?p=2998>.

³⁷ Association of Journalists of Macedonia A call for journalists to sue for violence in Parliament in *Skopje*, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3245>.

³⁸ Information about the Association of Journalists of Macedonia can be found on its website: http://znm.org.mk/?page_id=719&lang=en.

Besides AJM, there is also the so-called Macedonian Association of Journalists (MAN), which was established in 2003, and later reactivated in 2013, in order to legitimize the new media regulation proposed by the previous Government. During the period of the report, no activity of this association was noticed. MAN does not have its own Code of ethics and does not have active web site, which makes it difficult to monitor their activities.

Some of the journalists and media employees are members of the Independent Union of Journalists and Media Workers (IUJMW)³⁹, an organization founded in 2010. It is the first journalistic syndicate that was founded in Macedonia. In 2016, media reported information on the establishment of new union of journalists, which would include journalists from media close to the ruling party. This syndicate, however, was not established because the previous ruling party has turned into opposition and has lost control of most of the country's media.

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

The Constitution of the Republic of Macedonia guarantees the right to confidentiality of the journalist source,⁴⁰ according to which the journalist has the right not to disclose the source of information or to reveal information that will reveal the identity of the source.

The issue is regulated in the Law on Media. This law protects the right to confidentiality of sources, and instructs the journalist to inform the editor about the source of the information.

For the purposes of this research, the AJM analyzed the Criminal Code last year and did not find limitation on the protection of journalistic sources. It is important to note that, in spite of non-existence of restrictions, in 2013, the court used another legal provision for not disclosing the identity of protected witness, to imprison a journalist because in an investigation procedure he refused to reveal his source for a story published in 2008 year.

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

Since this year no intervention was made in this part of the legislation, all the conclusions from the last year's report remain unchanged. During 2017, no new cases of violation of the right to secrecy of sources of information have been identified.

³⁹ Information about IUJMW can be found on the following website: <http://ssnm.org.mk/?lang=en>.

⁴⁰ The Constitution of the Republic of Macedonia, Article 16.

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

The Law on Free Access to Public Information was voted in 2006 and has been amended several times.⁴¹ The general assessment is that the Law is not fully in line with the basic principles established in international law. The 30-day deadline for obtaining public information is too long for journalists as there are too many grounds on which public institutions can deny citizens' access to some information. Last year there was no change regarding the conclusions on the work and independence of the Commission for Free Access to Public Information, i.e. last year's conclusions that it is not independent yet and this year will remain unchanged.

Within this second survey, AJM requested access to public information from all ministries and municipalities that did not respond to the request last year or stated that in 2016 they did not spend funds on advertising. It is indicative that only 8 ministries and 13 municipalities responded to the request, which is extremely low percentage, and at the same time, it is indicator for the manner in which this law is implemented in Macedonia. This data confirms the conclusion of last year's report that most of the journalists who submitted requests for free access to public information had negative experience with state institutions. 87% of surveyed journalists in 2016, whose requests were answered, rated the answers as incomplete.

Interviews with journalists conducted for the purposes of this year's report only confirm the findings that were made last year. The law is poorly applied, and journalists have bad experience and there is mistrust towards the institutions that they will provide the requested information within reasonable time. As the journalist Zoran Fidanoski says in the interview made for the needs of this report:

„The lack of transparency in institutions, resistance to co-operation, the fear not to reveal any scandalous situations, as well as not having enough finance and patience from editors to make and receive such stories, which are more than necessary for healthy democratic society⁴²“.

⁴¹ Law on Free Access to Information of Public Character.

⁴² Zoran Fidanoski, Interview with AJM team member, July 2017.

B

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

For the need for this group of indicators, which processed the professional, economic and social position of journalists, were interviewed journalists, representatives of media organizations, surveys and consulted publications were conducted. The analysis concludes that there are serious restrictions on journalistic freedoms in Macedonia, which undoubtedly contributes to the poor economic and social status of journalists. There remains worryingly low percentage of journalists who have safe workplace, social and work benefits. The majorities of journalists have incomes below the national average and are irregular.

The previous government wrong policy i.e. the use of public money to finance private media in order to control their editorial policy, as well as the technological changes that have all the way out of the print media disappear, have led to fundamental shifts in the media sector, and put the media into unwanted risks. In 2017, the first three largest national daily newspapers were closed, leaving over hundred journalists out of work. However, risks do not exist only in print media. In conditions when many overwhelm the media market and weak media, and the government is the biggest advertiser, most of the media see their survival in establishing relations of clientelism with the government. Such media are fond of the government, followed by high degree of self-censorship, and the risk of them being extinguished, and journalists fired. Often, these fired journalists go to work on online media, which have very small number of employees. It affects the quality of published content and often violates professional and ethical standards.

B.1. Is the journalists' economic situation abused in order to limit their freedom?

The journalist's economic position is abused to limit his freedom. In Macedonia, 85% of journalists have salary lower than 500 euro per month, and 45% have salary lower than the national average, which is about 370 euro month or 22,808 MKD. This data stems from the analysis of IUJMW conducted in July and August 2017, which involved 127 media workers⁴³. According to the same analysis, more than half of the journalists, or 54% of them, do not have employment contract for indefinite period, and 19% are temporarily hired as freelance workers.

Regarding the regular payment of the monthly salary of journalists, according to the IUJMW survey⁴⁴, more than 55% of the journalists are late for their salaries.

