

Bad Practices, Bad Faith: Soft Censorship in Macedonia



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NOTE ON REPORT RESEARCH AND METHODOLOGY

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Soft Censorship in Macedonia: Bad Practices, Bad Faith, is one of a series in the ongoing project on soft censorship around the world. Country reports on Hungary, Malaysia, Mexico, Montenegro and Serbia were issued in 2013-15, as well as a global overview, *Soft Censorship, Hard Impact*, written by Thomas R Lansner, who also edited this report and is general editor for the series.

Table of Contents

- 1. Executive Summary 5
- 2. Key Findings..... 7
- 3. Key Recommendations 8
- 4. Macedonia’s Media Landscape 9
- 5. Soft Censorship and the Erosion of
Media Freedom in Macedonia..... 10
- 6. Advertising, Subsidies and Influence 12
- 7. Media Ownership Structures:
Connections to Political Power 16
- 8. Lack of Transparency, Defamation Suits and
Surveillance: Reinforcing Soft Censorship..... 17
- The Law on Media and Audio Visual Services and the Law on Media..... 17
- Defamation Suits 18
- Unauthorized Surveillance 19
- 9. Conclusion 21
- ANNEX 22
- List of Interviewees 22
- Endnotes 23

1. Executive Summary

In Macedonia today, official financial incentives and pointedly partisan influence have resulted in “media capture” by the state, diminishing the industry’s professionalism and credibility, and curtailing its rightful role in fostering democratic development by providing impartial information and a venue for public discussion and debate.

A principal challenge to independent journalism is the symbiotic relationship between the ruling party and many media outlets and their owners. Examples on both the national and local level are described in this report. Government-friendly outlets are bolstered by various means, particularly non-transparent allocation of advertising and other official funds, generating an environment where partisan political and business interests set media agendas and directly shape reporting.

Many respondents among the journalists and media experts in Macedonia interviewed for this report raised similar issues that make clear the strong grip soft censorship exerts on the country’s media. A variety of soft censorship mechanisms used to silence or pressure journalists are described, and actions to counter them suggested.

Soft censorship is facilitated through opaque and poorly regulated allocation of state advertising, self-censorship, repressive and misused legislation, lack of transparency in media ownership, and ownership connected to political parties and factions.

The financial realities of Macedonia’s media market force many media outlets to depend on state advertising to remain financially viable. The absence of transparency in state advertising raises serious concerns. Media outlets critical of government policies are denied access to most state advertising or support, putting them at a

distinct disadvantage, and even threatening their survival, in the country’s small media market.

Soft censorship provides politicians and high-ranking officials simple but relatively subtle tools to pressure journalists in often less than obvious ways. In Macedonia, this affects both the content and tone of much media reporting. There is a dearth of unbiased reporting on activities of the government and state institutions, corruption, issues of civic interest, and alleged ties between politics, business and media. There is also little coverage given to the fact that laws modeled on EU standards are often quickly adopted, but remain largely unimplemented.

Soft censorship is also practiced through ownership structures. There are clear connections between politicians and owners of many media outlets. Some have strong links to a particular political party that plainly informs editorial policies and everyday reporting. This nexus between politics and media is especially visible in the output of the state-owned public broadcaster, which has been reduced to little more than a mouthpiece for the ruling party.

Further challenges rise from low wages and a chaotic labour market for media practitioners. Many journalists cannot survive on their monthly salary, and must seek other employment or sources of compensation. Some media houses operate at least partially in the “black” economy. Journalists are sometimes paid only part of their salary on the books—with taxes and social security paid—with further compensation not officially recorded.

Macedonian journalists also face verbal threats¹³ and physical assaults,¹⁴ which have increased along with political and inter-ethnic violence in the first months of 2015. Unsolved cases of physical attacks remain highly

problematic for media freedom. While not a form of soft censorship, such intimidation has a chilling effect on media freedom that engenders self-censorship and makes soft censorship easier to effect. More details of such attacks and threats may be found on the SEEMO website.¹⁵

In addition, many journalists have had criminal or civil cases filed against them, while others have been accused by media close to government of having served as intelligence services informants. The long-running unauthorized surveillance of journalists by the secret police, revealed by opposition leader Zoran Zaev, has caused both a political crisis and media controversy in the country. All this contributes to a growing atmosphere of caution and self-censorship among Macedonian journalists.

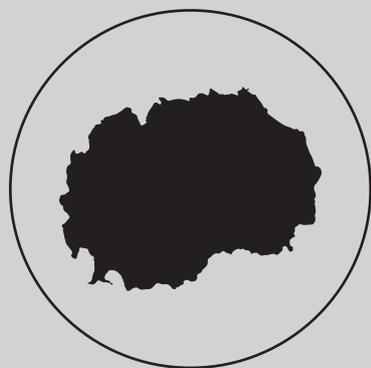
The European Commission and other relevant bodies have praised Macedonia for

gains in developing some of its democratic institutions.¹⁶ The country's media, however, are headed in the wrong direction. The country's democratic future will not be sustainable absent the bedrock of a free and independent media that offers citizens unbiased information about—and a voice in—their country's affairs.

