

## **Summary of the Media Situation in Macedonia**

*July 2014, Macedonia, Skopje*

*Association of Journalists of Macedonia*

### **INTRODUCTION**

Freedom of expression and media are seriously undermined in Macedonia. The EU and the US State Department, the UN Special Rapporteur on freedom of opinion and expression<sup>1</sup>, as well as renowned non-governmental organisations like Freedom House<sup>2</sup> and Reporters Without Borders<sup>3</sup>, have all called attention to the decline of media freedom in the country. The challenges most often highlighted, include: detained journalists, restrictive new media legislation, the government's intrusion in media market through large advertising campaigns, lack of transparent ownership, and the polarization of the media along lines of political and business affiliation. In light of this, freedom of the media and freedom of speech have been endangered. Being the primary voice of journalists in the country, during the past years the Association of Journalists of Macedonia has been very actively involved in the analysis of the situation of media freedom and its portrayal in the international and domestic public opinion and political circles. In the past three years the problems in the media being identified by AJM and other international non-governmental and political organizations are divided in few sections:

### **I. GOVERNMENTAL CAMPAIGNS AND ADVERTISERS**

The media business in Macedonia has been increasingly under attack over the past few years. Macedonia has almost 200 media outlets, but unfortunately, that does not make the situation better. They all compete in a small, distorted market, covering just around 2 million citizens, where they cannot survive financially unless they align their interests with the governing parties and politically connected large businesses. Apart from the public broadcaster (MTV), the vast majority of the country's press is in private hands. However, the government comes out top among the 50 largest advertisers in the country in 2012 and in 2013 is on the first place<sup>4</sup> with twice more campaigns in the private media than the larger local mobile operator T-Mobile. The latest European Commission report<sup>5</sup> raised this as a serious concern, and the DG Enlargement report of June 2013 says that at least 1% of the annual national budget (20 million Euros) is invested in media outlets through government campaigns and advertising. This highlights the authorities' huge influence in the media sphere. Bearing in mind that there are no criteria for how

<sup>1</sup> UN Document A/HRC/26/30/Add.2, 1 April 2014; Paragraphs 101.72-101.86, Report of the Working Group on the Universal Periodic Review, The former Yugoslav Republic of Macedonia, UN Document A/HRC/26/10, 26 March 2014

<sup>2</sup> Consequently the country is placed in the "partly free countries" on the world map and this is also case for 2014 <http://www.freedomhouse.org/sites/default/files/MapofFreedom2014.pdf>

<sup>3</sup> 2013 Worlds Press Freedom Index by Reporters Without Borders is placing Macedonia on 116th place (drop down of 84 places in 4 years) <http://en.rsf.org/press-freedom-index-2013,1054.html>

<sup>4</sup> The Government is the biggest advertiser in 2013 in private media outlets / source: Agency for Media Report as of March 2014 / Report of the First Public Meeting [http://www.avmu.mk/index.php?option=com\\_content&view=article&id=1246%3Ajaven-povik&catid=94%3A2013-03-04-09-53-19&Itemid=427&lang=mk](http://www.avmu.mk/index.php?option=com_content&view=article&id=1246%3Ajaven-povik&catid=94%3A2013-03-04-09-53-19&Itemid=427&lang=mk)

<sup>5</sup> [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/brochures/the\\_former\\_yugoslav\\_republic\\_of\\_macedonia\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/the_former_yugoslav_republic_of_macedonia_2013.pdf)

to distribute these funds, “governmental friendly” media outlets are favored over others. Professionals are fired and people with personal integrity are replaced by obedient mouthpieces, while a huge number of journalists are living in professional insecurity. Behind the veil of “economic reasons”, critical media is vanishing.

## **II. MEDIA LEGISLATION**

In April 2013 the government announced a draft media law, which had the potential to further negatively affect media independence and freedom of expression. In response AJM organized numerous public debates in Skopje and other cities engaging more than 300 journalists and as a result of this few assessments were given to the authorities. In addition, OSCE HR for Media and Freedom of expression, based in Vienna Office, the Council of Europe and several other international media organization published their assessments of the draft along with recommendations that were in line with the ones of AJM. In June 2013, the first draft had been redrafted into two separate laws one referring on the audiovisual media services and the other as a general media law. The s of highest concern were: the initiative to introduce a single regulator for all types of media and the assignment of a very powerful role for this regulator; issues concerning political independence; sustainable financing and high and disproportionate fines for the media, as well as the messy attempt to adopt definition of a journalist.