The president of IUJMW Tamara Chausidis believes that "the working conditions for journalists and media workers have not been improved, as there is greater supply of labor in Macedonia, and the owners use that situation to reduce salaries, easy dismiss workers, punishment and other pressure measures". Similar comments are given by other journalists interviewed for the purpose of this analysis:

"Journalists face all kinds of problems when it comes to freedom of expression, but also with existential problems. Many journalists receive salary lower than the national average. Most of them do not have indefinite contracts, but work with contract for definite period or contract that continues month after month. Journalists in some media do not have legally prescribed annual leave, but 10 to 15 working days, which are converted into calendar days and no allowances are paid for working on public holidays."⁴⁵

Many journalists lost their jobs in the newspapers this year and went online and in other professions. The data show that these journalists, who are employed in online media, have lower incomes than those employed in television. The reason for the low wages is the poor financial position of the online media, which produce poor content due to the small number of journalists working in them, is the interest of the audience to follow entertainment sites and the big market fragmentation. Apart from the fact that the incomes of these journalists are low, they are irregular, and without social benefits.

The number of journalists and media workers remains unknown. There are indicators only for the audiovisual sector. According to the official data of the media regulator, in 2016, the total number of employees in the broadcast media was 2416, and compared to 2015, this number was 2353 persons. Out of these people, in 2016⁴⁶, most of them were employed in the Macedonian Radio-Television (836 persons). In the private sector, most of them are employed in five national terrestrial televisions, i.e. 578 people.

Although all broadcasters have legal obligation to employ certain percentage of journalists, there are indications that in practice this obligation is not met.

43 IUJMW, Media pay stuck below the average, Skopje, 2017, November 27, 2017: <https://ssnm.org.mk/%D0%BF%D0%BB%D0%B0%D1%82%D0%B0%D1%82%D0%B0%D0%B2%D0%BE%D0%BC%D0%B8%D0%B5%D0%B8%D0%B0%D0%BD%D0%B4-%D0%BF%D1%80/>.

44 Tamara Chausidis, interview with AJM team member, July 2017.

45 Anonymous interview with a journalist from private media, July 2017.

46 AAAMS, Market Analysis of Audio and Audiovisual Media Services for 2016 (Skopje: AAAMS, 2017), November 27, 2017: http://avmu.mk/wp-content/uploads/2017/05/Analinaliza_na_pazarot_ns_sudio_i_audiovizuelni_medium_uslugi_za_2016_godi_na.-min.pdf

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

It remains unknown whether there are private media with adopted internal organizational acts that are separating the management from the newsroom. However, despite the fact that these sectors are in practice special, last year's polls conducted by the AJM showed that the level of interference in the work of the editorials by the management is great. This also adversely affects the editorial policy of the editorial boards, i.e. the manner in which reporters report. In this regard, Tamara Chausidis, president of the Journalists' Union, emphasizes:

"The term promotional text or interview is something that no one else reacts in negative context and is even considered normal if the media owner at the same time is the owner of the hospital and has headline on that medium with promotional texts from that hospital."

Interviewed experts and journalists believe that the media do not report negative for those who advertise and the partial reason for this is the manner in which are (not) regulated the relations between the owners and the editors. Thus, the journalist Darko Chekerovski says:

"The owner should be responsible for financial and business policies and should respect the integrity and freedom of decision-making of the editor, without interfering with the evaluation, selection or editing of journalistic articles; to have signed agreement that regulates all obligations and rights and freedoms of the editor."⁴⁷

The media do not have internal codes of ethics, with the exception of MRT, which was adopted this year, but with many omissions. The biggest remark from AJM was that it interfered journalistic ethics with working discipline. Private media are formally governed by the AJM Code of Journalists Ethics, adopted in 2001. In September this year, the AJM delivered over 300 copies of the Code⁴⁸, in six languages, in almost all of the editorial offices throughout Macedonia. The aim was to promote basic journalistic standards, especially during the pre-election campaign for local elections scheduled for mid-October this year.

According to the interviewed journalists, even when there are defined rules that guarantee editorial independence, they are generally, not respected in practice. The media rarely write critically about big clients, and they rarely write critically about the government, which in recent years appeared as the biggest advertiser in most of the media. In this regard, Mladen Chadikovski, editor-in-chief in 24 Vesti TV, says: "Unfortunately, the Code of Journalists Ethics is not used, and it is the only document, and *it is harmonized with the principles of the International Federation of Journalists.*"⁴⁹

Most of the influential media are members of the Council for Media Ethics in Macedonia (CMEM), a self-regulatory body, established in 2014. They are formally obliged to adhere to the Code of Journalists Ethics. Except for the Code, over 90 private media are obliged to respect the Charter of Ethical Reporting during the election process.⁵⁰ However, the few media with the greatest influence on public opinion often violated these principles.

There are various direct forms of pressure from media owners and managers towards journalists, and even threats of dismissal and threats of physical violence. This is very strong self-censorship factor for journalists. One of the interviews says:

"The most common form of pressure if journalist refuses to perform assignment is financial fine or in some rare cases, even dismissal. Particularly, it is often used marginalization of certain journalist, i.e. degrade, and downgrade at the level of beginners in the professional ladder."⁵¹

⁴⁷ Tamara Chausidis, interview with AJM team member, July 2017.

⁴⁸ Association of Journalists of Macedonia, AJM provided a code of ethics for the media in Macedonia, Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3776>.

⁴⁹ Mladen Chadikovski, interview with AJM team member, July 2017.

⁵⁰ IUJMW, Charter for Ethical Reporting on Elections, Skopje, 2017, Accessed November 27, 2017: <http://semm.mk/novosti-4/2015-08-11-15-03-18/499-povelba-za-etichko-investment-for-election>.

⁵¹ Journalist who wants to remain anonymous, interview with AJM team member, July 2017.