Many problems facing Macedonia's media are structural. This deeply rooted situation requires systemic change that can be realized only through the genuine commitment of government, business, and media practitioners.

The Macedonian Government must now work in good faith to allow and facilitate the growth of diverse and vibrant media—and external institutions encouraging reform and providing aid should insist that this be a key element in the country's democratic progress.

Country profile



Republic of Macedonia (Constitution) / Former Yugoslav Republic of Macedonia (UN)²	
Country Data	2014/2015
Total population	2.1 million (2014) ³
GDP	2.6 % (2015) ⁴
Unemployment	262,140 (2015) ⁵
Adult literacy rate	97.4 % (2011) ⁶
Internet users	68.06 % (2014) ⁷
Fixed-telephone subscribers	261,419 (2013) ⁸
Mobile-cellular subscribers (SIM cards)	278,786 (2013) ⁹
Corruption perceptions score (rank)	64 (2014) ¹⁰
Freedom House rating	Partly Free
Reporters without Borders (rank)	117 (2015) ¹¹
IREX MSI Overall Country Score	1.72 (2015) ¹²

Sources: Macedonia Statistical Office, ITU, IREX, Ministry of Information Society and Administration, Transparency International

2. Key Findings

1. State funding of media is unregulated and not transparent. State-based media funding, advertising, campaigns, and subsidised projects are used as soft censorship tools to influence media output, and appears based on the political leanings of media outlets, and their owners. This is often in the form of “positive coverage” about powerful politicians.
.....
2. Media that do not receive substantial state funding suffer serious competitive disadvantages, and often face serious financial problems. Pro-government media outlets are awarded state subsidised projects denied to critical media, which usually rely on small commercial advertising contracts and grants from international media support groups, foundations, and foreign governments.
.....
3. Serious challenges to media independence are also found in municipalities and cities, whose media outlets receive funding from local governments or support from companies close to the ruling parties. Their reporting is seldom critical and often ignores local issues.
.....
4. Current legislation allows for improper state influence on journalists and editors. Under the Law on Media and Audio Visual Services, broadcasters can be selectively penalized for subjectively defined “inappropriate content” through sizeable fines that can threaten their survival.
.....
5. Financial support from independent watchdog organizations and other civil society groups is today crucial to the survival of many of Macedonia’s independent media outlets and supports many impartial reporters and investigative journalists, although this is not a sustainable business model.
.....
6. Professional and ethical standards in Macedonian media are broadly deficient. Hate speech by political officials is often uncritically reported, and sometimes expressed by media practitioners themselves. Media may thus exacerbate political and ethnic tensions in the country.
.....

3. Key Recommendations

1. The existence of soft censorship must be plainly recognized to fight against it. Close monitoring and open reporting of relations between national and local governments and media are baseline requirements for development of free and independent media in Macedonia.
2. All state funding for media outlets, including advertising, grants and other subsidies, should be entirely transparent and allocated through fair processes supervised by independent bodies and institutions.
3. The state-controlled public radio and television company Macedonian Radio Television (MRT) must be transformed into an independent and professional public broadcaster. Members of its Programme Council should be skilled professionals nominated by credible organisations. Their selection should be transparent, and all information about their credentials and financial interests disclosed.
4. The State Audit Office must enhance its capacity to monitor and report on all state funding for media. Revenues and expenditures related to such funding must be transparent, and penalties imposed for non-disclosure.
5. The now largely powerless Agency for Audio and Audiovisual Media should become a fully capable and independent regulatory body. It should publish yearly reports detailing ownership of companies that have interests in print, audio-visual and online media outlets to facilitate better watchdog and monitoring efforts.
6. Critical restrictions on media freedoms introduced by the 2013 Law on Media and Audiovisual Services must be repealed.
7. Amendments to the election law made in 2014 that allow media to donate to political parties should be repealed.
8. The labour market for journalists must be better regulated. The Trade Union of Macedonian Journalists and Media Workers (SSNM) should research and suggest media worker salary guidelines, including a minimum wage. The SSNM should work with the Association of Journalists, media practitioners and media companies to promote and enforce laws and regulations that improve access to labour rights for journalists.
9. The Trade Union of Macedonian Journalists and Media Workers (SSNM), Association of Journalists of Macedonia (ZNM), Media Ethics Council, as well as other media associations, media practitioners and media companies should collaborate to raise professional and ethical standards in Macedonian media, including efforts toward media self-regulation.
10. The international community should increase funding for independent watchdog organizations and civil society groups that support Macedonia's investigative and critical journalists and promote independent and pluralistic media.
11. The European Union must insist that the Macedonian Government act in good faith to honour its commitments to respect freedom of expression and promote a free, independent and pluralistic media.
12. Legal and institutional guarantees on Freedom of Expression compatible with EU standards already exist in Macedonia, but must be fully implemented in law and respected in practice.

4. Macedonia's Media Landscape

Macedonia today has numerous media outlets, with dozens of broadcast media and 17 publishing groups printing newspapers and magazines.¹⁷ Few, however, especially among the most dominant, can be considered independent, and there is little pluralism across the media landscape.