The draft laws as such in September in 2013 were submitted by the Ministry of Information Society and Administration to the Parliament but for more than three months there was no political consensus in the Parliament so the laws were put on hold. In December 2013 AJM and the Ministry had a partial agreement on the main concerns regarding the laws. Immediately after this, the laws were passed by the Parliament on 25<sup>th</sup> of December 2013, the versions as of August 2013 but the Minister had a public pledge that agreed issues with AJM will be incorporated as soon as possible. Consequently, on 22<sup>nd</sup> January 2014 the Parliament voted new laws<sup>6</sup> for modifying and changing of the ones voted one month earlier including the agreed issues with AJM. According to this, the internet media are completely exempt from the media laws, AJM has a representative in the Agency for Media, any restrictions on media content should be consistent with the practice of the European Court of Human Rights and obligations are reduced to the print media. In addition, in the law has been incorporated a provision emphasizes that the purpose of the law is to promote freedom of expression and media freedom. However the concerning issues still remain and these are referring to: **1. Lack of independence of the Public Broadcasting Service (MRT) and the media regulator (Agency of Media), 2.No need of regulation of print media, 3. Necessity of regulation of the governing governmental campaigns, 4.Excluding the provided financial support to national broadcasters in the new laws 5.Deleting the definition of a journalist and 6. Changing the part that referrers to high penalty provisions;**

In the begging of July 2014 the Law on Audio and Audiovisual Media Service the Ministry for Information Society and Administration proposed amendments to the Parliament that were drafted with any prior consultation from the local civil society organizations nor any other relevant stakeholders. The Law was passed immediately by the Parliament and with the changes the

<sup>6</sup> Official translation of the laws are available on the web page of the Agency of Media [http://www.avmu.mk/index.php?option=com\\_content&view=article&id=1179:2014-01-24-10-04-15&catid=151:2014-01-15-12-02-11&Itemid=456&lang=en](http://www.avmu.mk/index.php?option=com_content&view=article&id=1179:2014-01-24-10-04-15&catid=151:2014-01-15-12-02-11&Itemid=456&lang=en)

Association of Journalists of Macedonia will have 1 seat instead of 2 seats within the Programme Council of MRT and in addition 39.000 socially disadvantage households are exempt of paying the Broadcasting fee, a measure that is worsening the financial independence of the public broadcaster.

### **III. COURT PRACTICE REGARDING MEDIA CASES**

After a year of lobbying by AJM as of November 2012 Macedonia has decriminalized the slander and insult and adopted a new civil law in line with the recommendations of OSCE. Before the decriminalization there were 350 active cases of journalists where mainly the plaintiffs were politicians and businessmen and this was encouraging self-censorship in the sector. After adoption of the Law on Civil Liability of Defamation and Insult there are some positive developments such as the revocation of 700 cases. Several cases were finished by the court where journalists were released from accusation where judges were calling upon the court practice from the European Court for Human Rights in Strasbourg. Though, concerns remains because there is no accurate information about the number of the cases of defamation and slander which are referring to journalists; Most recent official information is 61 cases in which journalists or media outlets have been sued for defamation and offence by individuals and legal entities, politicians, other journalists<sup>7</sup>. In January 2014 the first convicting law suit was brought by the Primary Civil Court in Skopje about the case of weekly “Fokus” on a low suit submitted by the Director of Office for Security and Counter Intelligence where the non pecuniary fine for the editor was 5000 Eur and for the journalist 1000 Eur. In total, the fines and administrative obligations for the weekly “Fokus” are more than 9000 EUR<sup>8</sup>. This case was appealed by the defendants to the Appellate Court but there is still no decision.

In October 2013 Macedonia became the only country in South-East Europe with imprisoned journalist. **Tomislav Kezarovski**, from the daily “Nova Makedonija”, was sentenced to four and a half years of prison<sup>9</sup> for allegedly revealing the identity of a protected witness in a murder trial published in a journalistic text back in 2008. Prior the sentence, Kezarovski was detained at the detention center in Skopje for six month as of May 2013 to November 2013. AJM and the Trade Union of Macedonian Journalists and Media Workers (SSNM) organised two protests in front of court in Skopje and conduct activities that raised the issue in the international media community. Currently, Kezarovski is at home custody and as in the prior case an appeal by the attorney of AJM is submitted to the Appellate Court but there is still no decision.

While Kezarovski was granted house arrest in Skopje, at the same period arrest of another journalist, Zoran Bozinovski took place in Serbia. Bozinovski, who was wanted by Macedonian police, was arrested in Novi Sad in Serbia and now faces extradition. The freelance journalist is among 20 people that Macedonian authorities accuse of being part of a high-profile spy ring that worked for an unnamed neighboring government. On September 17<sup>th</sup> 2013, the court in Skopje ordered detention for Bozinovski in absentia. Bozinovski is well known for his political blog, Burevesnik, which is critical of the government. On 10<sup>th</sup> of April 2014 Bozinovski started a strike

<sup>7</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Frank La Rue Paragraph 27 / A/HRC/26/30/Add.5 / respond from the Government of Macedonia

<sup>8</sup> <http://www.znm.org.mk/drupal-7.7/en/node/724>

<sup>9</sup> <http://www.balkaninsight.com/en/article/macedonia-jails-journalist-tomislav-kezarovski>

with hunger and thirst which was lasting for five days. In July 2014 the Serbian Court has prolonged the measure of detention for additional two months at the detention center of Novi Sad.