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

After several years of announcements in 2017 MRT, as statutory obligation, adopted the Code of Ethics for journalists, creative personnel and all employees in MRT.⁵² This code has been met with more criticism by the local journalistic community, which disputed the contents of the document, but also the approach of the MRT leadership, primarily due to the lack of transparency in the process of drafting the Code. The biggest shortcoming of the Code is the interference of journalistic ethics with the working discipline, the rights and obligations of journalists arising from the labor relations.⁵³

AJM submitted comments on the draft version of the Code of Ethics to MRT and recommended to prepare two separate documents, one for the ethical conduct of journalists following the example of the International Federation of Journalists, and the second for other employees, i.e. for the technical and professional service on MRT. Unfortunately, these remarks were not taken into account by the MRT leadership.

Besides the Code of Ethics, MRT has Statute as legal document stemming from the legal obligation of MRT to regulate the issues of organizational set-up and internal operations. According to the Statute, MRT should adopt 16 other acts, including the Regulation for Internal organization.

In practice, journalists and editorial offices are not independent, and are often under direct influence by editors and management, and in many cases under the influence of senior government officials. Such influences contributed to MRT being criticized for failing to inform on the incidents in the Parliament of the Republic of Macedonia on April 27, 2017. The Agency of AVMS also sent letter to MTV stating that with the manner of informing about these events, MRT as public service did not fulfill its basic legal obligations:

„The public service did not provide timely information on the events in the Assembly, parts of the reporter's calls were not in accordance with the role and functions of the public broadcasting service, and the actual and informative programs were not organized in manner to discuss these social and political developments of exceptional public interest.

This is especially true for the obligations to provide constant, truthful, complete, impartial, fair and timely information about all important political and other events and developments in the Republic of Macedonia.⁵⁴

Pressure on journalists in MRT is different from the on journalists who work in commercial media: In MRT journalists primarily feel internal pressure and disciplinary measures by presumptuous financial punishments, redistribution of other jobs, etc. Particularly endangered category are correspondents who are only few in number and usually have temporary engagement contracts that can be easily broken up: which in fact has been the case in the last few years. In addition: in the period considered in this report, MRT was still influenced by the structures of power that belonged to VMRO-DPMNE. Regarding this: one of the experts interviewed said: "The public service is still strongly influenced by the previous government, the management and editorial structures are the same from the previous period. This can be clearly seen from the MRT program⁵⁵."

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

Some of the informative online media are registered as civic associations,⁵⁶ i.e. civil society organizations, but so far, there has been no analysis of their work and the status and independence of journalists in the editorial offices of this type of media.

The main interest of some of the media registered in this form is to have the opportunity to apply for calls for financial support from the international donor community. These media have small editions comprised of several journalists and tend to deal with investigative journalism and are therefore registered as non-profit legal entities, as they are rarely recognized by the commercial sector for advertising or advertising.

52 MRT, "Ethical Code of MRT for journalists, creative personnel and all employees in MRT", Skopje: 2017, accessed on November 29, 2017: http://www.mrt.com.mk/sites/default/files/%D0%B4%D1%82%D0%B8%D1%87%D0%B8%D1%81%D0%20%D0%B0%D0%B0%20%D0%9C%D0%A0%D0%A2_0.pdf

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

54 Agency for Audio and Audiovisual Media Services, Letter to MRT, Skopje: May 3, 2017, accessed on: November 27, 2017: http://trinity.mk:53000/wp-content/uploads/2017/05/Dopis_do_Programski_sovet_na_MRT.pdf.

55 Snezhana Trpevska, interview with AJM team member, July 2017.

56 Pina.mk; Prism.mk; New TV; BIRN are part of the well-known media that are registered as "non-profit organizations".

It is noteworthy that those few web portals publishing research stories about abuse of power were frequent targets of attacks by hostile media as well as political parties and individuals. Another tool for pressure on these media in the period when VMRO-DPMNE was in power, was defamation and insulting lawsuits from state officials who demanded huge amounts of non-pecuniary damage due to mental pain. In 2017, there were almost no such new cases, but it should be kept in mind that since June this year, VMRO-DPMNE is no longer in power.

B.5. What is the level of freedom that journalists have in the news production process?

The degree of self-censorship of journalists in Macedonia is at the highest level in the region, taking into account the indicators for the freedom of journalists and the media from credible media organizations.⁵⁷ Unfortunately, due to the unsafe environment in which journalists operate and the practice of impunity, as well as the poor economic conditions in which they work, journalists are almost not able to freely choose the topics they will report on and especially, not in larger editorials, including and MRT.

Journalists also rarely report cases of direct pressure or censorship, and when doing so, they often require that they remain anonymous fearing that they will not be dismissed. This is, above all, case with journalists working in small media, mostly at regional or local level. Due to this, AJM and IUJMW are prevented from bringing lawsuits, taking advantage of other legal mechanisms, or making public pressure.

In the last year's survey conducted for the needs of the first analysis, more than half of the respondents felt that management had influenced their work. For most journalists there is freedom in the choice of news, but censorship is high (page 39).⁵⁸

One of the reporters interviewed this year in relation to this issue⁵⁹ said:

"Most often, events and topics are dictated by the daily events, not other way around, journalists to impose topics on which will open debate. The main role has chief editor, depending on the medium in which is employed, he also acts. If it is pro-governmental medium, then the editor has very small influences on the content of the news because it receives directives from the political parties, and if it is critical medium, then there is more space for collecting and selecting ideas from the journalists."

It should be noted that this practice is more often case in the media that does not encourage critical and investigative reporting. In this line is the illustrative comment from the journalist Mladen Chadikovski⁶⁰: *"In the medium where I am editor, journalists are encouraged to offer topics, which we discuss at the regular meetings with colleagues. I doubt that this is the situation in other national televisions."*

The choice for reporting topics in regional and local media is even greater problem for journalists due to the small environment in which these media function, as well as the prominent owners clientelism with mayors and other local powers. In this regard, Ivan Bojadziski, former correspondent of "Utrinski vesnik"⁶¹ says: *"Journalistic freedom is the freedom of the media owner to say what is and what is not the choice for topic that should be reported on. Journalists are free only in terms of news for the prices of tomatoes and cucumbers in the markets."*

⁵⁷ According to the Freedom House annual report 2016, Macedonia belongs to the group of countries that have (un) free media. The report can be found on the following website: <https://freedomhouse.org/report/freedom-world/2017/macedonia>.