State and public media ownership is regulated by law. The state controlled national public broadcaster (Macedonian Radio and Television—MRTV) is the country's sole publicly owned broadcaster. The Macedonian Information Agency (MIA), established in February 1992, is operated by a five-member government appointed Supervisory Board that names a five member Administrative Board. The president of the Administrative Board also serves as MIA's general director and editor-in-chief.

In addition to the public broadcaster MRTV (which includes television stations *MRT 1*, *MRT 2*, *MRT Assembly*, *MRT Sat1*, *MRT Sat2*), there are 64 private TV channels in the country. Private channels with national terrestrial coverage are *Alsat M*, *Alfa*, *Kanal 5*, *Sitel*, *Telma*, *TV Art*, *21* and *Shenja*. Broadcasting nationally via satellite are *24 Vesti*, *5 Plus*, and *TV Nasa*. *TV Sonce* and *Sitel 3* have national coverage over the "public electronic communications network", which includes Internet and phone systems.

There are three radio stations operated by MRTV with national coverage, and 75 private, community, or university radio stations, with varied or no political affiliation.

Conditions in the media sphere have deteriorated steadily since the 2006 elections. In 2011, *A1*, a TV station with a reputation for independent and critical reporting was shut down, leaving 234 employees jobless. Journalists have characterized as "absurd" the official reasons (bankruptcy and failure to meet license criteria) for *A1*'s closure.¹⁸ The owner and managers were arrested, and the station dissolved after bankruptcy proceedings revealed accumulated debts of over EUR 30 million (USD 33 million at current exchange rates). A Skopje court sentenced *A1* owner Velija Ramkovski to 13 years in jail on four charges of tax evasion, money laundering and misuse of office.

"Before the closing of *A1*, the Prime Minister (Nikola Gruevski) publicly called on the people to not watch the channel, and not read *Utrinski vesnik*," Media Ethics Council President Mirce Adamcevski told SEEMO. "The reason the daily wasn't shut down as well might be because it was soon bought by an individual close to the ruling party."¹⁹

Meri Jordanovska from the Balkan Investigative Reporting Network (BIRN) added that an atmosphere of frustration and division between pro-governmental and independent media and media workers has grown since 2011 and the closure of the *A1* station. A sharper separation between journalists based on their ideological stances has become apparent.²⁰ Media tensions rose higher when media group WAZ from Germany started to withdraw from the Macedonian market.²¹

5. Soft Censorship and the Erosion of Media Freedom in Macedonia

Independent media outlets continue to struggle for their survival through advertising revenues, a daunting prospect in the small Macedonian market. “On paper, Macedonia has good legal and institutional guarantees for freedom of expression,” explained president of the Compliance Commission of the Council of Media Ethics in Macedonia, Mirce Adamcevski. “However, the problem is that while the laws are compatible with EU legislation, they are not being implemented.”²²

Macedonian media expert Saso Ordanoski observes that most media are very strongly connected to politicians and depend on political patronage to make their media enterprises viable or more profitable. However, Ordanoski notes that many Macedonian media outlets are owned by people for whom media business is a sideline. *Mediapedia.mk*, an ongoing project about ownership structures in Macedonia, has found that media outlets are often used to promote other business ventures or to cultivate favourable relations with the government.²³

The October 2014 European Commission Progress Report on Macedonia warned, “[C]orruption remains prevalent in many areas and continues to be a serious problem,”²⁴ especially in implementation of existing legislation. Despite this, most media outlets in Macedonia refrain from reporting official malfeasance.

“There are a few media outlets in the country that remain relatively independent, but the rest are all financed by the government,” Violeta Gligorovska, media program coordinator for the Open Society Foundation Macedonia, told SEEMO during a recent interview. Cable TV station *24 Vesti* and *Radio 77* are among the most independent broadcast outlets. Along

with them, several online portals have become popular sources of information, especially *A1on*. “They remain an unconquered media space,” Gligorovska said.²⁵ After ethnic clashes in Kumanovo in 2015, *A1on*’s server crashed when it received over 500,000 visits in 24 hours.

“Since Prime Minister Gruevski came to power, media outlets have been closing down: *TV A1*, *Shpic*, *Vreme*. Other outlets have changed editorial policies and became closer to the government. MTV, the public broadcaster, has become a simple mouthpiece for the ruling party,” said Svetlana Jovanovska, journalist and correspondent for Nova TV. “On the other hand, journalists who refuse to give up their independence are criticized and labeled as traitors.” Jovanovska believes the main problem is poor respect for legal guarantees. “There are guarantees in the Macedonian Constitution itself, Article 16, which vouches for freedom of speech, expression and prohibits censorship,” she added. “The New Law on Media has enough guarantees itself, but the problem is its implementation.”²⁶

Other interviewees reported nearly constant pressure on journalists to report in a prescribed manner. Owners sometimes appear more sensitive about criticism of the government than the government itself. Several journalists reported that after they had criticized the government, owners warned them against being confrontational.