#### **IV. CASE OF 24TH OF DECEMBER 2012**

One of the most striking example of the situation Macedonian media finds itself in, took place on 24 December in 2012. Journalists reporting on the parliamentary session were expelled from Parliament by security forces<sup>10</sup> without any reasonable explanation. The Association of Journalists of Macedonia (AJM) used all available legal measures to fight this, but so far no public official has been held liable for this breach of Article 16 of the national Constitution, which guarantees citizens the right to objective information. This case left a negative mark on the press freedom in the country on global level and seized the Institutional Dialogue form improving the situation in the media among journalists and the Government that was championed by the Association of Journalists of Macedonia.

The Constitutional Court in Skopje in April 2014 brought a Decision to reject the request of the Association of Journalists to protect the freedoms and rights of the Macedonian Constitution relating to freedom of public expression<sup>11</sup>. The request was submitted by AJM in February 2013 and this was the last national legal remedy and the next step is a submission of an appeal to the Court in Strasbourg for the case of 24<sup>th</sup> of December 2012.

#### **V. OBSTRUCTING THE WORK OF THE JOURNALISTS IN MACEDONIA**

- Many journalists in the media cannot rely on any of the basic rights guaranteed by the Labor Law<sup>12</sup>. Journalists often are working without contracts, insurance, paid vacation, overtime hours and sick leave, and minimum wage is not regulated. The journalists themselves are barely educated about what a union is and how they can organise through it,
- In the face of fierce criticism from AJM, the government has reestablished a new association of journalists named Macedonian Journalists Association, designed not only to diminish critics and open confrontation but also to impose artificial support for the newly adopted media laws<sup>13</sup>. The other role of this is to undermine the role of AJM in the society and to affect its credibility because the authorities obviously have problems to publicly argue with the critics of AJM. This attempt has the purpose to create fake impression in the public that for the bad situation in the media sector is the division between the journalists and not the wrong politics imposed in this sector by the Government,
- In 2014 several incidents with journalists who are covering protests occurred and so far the authorities did not managed to resolve it. For example, in May while journalists from weekly "Fokus", "Radio Free Europe" and on-line TV "novatv.mk" claimed that members

<sup>10</sup><http://globalvoicesonline.org/2012/12/25/journalists-opposition-thrown-out-of-macedonian-parliament-amid-street-protests/>

<sup>11</sup>

<http://www.ustavensud.mk/domino/WEBSUD.nsf/ffc0feee91d7bd9ac1256d280038c474/433e10d9d74747b5c1257cd00024d23a?OpenDocument&Highlight=2,%D0%BD%D0%BE%D0%B2%D0%B8%D0%BD%D0%B0%D1%80%D0%B8>

<sup>12</sup> Research of the Independent Union of Journalists and Media Workers <http://ssnm.org.mk/niskite-granki-na-makedonskoto-novin/>

<sup>13</sup> PRESS Statement: Public officials are pushing for membership in MAN <http://www.znm.org.mk/drupal-7.7/en/node/647>



of the Ministry of Interior erased their video recordings from the events. The Ministry has rejected the appeal from the journalists and failed to identify the police officer who imposed to the journalists to delete the audio content<sup>14</sup>; other negative example that happened in early July is the arrestment from the protests in Skopje the journalist Besim Ibrahim from daily “Lajm” who was later detained for 24 hours; currently is under investigation and charged by the prosecutor for criminal offence – participation in crowd; for this case local and international journalistic associations were vocal in the public<sup>1516</sup>. Other example that demonstrates impunity is a physical attack over journalistic teams while covering the protests caught and broadcasted by a national television for which the Ministry of Interior did not took measures with the explanation that such events were not reported<sup>17</sup>. This case and other similar prior cases were later reported to the Ministry however for the moment the cases are still not resolved. For some of the cases the Ministry has submitted charges to the Prosecutor but currently none of the cases has a court end.

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The Association of Journalists of Macedonia (AJM) is an independent, non-governmental and non-political party organization whose purpose is to be the protector and promoter of professional standards and freedom of expression.

AJM was founded in 1946 and it is member of the International Federation of Journalists (IFJ) and the European Federation of Journalists (EFJ).

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<sup>14</sup> Official statement issued by the Sector for Internal Control of the Ministry of Interior of Macedonia <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=13534&mid=1367&tabId=358&tabindex=0>

<sup>15</sup> Press statement of the International Federation of Journalists: Macedonia Must Secure Journalists Working Conditions <http://www.ifj.org/nc/news-single-view/backpid/34/article/macedonia-must-secure-journalists-working-conditions/>

<sup>16</sup> Reaction of AJM: <http://www.znm.org.mk/drupal-7.7/en/node/773>

<sup>17</sup> Video of the incident broadcasted by TV Telma <http://telma.com.mk/vesti/so-kamenja-kon-policijata-i-sudskata-zgrada>