⁵⁸ Association of Journalists of Macedonia, "Indicators of the level of media freedom and safety of journalists [MACEDONIA]", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/wp-content/uploads/2016/03/%D0-%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%D0%9F%D0%BE%D0%BA%D0%B0%D0%B7%D0%B0%D1%82%D0%B5%D0%BB%D0%B8-%D0%B7%D0%B0-%D1%81%D1%82%D0%B5%D0-%BF%D0%B5%D0%BD%D0%BE%D1%82-%D0%BD%D0%B0-%D1%81%D0%BB%D0%BE-%D0%B1%D0%BE%D0%B4%D0%B0-%D0%BD%D0%B0-%D0%BC%D0%B5%D0%B4%D0%B8%D1%83%D0%BC%D0%B8%D1%82%D0%B5-%D0%B8-%D0%B1%D0%B5%D0%B7%D0%B1%D0%B5%D0%B4%D0%BD%D0%BE%D1%81%D1%82%D0%B0-%D0%BD%D0%B0-%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8%D1%82%D0%B5-%D0%9C-%D0%9A-%D0%B4%D0%B5%D0%BA%D0-%B5%D0%BC%D0%B2%D1%80%D0%B8-2016.pdf>

⁵⁹ A journalist who wants to remain anonymous, interview with AJM team member, July 2017.

⁶⁰ Mladen Chadikovski, interview with AJM team member, July 2017.

⁶¹ Ivan Bojadziski, interview with AJM team member, July 2017.



Safety and statistics for impunity

The safety of journalists during the performance of their professional duties in Macedonia is not guaranteed. In order to prevent journalists from investigating authorities and their abuse of power, they are exposed to constant pressures, threats, and attacks on their part. The policy of impunity for violence against journalists is the main reason for the poor state of freedom of speech in Macedonia. Due to the persecution of journalists, Freedom House Macedonia treats the country as hybrid regime with captured media.

C1. Statistics on safety and impunity

The last year, in the period from September 2016 to the end of August this year, the violence against journalists in Macedonia continued with the same intensity as in the previous years. Compared to the first six months of 2016, this year there are fewer attacks, but they were more direct and more brutal. Even the previous government, VMRO-DPMNE was trying formally to block the attacks and hide its relations with the attackers, in the first half of 2017 that relation became more apparent. State and party officials from VMRO-DPMNE openly participated in various forms of attacks on journalists, as well as their sympathizers and supporters, organized in civic associations.

Within the period of one year, the Journalists Association registered 18 attacks on journalists, bringing their total number to over 50 years in the past four years. Out of 18 attacks this year, 6 were physical attacks, and 7 were verbal threats, while the rest 5 refer to insults, prohibition of reporting from public event or the destruction of private property of journalists.

According to the Council of Europe, Macedonia belongs to the group of European countries with authoritarian regimes, such as Russia, Turkey, and Azerbaijan, where there are still journalists in prison. Journalist Zoran Bozhinovski was detained for one and half year after being illegally extradited from Serbia in April 2014 as suspect for committing crimes related to spying, criminal association, and blackmail. This year, in mid-July, three days before the expiration of the legal deadline for detention, Bozhinovski was released to defend himself from freedom. Such decision was not result of the good will of the court, but due to the lack of legal possibility for the journalist to continue detention for further 30 days.

AJM closely followed his trial, where the prosecutor failed to prove guilt during several hearings. On the contrary, some of the Prosecution witnesses testified in favor of the defendant. While Bozhinovski was detained, AJM repeatedly publicly appealed to the judicial authorities to suspend detention, because there was no serious reason for doing so. For that purpose, protest was organized in front of the Basic Court I in Skopje in September of 2016, but the judge ignored the journalists' calls for their colleagues to defend themselves.

Out of the six physical attacks on journalists that happened in the last year, one is the most serious. On April 27, 2017, after the new parliamentary majority chose the President of the Assembly, supporters of former Prime Minister Nikola Gruevski violently entered in the Parliament building in order to prevent the constitution of the new government that emerged from the early parliamentary elections in December. They not only attacked the MPs from the new parliamentary

majority, but also poured their anger on journalists that were reporting on the Parliament work. More than 20 journalists were physically attacked, intimidated by weapons, prevented from reporting on the events and were forcibly stripped of equipment that was destroyed. That evening, parliamentary reporters were practically abducted by these thugs, and the police refused to give them protection for hours. The Prosecutor is still investigating this incident, talking with the damaged journalists, but no charges have been filed so far. Six journalists reported to AJM that they were attacked that the evening and police have official information journalist from Alsat-M television suffered physical injuries, which were subsequently diagnosed by doctor. However, the police have no answer who actually attacked the journalist, nor did any investigation what has happen. AJM provided assistance from lawyer for the affected journalists in order to protect their rights before the judicial authorities.