The majority of media in Macedonia can be accused, at certain times, of not covering events or topics that might reflect badly on the government. The public interest is not served, and potential readership is lost. During a teacher strike in 2015, for example, many

details, including teachers' complaints, were unreported by most media. Similarly, there was poor coverage of the so-called "insulin crisis", a shortage of medications that was clearly a matter of strong public concern—more than 100,000 Macedonians are diabetic and over 30,000 are insulin-dependent.²⁷

Partisan political pressures influence the daily work of newsrooms and editors. Very often, media reports from only one side. Basic practices of good journalism such as using different sources and giving voice to alternative perspectives are not followed. Some reports are based on little more than a quote by a state official or government representative, with no presentation of contrasting views.

Another challenge is that media salaries are generally very small and many journalists must take additional jobs to earn a decent income. For example, a well-known journalist reported that he works evenings in the company owned by his wife. Before starting his office work, another journalist reported, he helps a friend

in a bakery every morning for 2-3 hours. A third journalist said her colleague works in a restaurant for 4-5 hours after she finishes her regular daily work in the newsroom. This makes journalists more susceptible to financial incentives that can powerfully affect their reporting. Journalists often work without contracts, insurance, paid vacation, overtime hours or sick leave, and minimum wage is not regulated. Journalists' tenuous economic and social position—low incomes, little job security, often no pension and health insurance—also engender self-censorship for fear of losing their positions.

In the face of fierce criticism from the Association of Journalists of Macedonia (ZNM), people close to the state and pro-government media in 2012 launched a rival association, the Macedonian Association of Journalists (MAN), which in 2014 listed 440 members. The ZNM, founded in 1946, reported just over 500 members in February 2014.

6. Advertising, Subsidies and Influence

For many years, official figures on governmental spending on advertising and information campaigns were a well-kept state secret. In August 2014, as a result of international and domestic pressure, and ahead of the regular EU Progress Report for 2014, Prime Minister Nikola Gruevski released limited data. According to these accounts, in 2012, 2013 and the first six months of 2014, the Government spent some EUR 18 million in 27 different media campaigns. In a meeting with SEEMO, a media executive calculated that the government had had run other 36 campaigns in recent years preceding October 2011, excluding those of state-owned companies.

According to government sources with access to official data on the Macedonian media market—which is of uncertain completeness and reliability—the Macedonian government is one of the country’s biggest advertisers. It ranked number two in 2013 with 4.99 percent (17,639 aired TV spots) of the market share on national TV stations, after Proctor & Gamble (5.4 percent), and ahead of the Coca Cola Company (4.89 percent). The ruling VMRO-DPMNE party (Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity) is the fifth-largest advertiser.

Overview of funds spent in public information campaigns	
2012	6,615,609 EUR
2013	7,244,950 EUR
2014	(to 20 June) 3,985,500 EUR

Source: Association of Journalists of Macedonia (2015) “Assessment of Media System in Macedonia”

“State advertisements are the most profitable subsidies many outlets can find. Sometimes this goes through a PR agency. However this is strictly formal; the distribution of money is decided before that happens,” according to Violeta Gligorovska, Media Program coordinator of the Open Society Foundation Macedonia. “Political institutions in every municipality subscribe to dailies that are pro-government. They are basically being handed out for free; in order for them to compete for state subsidies, dailies must be issuing over 10,000 copies”.²⁸

The distribution of government advertisement funds remains difficult to analyse; information regarding the exact media outlets receiving funds is frequently unavailable, as are the criteria. There is no agency or body in charge of monitoring the allocation and distribution of state advertising. SEEMO asked high-level members of the Macedonian Government for official data several times during and after a mission in 2011, but never received the information.

The only available report²⁹ about state campaigns (apart from pre-election campaigns) that shows total amount of state funding, number of placements and broadcast media outlets that are beneficiaries (no details were offered on other media) was published on the official web page of the Government and covers only 01 January 2014 to 30 June 2014.

A knowledgeable SEEMO interviewee estimated that the Macedonian government today spends around 1-1.5 percent of the national budget on different forms of “information” activities, which would be EUR 29.1 million-EUR 43.5 million of the EUR 2.91

billion 2015 national budget. Local media experts estimate that the state plans to spend about EUR 5-10 million for advertising in 2015, a significant portion of the total annual advertising market of EUR 45 million. In an election year—and there were nine different elections in the past decade—spending rises even higher. Advertising by parties close to the government broadens political influence on media. There are no official data, but in a 2011 conversation with SEEMO, a media manager calculated that government expenditure on public information (such as public health or road safety) campaigns and state-owned companies' advertising amounted to EUR 30 million per year. Media expert Dragan Sekkulovski has concluded that, despite official data, “the government is by far the biggest TV advertiser in this country, with an annual advertising budget of more than EUR 20 million,” as reported in the *Final Report on Western Balkans and Turkey Media and Freedom of Expression Fact-finding and Scoping Study, September 2012-April 2013*.³⁰ Similar findings were contained in a 2013 report for the conference *Speak Up!* organised by the European Commission.³¹ Due to lack of official data, however, none of these figures can be confirmed, making an accurate view of government spending and its full impact on media outlets and the broader media market impossible.