The violently entrance in the Parliament, was preceded by every day protests organized by the Civic Initiative "For Common Macedonia", behind which was the ruling VMRO-DPMNE party. They opposed the opposition SDSM to establish the government with the Albanian parties, as it will mean federalization of Macedonia. At the end of March, after the protest walk on the streets of Skopje, the protesters physically attacked the journalist crew from the A1on portal⁶². AJM condemned the attack and called on VMRO-DPMNE leader Nikola Gruevski to urge his supporters to stop attacking journalists. The police succeeded in solving this attack and initiated proceedings before the Public Prosecutor's Office. Criminal charges of violence have been filed against one person. The third serious physical attack on journalist took place last October, before the Ministry of Interior. The journalist Pavle Belovski⁶³ from TV Telma was physically attacked by person with criminal record during living informing on the inspection of the Special Public Prosecutor's Office in the working premises of the Macedonian secret police in relation to the wiretapping scandal. Police managed to identify the attacker and filed request for initiation of misdemeanor procedure for physical attack.

An unusual physical attack took place in April this year, when members of the patriotic association "Pere Toshev" from Prilep, close to the ruling party at that time, tried physically to attack the portal Plusinfo journalist,

⁶² Association of Journalists of Macedonia, "AJM: Not to report from violent protests", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3043>.

⁶³ Association of Journalists of Macedonia, "The attack on Belovski orchestrated by structures of the Ministry of Interior", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=2754>

Bozidar Barlakoski in the very center of the capital. The attackers chased Barlakoski⁶⁴ down the streets of Skopje, but he managed to escape them. Police has no information about this incident.

This year, two other journalists were physically attacked by people close to the opposition VMRO-DPMNE, while were reporting from the field.

In August, the journalist crew from the portal NOVA TV was physically attacked by member of the "Civic Initiative" which was against building refugee camps in Macedonia. Journalist Sashka Cvetkovska⁶⁵ was physically prevented from recording manner in which the members of this initiative collected signatures for referendum against the construction of refugee camps. The journalist explored the links between the alleged civil initiative and the mayor of Skopje's Municipality of Aerodrom, Ivica Konevski, who is member of the opposition VMRO-DPMNE. She found that behind the initiative for collecting signatures are municipal employees and teachers from municipal elementary schools who collected signatures during working hours and used school inventory. The following day, police identified the attacker and immediately summoned him to informative conversation at police station. There is no information what further measures were taken by the police.

A similar attack took place in June in the town of Shtip, where television crew from the 24 News TV station was prevented from recording construction work at the premises of the Shopping Center. The private safety from the Shopping Center used physical force against journalist Ivan Kamchev⁶⁶ in order to prevent him from reporting, the journalist receiving verbal threats and the camera was damaged. There is no information about police action.

In addition to the physical attacks, in the last year in Macedonia there were 7 verbal threats and insults to journalists. These attacks were coordinated by the previous ruling party, which in that period conducted fierce campaign against critical media and journalists, accusing them for betraying national interests. In the VMRO-DPMNE campaign, state and party officials joined forces and aggressively threatened journalists, even with death threats. In the two most serious verbal attacks, there were also explicit death threats, a reference to violence and hate speech.

In January, the Director of the Archives of Macedonia, Filip Petrovski⁶⁷ published speech message on Facebook, calling for final skirmish with the media funded by the Soros Foundation. This message is striking example of calling for lynch against critical journalists. In this context, Petrovski metaphorically referred to controversial figures from history who are known as assassins. By this, he implicitly sent message that journalists working in these media should be liquidated.

Even more direct death threats to journalists were sent by the actor and artistic director of the Macedonian National Theater in Skopje, Toni Mihajlovski⁶⁸. On his Facebook profile, he wrote post "without eye blinking" he could kill journalist Trichkovski, who was fierce critic of the VMRO-DPMNE government. AJM submitted to the Public Prosecutor's Office request for criminal prosecution of Mihajlovski for hate speech and calling for violence.

In recent verbal threats to journalists was attacked their physical integrity. In July, the Mayor of the Municipality Novo Selo Blazho Velkov⁶⁹, from VMRO-DPMNE, physically prevented the journalist crew from TV VIS from Strumica to report on the session of the Council of the Municipality, which hold discussion for the referendum against the opening of mine.

64 Association of Journalists of Macedonia, "Conviction for the attack on journalist Barakoski", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3195>

65 Association of Journalists of Macedonia, "Assault on the team of NOVA TV", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3678>.

66 Association of Journalists of Macedonia, "AJM condemns the attacks and threats against the journalists of 24 Vesti and Portalab", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3392>.

67 Association of Journalists of Macedonia, "Conviction for the verbal violence of the Government against journalists", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=2924>.

68 Association of Journalists of Macedonia, "Sharply condemning the death threats for Trichkovski", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3413>.

69 Association of Journalists of Macedonia, "AJM condemns the verbal assault over the journalists from TV VIS in the municipality of Novo Selo", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3592>

That month, similar incidents were triggered by activists from the government Albanian party DUI⁷⁰ in Skopje, Municipality of Chair. With verbal threats, they prevented television crew from TV Shenja to report on unsettled communal problems in the settlement Dukjandzik.

Former justice minister and activist from the government DUI in the Skopje municipality of Saraj, Blerim Bexheti⁷¹ in July, through third person sent verbal threats to the journalist from the Portabl, Elida Zilbehari, not to publish critical text on the party turmoil in his party.

A similar incident with journalists have been caused by former SDSM MP and activist Esad Rahich⁷², who in February issued open threat to journalists to be careful what they are writing for his brother, a drug trafficking suspect. Then Rahich warned that his family has many friends and cannot guarantee how they will react when they will meet on the street journalists who write unverified information about their friend.

In September last year, verbal threats by telephone were sent to the journalist from the portal Tetovo Sot, Rami Mislimi, by the Minister of Economy from DUI Bashkim Ahmeti.⁷³ The Minister became angry because the journalist published critical texts about his work.

A third form of endangering the safety of journalists in Macedonia are offences and humiliations directed at journalists by the various representatives of the government.