Three separate instruments are used to financially support media outlets with public funds. Direct funds have made up at least 15-20 percent of MRT's annual budget in recent years. The state contributes to the broadcaster because collection of the “television tax” meant to support MRT is insufficient. This was not foreseen in the laws governing MRT. The state contribution is not fixed each year, varying with the financial needs or debts of the public broadcaster. In practice, MRTV receives close to 50 percent of its budget from the state. A

“television tax” for viewers and listeners (2.5 percent of the average net salary according to the law - approximately 3 EUR per month per household), provides 49 percent of MRTV's budget, and about one per cent is from advertising.

The state can provide up to 50 percent of the expenses for domestic production of content by private broadcasters, as stipulated in Article 92, point 10 of the Law on Media and Audiovisual Media Services. This can include documentaries, movies, animated movies, dramas, comedies, and soap operas produced for television.

The body that decides which media outlets should receive funds for what programming is an inter-agency commission created by governmental decree. The commission consists of seven members and their deputies, from the Ministry of Finance, the Ministry of Culture, the Film Agency, the Agency for Audio and Audiovisual Media Services, the Office of President of the Government, the Administration Public Revenue Office and the Ministry of Information, Society and Administration.

Local journalist associations and other media organizations have sharply criticized this method of allocating state funds. They have raised concerns that the commission may make political decisions regarding funding allocation. They also question whether it is necessary for government to subsidize the work of profitable commercial media. Three TV outlets with terrestrial licenses—*Sitel*, *Alfa* and *Kanal 5*—have recently reported exceptionally strong profits.

An important means through which the state finances private media is governmental campaigns. There are no clear criteria, nor is the state obliged to publish information regarding which media outlets are paid. Nor are media outlets that receive funding transparent about

these transactions. According to the Law of Procurement, ministries, public agencies and other bodies, including municipalities, can contribute to private media.³² The law does not oblige public institutions to issue an open call for advertising or publishing in private media outlets of any types, including online.

Media outlets (mainly web portals and a few traditional media outlets) that criticize government actions are struggling to compete in the media market. Even though the Law on Free Access to Information obliges the state to reveal the sum of money given to and distributed among media outlets, there are virtually no data available about this. Governmental media campaigns and their distorting effect on the financial health of the media sector overall are often criticised by local civil society organisations, and are noted in numerous human rights reports by external observers. The decline of media freedom associated with partisan placement of government advertising has been noted in recent country reports by the European Union and the US State Department, and by NGOs such as Freedom House, the South East Europe

Media Organisation (SEEMO), and Reporters Without Borders (RSF).

The report of the European Commission Progress in 2014 indicated that the government advertising scheme amounts to “indirect state control over the content that media operations produce. Although the government released data on official advertising in September 2014, it is still unclear which media outlets are the primary beneficiaries of governmental campaigns, and what the criteria for distributing public funds are.”³³ In one noteworthy case, regional TV media outlets purchased by companies established only days earlier were suddenly flooded with government advertisements.³⁴ Many media representatives claim, although hard evidence is not available, that political connections are needed for media outlets to obtain advertising from some international companies active in Macedonia.

The Association of Journalists published a study regarding the financing of media for the period of October through December 2014. More than EUR 6 million in public funds were invested in six private national TV stations, the MRTV, eight daily newspapers and three weekly

Total public funds received by television outlets with countrywide coverage for reporting on national government and local administrations projects, October-December 2014 (in EURO)³⁷

Television outlet	Public funds for reporting on national government and local administrations projects (October-December 2014)
Kanal 5	1.415.470 Euros
Alfa TV	1.408.698 Euros
TV Sitel	1.074.480 Euros
AlSat M	472.066 Euros
MRTV	447.455 Euros
TV 24 Vesti	138.796 Euros
TV Telma	88.382 Euros

Source: Association of Journalists of Macedonia

magazines, based on the official price lists of all these media outlets from October through December 2014.³⁵

According to the Nielsen agency, the largest single recipient of funds from national and local government projects during this period was *Kanal 5*, which received EUR 1,415,470, followed closely by *Alfa TV*, which received funds grossing EUR 1,408,698. *TV Sitel* came in third, with EUR 1,074,480 in total received, with *AlSat M* following next with EUR 472,066. Channels of the public broadcaster received EUR 447,455 in total. *TV 24 Vesti* grossed EUR 138,769, and *TV Telma* came in last with EUR 88,382.³⁶

Most municipal government funds were invested in the newspapers *Nova Makedonija*, *Lajme* and *Koha*. The central government invested most in *Koha*, followed by *Dnevnik* and *Večer* during this period. Of the weeklies assessed during this period, the central government invested most in *Republika*. These publications are very rarely critical of official policies.

These data are difficult to analyse with confidence. They are based on the official price lists, and do not reflect steep discounts often offered to public institutions. The national TV stations are generally not transparent about the public funds they receive. This has negative effects on the media market.

The governmental campaign allocations are made through intermediary marketing agencies. There are some open procurement calls, mostly

regarding employment notices required to be published in print media, when institutions are obliged to publish such notices in at least one out of six national newspapers printed in the Macedonian language. The same content must be published in one out of the two Albanian language national newspapers. In these cases, funds are disbursed directly through the public/state institutions on the central and local levels. However, the funds for such placements are a small fraction of other state advertising and governmental campaigns.

Some government advertising seems little more than self-promotion, as when some mayors paid for full-colour pages offering 2015 New Year greetings. Local organisations criticized such advertising as lacking any public interest. The Agency for Audio and Audiovisual Media Services did not react to such complaints.

Election advertising presents other challenges. Amendments to the election law in early 2014 gave media permission to donate to political parties,³⁸ and were in place for the April general elections. This broadened possibilities for political parties to influence media outlets, and vice versa. Yet this has also helped expose connections among media owners, political parties, and advertising. Funds donated by the media during election times serve as incentives for the favoured political party to later offer advertising to that media outlet, observers of Macedonia's media situation report.

7. Media Ownership Structures: Connections to Political Power

Most Macedonian media outlets are perceived as politically biased in their reporting. This creates an atmosphere in which media earn scant public trust and are widely viewed as means for promoting partisan goals and interests.³⁹

Since 2005, transparency in media ownership has been legally obligatory for all broadcast media in Macedonia. The Agency for Audio and Audiovisual Media Services (formerly known as the Broadcasting Council) is tasked to monitor and collect data regarding media ownership structures, as well as to assess potential ownership changes. The same obligations for broadcasters and print media are incorporated in the Media Law, which was passed by the Parliament in December 2013, and amended in January 2014.⁴⁰

To date, these laws are largely ignored. There is often little to no data about the actual owners, with fictitious companies named as the main shareholder, or instead, a list of journalists working for the outlet. Numerous Macedonian companies are registered in offshore tax havens (including Belize, Bermuda, Panama, Seychelles), where ownership and bank operations are legally hidden.⁴¹

Amendments to the election law in early 2014 were in place for the general elections held that April. The law increased the possibility for political parties to influence media outlets,

and vice versa, as media gained permission to donate to political parties.⁴² This has helped expose connections among media owners, political parties, and advertising. Funds donated by the media during election times serve as incentives for the favoured political party to later offer advertising to that media outlet, observers of Macedonia's media situation report, adding that critical media outlets that did not donate money during elections did not receive government subsidies.

Macedonian media has changed with the expansion of the internet and social media. Online portals do not fall under the regulation of the new media law. Some of them are run by journalists who previously worked for *A1* or other now closed media outlets, but others are created anonymously as pro-government mouthpieces.

Some online portals and social networks are reporting on topics that are ignored or suppressed in other media outlets. Every day there are dozens of new stories via Facebook, Twitter, a blog or news portal, but the provenance and credibility of these reports is often uncertain.

8. Lack of Transparency, Defamation Suits and Surveillance: Reinforcing Soft Censorship

According to the European Commission Progress Report for 2014, the implementation of the Law to Free Access to Public information is stagnating, and non-compliance is largely unpenalised. Transparency of public institutions is low, and political parties are not included in the list of institutions required to allow access to records.⁴³

The criteria for the distribution of broadcast licenses are clearly stipulated in the legislation and contracts between broadcasters and the media regulator, the Agency for Audio and Audiovisual Media Services. There are no recent reports

of media outlets having been denied licenses. However, the media regulator revoked the license of TV A2 under dubious circumstances in March 2013. Details about this case and further details about the closure of A1 TV station are available in the 28 April 2014 Report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue.⁴⁴ Media in Macedonia allege that inspections and tax audits are apparently regularly employed to harass private companies that purchase advertising space in critical media outlets.

The Law on Media and Audio Visual Services and the Law on Media

The Law on Media and Audiovisual Media Services⁴⁵ and the Law on Media⁴⁶ were adopted in 2013. Article 13 of the Media Law states that broadcasters are obliged to submit to the Agency for Media and Audiovisual Media Services by 31 March each year, information on the source of funding of the broadcaster in the previous year, including advertising, sponsorship, sales of content, and services provided by third parties.

The need for clear criteria for allocating and reporting state funds for advertising and campaigns has been cited by the Association of Journalists of Macedonia relating to media law reform in May 2013. However, the new legislation does not provide for this. Neither the managers of government advertising campaigns nor the state is legally obliged to publically

disclose information about placement and amount of media spending. There are no legal mechanisms to address incidents of selective or punitive allocation of state subsidies and state advertising funds.

“The Association of Journalists of Macedonia (ZNM) was opposed to the idea of this law when it was proposed by the Government,” ZNM President Naser Selmani told SEEMO. “Still, given the fact the government wanted to amend it within three weeks, we reacted and thanks to pressure from the international community, we were given almost four more months. Public debates were organized with domestic and foreign journalists, and ZNM asked the Council of Europe and OSCE to analyse the law. Their objections to the

law's content were the same ones that the ZNM had, and after some mediation, we managed to change around 50 percent of the overall document."