In March, the government at departure, at that time, VMRO-DPMNE conducted broad campaign against journalists and public figures in order to insult and intimidate them. Young people were organized in triplets, with divided roles among them, went to reporters' homes in order to intimidate and humiliate them by calling them traitors.

The most eloquent example of the patriotic trio unannounced "visit" was at the apartment of journalist Trichkovski,⁷⁴ where they tried to enter by force to convey message that he was traitor and should be ashamed of it.

The journalist, Borjan Jovanovski,⁷⁵ suffered in this campaign of intimidation the same week. He was intercepted in restaurant by three young people who first offended him in public, calling him traitor and then spitting in his face. On such brutal provocations, Jovanovski reacted humbly and avoided physical conflict. Regarding this incident, the police found violations against public order and peace. The applications were not submitted because the perpetrators were not identified, although the incident was recorded with mobile phone and released on the YouTube channel.

It has become a practice in Macedonia, for holders of high state functions to offend journalists. In October last year, Deputy Prime Minister for Economic Affairs Vladimir Peshevski,⁷⁶ after the press conference in the government, on which he presented the successes of his work, called the "prostitute" journalist from the daily newspaper Vest, because she posed uncomfortable question.

A similar incident was prompted by the president of the Judicial Council Zoran Karadzovski,⁷⁷ who in February this year, in statement to the media, assessed the journalists' reports about the distribution of judges from the Criminal Court in the Misdemeanor Court as theater profanities and labeled journalists as "self-called journalists". Due to this incident, AJM asked Karadzovski publicly to apologize to the journalists.

70 Association of Journalists of Macedonia, "Condemning the threats of DUI's sympathizers towards TV Shenja", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3573>

71 Association of Journalists of Macedonia, "AJM condemns the attacks and threats towards the journalists from 24 Vesti and Portalab", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3392>

72 Association of Journalists of Macedonia, "Condemnation of Rahic's threats against journalists", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=3026>

73 Association of Journalists of Macedonia, "Condemnation of the Minister Ahmeti's threats against the journalist Mislimi", Skopje, 2017, November 27, 2017: <http://znm.org.mk/?p=2679>

74 "The youth to Trichkovski: What a shame, you are traitor!", YouTube, Last modified on March 1, 2017, <https://www.youtube.com/watch?v=4L6glPy4PNI>

75 "Attack on Borjan Jovanovski", YouTube, Last modified on March 2, 2017: https://www.youtube.com/watch?v=p-Gp0FWNW_4

76 Association of Journalists of Macedonia, "Peshevski either you should resign or you should be dismissed", Skopje, 2016, November 27, 2017: <http://znm.org.mk/?p=2776>

77 Defoe Daniel, "Karadzovski: SP is infantile, journalists are biased", Zhurnal.Net, February 1, 2017. Accessed on November 29, 2017: <http://zurnal.net/?tag=%D0%B7%D0%BE%D1%80%D0%B0%D0%BD%D0%A1%D0%B0%D1%80%D0%B0%D0%B8>

C.2. Do state institutions and political actors take responsibility for protecting journalists?

In July this year, the Ministry of Internal Affairs submitted report on the attacks on journalists in the past five years, following written request by the AJM. According to this report, in the last five years, the police registered total 44 attacks, 28 of them in Skopje, 14 in Ohrid and two in Strumica. Out of the 44 attacks, the police managed to settle 10, for which five criminal and five misdemeanor charges were filed. Three criminal charges were filed for violence, while one, for serious bodily injuries and one for extortion. Two of the misdemeanor charges relate to fight, and one for misdemeanor for physical assault, indecent behavior and drunkenness.

The Ministry of Interior has not acted upon 21 attacks against journalists because 16 of attacks for which the AJM publicly acted were not reported to the police, and five cases were reported, but the police claimed that the journalists did not provide enough data for the MIA to take measures.

From the submitted data, the greatest attention is drawn by 18 incidents that occurred in Ohrid in the past five years against the owner of the web portal, Sasho Denesovski. He was subjected to various forms of threats, attacks, and pressures for four years. The most serious attack took place in 2014, when he was physically attacked in order to extort money, and in 2015, when he was physically attacked by unknown persons with metal rods and was severely injured on the head and hands area. For this attack, the MOI filed criminal charges against unknown perpetrator.

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

The first tragic event occurred in 2008, when journalist Vlado Tanevski, suspected of series of murders in Kichevo, reportedly committed suicide in the Tetovo prison⁷⁸. According to the autopsy report, he committed suicide in prison cell drowning him in bucket of water. This autopsy report initiated public outcry, due to the illogical explanation of how a person could drown in bucket, but official responses to this controversial event did not exist either from the Association of Journalists at that time or from the opposition.

⁷⁸ "How he managed to drown in a bucket", Večer, June 24, 2008. Accessed on November 27, 2017: <http://vecer.mk/kako-uspeal-da-se-udavi-vo-kofa>.

The second tragic incident occurred in 2013, when the journalist and owner of the independent weekly magazine Fokus Nikola Mladenov⁷⁹ died in car accident near Skopje. The official investigation found that it was car accident and denied the public's suspicions that it was murder.⁸⁰ The opposition at that time, SDSM cast doubt on the reliability of the official investigation and published information that the cause of Mladenov's death was supposedly not accident.⁸¹ In addition, the AJM then requested independent investigation in order to determine exactly under what circumstances the journalist died.

Last year, the Association of Journalists of Macedonia was subject to verbal attack by the previous ruling party VMRO-DPMNE. This year, in public announcement⁸² the party attacked the AJM for false allegations that it works in the interest of the opposition SDSM and the Soros Foundation. Naser Selmani, the president of AJM, was often targeted by the attacks of the previous government. In public announcement from March this year,⁸³ VMRO-DPMNE accused Selmani for lying and manipulating the public when he claims that the government is behind the attacks against journalists.

Similar public attacks⁸⁴ on the account of AJM and its president, VMRO-DPMNE addressed publicly in the previous period in order to demolish the reputation and credibility of the Association before the journalists and public. This aggressive negative campaign of the previous government against the AJM was widely supported by the pro-government media,⁸⁵ which even carried false allegations of the alleged involvement of the Association in money laundering, which have never been proven.

⁷⁹ "Famous journalist Nikola Mladenov was killed in car accident", Mkd.mk, March 27, 2013, Accessed November 27, 2017: <https://www.mkd.mk/crna-hronika/poznatiot-novinar-nikola-mladenov-zagina-vo-comeback-accidents>

⁸⁰ "The prosecution concluded - the Mladenov case as accident" 24 News, July 10, 2013, November 27, 2017: <http://24vesti.mk/obvinitelstvoto-go-zatvori-slučajot-mladenov-kako-nesrečka>

⁸¹ "Opposition with shocking data on Mladenov's death", Faktor, May 7, 2015. Accessed on November 27, 2017: <http://vesti.mk/read/news/5365517/2029572/opozicija-ta-so-shokantni-podatoci-za-death-on-nikola-youth>

⁸² VMRO-DPMNE, "AJM uses completely the same rhetoric and the same false accusations as SDSM / Soros", Skopje: 2017, November 28, 2017: <https://vmro-dpmne.org.mk/pres-centar/soopshtenija/znm-you-use-complete-istata-rhetoric-and-istite-lazhni-suppression-how-and>

⁸³ VMRO-DPMNE, "Naser Selmani lied and manipulated by linking VMRO-DPMNE with the attack on journalists", Skopje: 2017, November 28, 2017: <https://vmro-dpmne.org.mk/pres-centar/soopshtenija/naser-Selmani-lazhe-and-manipulate-conveying-go-vmro-dpmne-so-attack-on>

⁸⁴ VMRO-DPMNE, "Naser Selmani obviously intends only to promote inter-ethnic intolerance with his views", Skopje: 2014, received on November 29, 2017: <https://vmro-dpmne.org.mk/node/2972>

⁸⁵ "Latas: Let's publicly announce our income so we can see who is mercenary", Press24.MK, (DATUM), 2013. Accessed on November 27, 2017: <http://press24.mk/latas-ajde-da-gi-publications-public-nashite-receipts-and-yes-vidime-which-e-platen>.

C.3. Does the criminal and civil judicial system effectively deal with threats and violence against journalists?

State institutions and political actors in Macedonia do not take the responsibility to ensure the safety of journalists. The very fact that so far, no attack on journalist has been fully clarified, and no attacker has been punished, speaks about the real attitude of the government and politicians towards the emergence of violence against journalists. Even more worrying is the fact that most of the attacks on journalists came precisely from representatives of the government or from their supporters.

The attitude of the institutions and politicians towards the safety of journalists in a positive sense has changed with the change of government. The previous government of VMRO-DPMNE, which in April this year turned into opposition, not only failed to take responsibility for the safety of journalists, but also was the main inspirer for violence against journalists. For 11 years of their ruling in Macedonia, a policy of non-punishment of violence against journalists has been established. The last year, out of 18 different types of attacks against journalists, 17 were caused by state and party officials from VMRO-DPMNE and government officials from DUI. In only one case, former MP and activist of SDSM sent verbal threat towards journalists.

The previous government was deaf to all calls from the Journalists Association to stop violence against colleagues. Most often, state institutions ignored the requirements of AJM for information regarding the investigations against the attackers of journalists, and in exceptional situations were given answers that practically denied the incidents i.e. as they had not happened at all, or that the police failed to find out exactly what has happened.

The change in the attitude of institutions towards the safety of journalists began at the time of the technical government in 2016, which was due to planned early elections. At that time, the technical interior minister from the DUI Agim Nuhii⁸⁶ showed willingness to hear the remarks from AJM and to engage in the elimination of all attacks against journalists. Nuhii visited the AJM in March this year, informing that the police managed to identify the attacker of the A1N journalists and filed criminal charges for violence.

A more serious dialogue between the AJM and the police took place after the election of the new government in June this year. New Interior Minister Oliver Spasovski⁸⁷ has prepared full report on all

attacks against journalists, from which it is learned that the number of attacks is greater than the AJM records. It shows that some of the journalists reported the attacks only to the police and did not want to share it with the public and AJM.

However, the MOI's report did not contain the names of the attacked journalists, but the cases were noted with their initials. Therefore, AJM sent new request to the police for additional information on the attacks in order to be compared with our registry. The new data were submitted in mid-September, with the police instructing the AJM to forward further information to the Public Prosecutor's Office.

Unfortunately, in Macedonia, state institutions have not yet developed specific policies that would help increase the safety of journalists. Even in state institutions responsible for monitoring the safety situation of journalists, such as police, prosecutors and the judiciary, there are no specific institutional mechanisms for monitoring and reporting threats, intimidation, and violence against journalists.

At the last meeting with Interior Minister Spasovski, which took place in July this year, the possibility for police to keep special register for attacks on journalists was discussed. AJM provided form by which police in the future would separately record attacks against journalists. However, so far, the Ministry of Internal Affairs has not responded that they started to maintain such special register for attacks on journalists.

In order to make the situation even worse, the courts and the prosecutor's office cannot get any information about the cases that police provide for attacks against journalists. For the needs of this research, official request was submitted to the Basic Court 1 in Skopje and the Public Prosecutor's Office in Skopje to submit data on all cases in relation to the attacks against journalists. Instead of answering the data, was sent a letter explaining that such information cannot be submitted to AJM, because in the electronic system the objects were marked with numbers, not with names, so that they cannot separate cases that are referring to attacks on journalists.