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, ZNM organized numerous public debates in Skopje and other cities engaging more than 300 journalists and gave recommendations to the authorities. In addition, the Office of the Representative for Media and Freedom of Expression of the Organization for Security and Co-operation in Europe, the Council of Europe, and several other international media organizations published critical assessments of the draft and recommendations in line with ZNM.

The draft laws were submitted by the Ministry of Information Society and Administration to the Parliament in September 2013, but for lack of political consensus were put on hold. In December 2013, ZNM and the Ministry had a partial agreement on the main concerns regarding the laws. The laws were passed in December without change, but in January 2014 the Parliament amended these to reflect the agreement with ZNM. Revisions included:

- A new provision that emphasizes that the purpose of the law is to promote freedom of expression and media freedom.
- Online media are completely exempt from the media laws
- ZNM 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.

"ZNM had seven or eight key objections, out of which the government accepted three main ones, while agreeing that they would also work on the remaining ones. We managed to spare Internet portals from the strict control other media was put under," ZNM leader Selmani explained.⁴⁷

Besides these fines, several other concerns remain regarding the media legislation, including:

- Lack of independence of the Public Broadcasting Service (MRT) and the media regulator (Agency of Media)
- Regulation of print media
- Lack of regulation of governmental campaigns
- Financial support to national broadcasters
- A vague definition of a journalist that is potentially constraining and open to abuse.

Defamation Suits

Defamation suits have been a common tool for harassment of Macedonian journalists and editors. Cases against journalists regularly took up to several years to be resolved, with defendants sometimes obliged to appear at court several times a month. The court fees are high, as are the fines that journalists, editors and owners can face if found guilty. Journalists from Macedonia report that courts might force journalists and editors to disclose their sources of information.

However, there are positive trends. The number of court cases has significantly decreased, the time for judgments shortened, and in six cases lawsuits against journalists were dismissed. In November 2012, a new law regulating insult and defamation decriminalized speech offences. This happened after the Association of Journalists launched a campaign to decriminalize defamation and slander in 2011.

With the support of local and international interlocutors, a new civil defamation law was adopted.⁴⁸

However, Article 18 of the law on civil liability of defamation and slander stipulates three types of fines: for journalists up to 2,000 EUR, for editors up to 10,000 EUR, and for media owner up to 15,000 EUR.⁴⁹

These possible fines against journalists, editors, and media owners are serious sums, given the generally low wages of journalists. Defamation cases thus still pose threats to media freedom, especially over cases that can carry high levels of damages. A negative trend is the growing phenomenon of journalists suing other journalists, which accounts for almost half of all suits recently registered. Convictions have been relatively few in these cases, but they are at minimum a serious and costly nuisance and chilling to freedom of expression.

Unauthorized Surveillance

In 2014-15, it was revealed that about 20,000 people had been kept under unauthorized surveillance by the government for at least a four-year period. Both critical and pro-governmental journalists were among those monitored. Some discussions showed political cronyism in placing journalists in jobs at the state-owned broadcaster, MRTV.

“I was surprised, but there was no shock when we heard that we were being wiretapped”, Tamara Causidis, president of the Trade Union of Macedonian Journalists and Media Workers (SSNM), told SEEMO in

an interview. “What had an effect on me personally was to hear the content that referred to the media. We all know employment is connected to politics, but to hear that people were being employed in the public broadcaster through their political ties for example, that was difficult”.

A number of media outlets, along with state broadcaster MRT TV Channel 1, initially declined to publish news of the surveillance, reflecting their close ties to the ruling party and heavy financial reliance on the government.

Albanian-language Media in Macedonia

The *Koha* and *Lajm* dailies are currently the only two Albanian-language print media outlets in Macedonia. The Albanian community mostly watches TV content in Albanian, but also programming in Macedonian and other languages. *AlSat* is the sole national-level TV station in Macedonia that includes Albanian-language programming, and operates with an ethnically mixed staff.

"*Koha* and *Lajm* are not editorially or ownership-wise related with their counterparts in Albania, and both papers lean towards the government," a media representative who asked not to be identified told SEEMO. "What *AlSat* managed to do is a positive thing: the prejudice that Albanian and Macedonian journalists cannot work together was destroyed."

"We function independently, and create our own editorial policies, while trying to represent the views of both sides as objectively as possible," said *AlSat* M Editor-in-chief Safet Ademi. "The problem for us, and most of the other outlets is the lack of financial funds for investigative journalism. Aside from that, the solution I see for the media situation in Macedonia would be that journalists stop dividing among themselves on the bases of their ideological stances."⁵⁰

Albanian language radio programming within Macedonia is available on the national network Macedonian Radio 3 (part of public MRTV), which also offers Bosniak, Romany, Serbian, Turkish, and Vlachian language programming. Two regional and nine local radio stations broadcast in Albanian, and Albanian language broadcasts from outlets in neighbouring Albania and Kosovo are easily received in border areas.