The attacks on journalists in Macedonia are only registered by the Association of Journalists of Macedonia, which for this purpose maintains special register. State institutions have never published data on the safety of journalists on their own initiative. In addition, they have been closed so far and most often did not want to provide information to AJM on this issue.

Regarding the previous cases, the police filed charges with the Prosecution in the last year, but from there it is impossible to obtain information in which stage are these cases and whether they are being processed.

⁸⁶ Association of Journalists of Macedonia, "AJM demands punishment of violence against journalists", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3119>.

⁸⁷ Association of Journalists of Macedonia, "MOI with findings on the attack on the journalists from A1 On", Skopje, 2017, accessed November 27, 2017: <http://znm.org.mk/?p=3587>.

Attacks on journalists have not yet been recognized by the government as attack on freedom of speech and human rights. Although AJM encouraged government officials publicly to condemn attacks on journalists, only Prime Minister Zoran Zaev⁸⁸ has publicly stated that violence against journalists is unacceptable. Political parties⁸⁹ rarely condemn acts of endangering the safety of journalists.

So far, the institutions have not adopted specific documents with directions how the police and the army should act towards journalists and the media, in which they would warn that intimidation, threats and physical attacks against journalists are forbidden.

In 2008, the OSCE prepared Manual on Democratic Policing,⁹⁰ where in one chapter was briefly addressed the issue of the police's attitude towards the media. In this part, among other things, is emphasized the importance of training of police officers regarding the work of the media. However, so far no information has been if such trainings have been held or that there are internal procedures that regulate the relationship of police officers with journalists and prohibit intimidation, threats, and physical attacks.

AJM had almost no communication with the previous government of VMRO-DPMNE, because the government and party officials from this party constantly refused to meet with the AJM leadership and to discuss the problems of the journalists. The only reason for the lack of communication was the criticism that the Association addressed towards the ruling party due to the bad media policies that led Macedonia to fall to the bottom of the freedom of speech index in Europe and the world.

The new government shows greater interest in cooperating with the AJM in order to overcome the problems of journalists. The most important thing is that the new government punishes thugs who attacked journalist as basic prerequisite for providing favorable ambience for their smooth work.

New Interior Minister Oliver Spasovski showed more initiative quickly to clarify new attacks on journalists, quickly identify attackers, and bring charges to the Prosecution. In addition, the representatives of the AJM are informed on the results from the investigations. If such good cooperation with the new government continues, it will discourage the attackers of journalists that any violence against them will be severely punished.

The criminal and legal system in Macedonia does not effectively handle the threats and acts of violence against journalists. The fact that out of 50 different attacks on journalists, there is no court decree for any of the cases, no attacker has been punished, shows the indolent attitude of the institutions towards this problem. In the institutions, there are no separate departments responsible for investigating, prosecuting, and protecting the safety of journalists. There are no special procedures applied to deal with such violence that is directed against freedom of speech and freedom of the media.

There are no separate means for conducting investigations on threats and attacks against journalists, nor to take serious measures as response to those attacks. The police do not investigate almost half of the attacks on journalists, as they were not reported, although the media reported regularly, and the AJM has repeatedly reacted. Moreover, the police did not take ten percent of the reported incidents into account because allegedly the journalists did not provide enough data for further investigation.

For the last five years, only in one occasion the MOI informed the Public Prosecutor about serious threat to the life of a journalist. In one case, AJM publicly called the police for endangering the safety of journalists, who were exposed to aggressive hunt by pro-governmental media that tarnished journalists as traitors and collaborators of foreign intelligence services. No institution has notified the AJM or the journalists themselves about the measures taken to ensure their safety.

The Macedonian authorities are unable effectively to prosecute the attackers of journalists, and for prosecution of the attackers and organizers we cannot even talk about it. For more than 50 attacks on journalists, there is not one instigator or organizer in the dock, because most of the attacks involved senior government officials or their close people. Unfortunately, some of the attacks on journalists directly involved members of the police, who as rule should protect journalists. The state did not provide any training for members of the police, prosecutors, lawyers, and judges on the importance of protecting freedom of speech and journalists.

88 "(VIDEO) ZAEV: Të dënohen kërcënuesit e ekipit të tv shenja-sroze.cf, 2017". Shenja, June 19, 2017. Accessed on November 30, 2017: <http://fax.al/read/news/10870778/15433323/zav-te-denohen-kercenuesit-e-ekipite-te-tv-shenja-s>.

89 "Partitë politike kërkohjnë përgjegjësi për kërcënuesit e TV SHENJA". ALMAKOS, July 20, 2017. Accessed on November 29, 2017: <http://www.almakos.com/video-partite-politike-kerkojne-pergjegjesi-per-kercenuesit-e-tv-shenja>

90 OSCE, Handbook for Democratic Police Operations by the Senior Police Advisor to the OSCE Secretary General, Vienna: 2008. Accessed on November 29, 2017: <http://www.osce.org/mk/secretariat/109907?download=true>.

Appendix

List of interviewed persons

1. Snezhana Trpevska, interview with AJM team member, July 2017.
 2. Darko Chekerovski, interview with AJM team member, July 2107.
 3. Zoran Fidanoski, interview with AJM team member, July 2017.
 4. Journalist who wants to remain anonymous, interview with AJM team member, July 2017.
 5. Mladen Chadikovski, interview with AJM team member, July 2017.
 6. Ivan Bojadziski, interview with AJM team member, July 2017.
 7. Tamara Chausidis, interview with AJM team member, July 2017.
 8. Journalist who wants to remain anonymous, interview with AJM team member, July 2017.
 9. Journalist who wants to remain anonymous, interview with AJM team member, July 2017.
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