Albanian language Internet portals are popular, especially in rural parts of the country. "They lack professionalism in their reporting, but they are still an alternative to state-run media," Xhelal Neziri from SCOOP Macedonia told SEEMO. "There are several doing a good job in providing information: *Kumanova Sot*, *Almakos.com*, *Tetova Sot*, *Struga Lajm*, and several others."⁵¹

Local Media: Soft Censorship, Poor Standards

Local media in Macedonia are commonly owned by local businessmen and often treated as tools for business, rather than as vessels of free speech and sources of information. They depend on the local government structures for advertising and other funding. Ethical and professional standards are low. Modern technology is often not available and there is little investment in human or technical capital.

Soft censorship is omnipresent. Journalists work in an environment where they know in advance what they can cover and whom they may call for a statement. Investigative journalism is rare, as is any criticism regarding local authorities and their activities.

"SCOOP hasn't received any applications for the funding of investigative journalism stories from local media," Xhelal Neziri, journalist from SCOOP Macedonia said during an interview with SEEMO.⁵² "In rural areas, you have actual corruption occurring, within the political institutions and by the media; municipalities only fund them through advertisements. However, for an outlet that is favoured by the local authorities, other incentives can exist: covered costs of public utilities, usage of buildings and other objects belonging to the local government for free, etc. This is how you create obedience and media that are inclined to not criticize any side in particular," Neziri added.

Many Internet portals that operate in smaller towns are often critical towards local governments. However, there is an apparent lack of professionalism in the content they publish, and ownership is often murky.

"There are about 150 portals in the country, but since they avoid any regulations, no one knows who is behind them," according to Sase Dimovski, of *Fokus* magazine.⁵³ Most simply re-post items that are copy/pasted from another website, Dimovski observed, saying this helped propagate hate speech in the media, adding, "The fact that the national broadcaster and other commercial TV stations will republish a story from an anonymous website and call it a legitimate news source is a sign of severe unprofessionalism and hidden interests."

9. Conclusion

Soft censorship is increasing in Macedonia, diminishing media independence and space for democratic debate. Extensive interviews with media experts, editors, and journalists in Macedonia reveal the nearly unanimous observation that pluralism and independent perspectives in the country's media have decreased drastically. This decline began with the rise to power of the current ruling party in 2006, and accelerated with its efforts to dominate the country's media space through new laws and increasingly partisan use of state resources to support friendly media outlets.

Many of Macedonia's biggest business owners have close connections to the government and now own influential media outlets, fostering symbiotic ties that bolster the ruling party while reducing media diversity and independence. These outlets receive preferential and undisclosed allocations of official advertising and governmental campaigns. State-owned MRTV also receives direct budget subsidies even as it increasingly serves as a mouthpiece for the ruling party rather than fulfilling its mandate as a public service broadcaster.

The Law on Audio and Audiovisual Media Services and the Law on Media (Media Law), adopted in 2013, were together a serious assault on media freedoms, Parliament accepted several amendments proposed by the Association of Journalists of Macedonia, but other critical issues regarding this legislation must be addressed.

There are a few positive signs. *Telma*, *24 Vesti*, and *BIRN* perform credible reporting, and several NGOs continue to promote independent journalism in Macedonia. Online media have become a safe haven from political pressure for some journalists who previously worked for critical media outlets under heavy pressure or that were shut down. However, a lack of regulation, anonymity, and poor professional standards have also contributed to the spread of rumours and hate speech in the guise of news.

The erosion of media rights in Macedonia is both a symptom of growing authoritarianism and a tool to further it. Macedonia today experiences political, ethnic and social tensions that require serious analysis and debate in which a free media could play a key role. Instead, the government appears intent on further closing the country's media space. Yet it must at the same time at least seek to appear to be adopting standards required for European Union integration. Harsher methods of media control are shifting to the subtler but very powerful tools of soft censorship discussed in this report. The government's actions are showing bad faith as well as bad practice in failing to honour the country's own laws and its promises to the European Union.

ANNEX

List of Interviewees

1. Mirce Adamcevski, president of the Commission for Compliances within the Council of Media Ethics in Macedonia, Skopje
2. Safet Ademi, editor-in-chief, *A/Sat M*, Skopje
3. Tamara Causidis, president of the Trade Union of Macedonian Journalists and Media Workers (SSNM), Skopje
4. Sase Dimovski, freelancer / researcher, Skopje
5. Ljubica Grozdanovska Dimishkovska, freelance journalist, Skopje
6. Violeta Gligoroska, media program coordinator, Open Society Foundation Macedonia, Skopje
7. Meri Jordanovska, journalist in BIRN Macedonia, Skopje
8. Svetlana Jovanovska, journalist and correspondent, *NOVA TV*, Skopje
9. Goran Mihajlovski, editor-in-chief, daily *Vest*, Skopje
10. Xhelal Neziri, investigative journalist and analyst, *SCOOP Macedonia*, Tetovo
11. Saso Ordanoski, media expert, Skopje
12. Marija Petrovska, journalist, Skopje
13. Dragan Popovski, journalist, Skopje
14. Erol Rizaov, columnist and journalist, *Utrinski vesnik*, daily, Skopje
15. Naser Selmani, president of the Association of Journalists in Macedonia (ZNM), Skopje
16. Zaklina Hadzi Zafirova, journalist, *SCOOP Macedonia*, Skopje

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