



# THE MEDIA IN MACEDONIA: Guardians of the Public or Prisoners of Political Interests



# **THE MEDIA IN MACEDONIA:**

**GUARDIANS OF THE PUBLIC OR  
PRISONERS OF POLITICAL INTERESTS**

**POLICY PAPER**



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For the publishers: Zaneta Trajkoska

Authors: Vesna Šopar, Petrit Saračini  
Translation: Kalina Janeva  
Editors: Zaneta Trajkoska, Bojan Georgievski  
Cover and layout: Ljuben Dimanovski



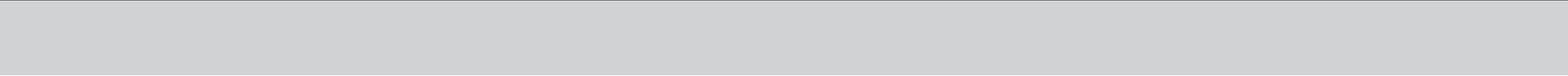
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# THE MEDIA IN MACEDONIA: GUARDIANS OF THE PUBLIC OR PRISONERS OF POLITICAL INTERESTS

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## Executive Summary

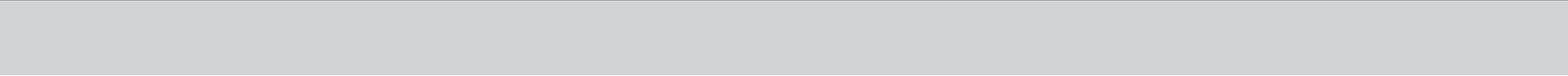
**T**his research treats one of the most significant issues in the media sphere in Macedonia—the role of the media in safeguarding and advancing public interest, key to the development of democracy. The analysis, through describing the normative/legal, theoretical/conceptual and empirical standards and practices, aims to ‘document’ whether, and how media safeguard and create public interest. The emphasis of the research is placed on establishing the parameters determining the nature, the role and the function of the key subjects—the media and the citizens, as well as their imperatives in public discourse.

Theoretically, in the focus of interest are the predominant models, regulations, documents and postulates on the media and public interest in Europe, as well as the Republic of Macedonia. Empirically, the framework is being built on the basis of the operation of

the media in practice in Macedonia, operationalised with specific examples as an indicator and corroboration of the place given to public service in the media product, but also how ‘free’ the media are to ‘serve’ public interest. The subjects of ‘observation’ are public interest in the public broadcasting service and in commercial media, the public campaigns in the media, election coverage, as well as self-regulation in safeguarding public interest. Finally, the research ends with conclusions and recommendations formulated with the purpose of a more efficient realisation of the role of the media in promoting public interest.

The research has been conducted as part of the project “*Voicing the Public Interest: Empowering Media and Citizens for Safeguarding the Public Policy in Macedonia.*”

The project is supported by the British Embassy Skopje.



# Introduction

## Free as a Bird (in a Cage)

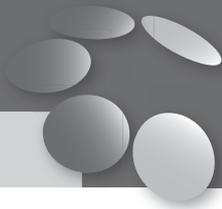
**T**he battle for the freedom of the media was won long ago, but it has continued to cause a stir to this day, regardless of whether it is a question of the freedom to collect, publish and transmit information, the openness to express different opinions and beliefs, or respecting human individuality, privacy and dignity. In this corpus of 'freedom', particularly distinct is the one to 'access to public interest information'. The media and journalists regularly use the phrase *public interest*, but it gives them a 'headache' each time they have to decide whether to publish a piece of information, an event or a story, that is, whether it is of interest to the general public or not. However, when they need to justify the 'silence' for failing to publish, they once again refer to public interest. The right of the public to know, to be informed, is inviolable, and the media's task is to safeguard and advance the public interest, key to the development of democratic society.

The current situation in the media sphere in Macedonia does not instil optimism that the media create and safeguard the public interest. On the contrary, there are ever firmer conclusions that their freedom is highly questionable. The reasons for this are numerous and may be recognised in all the spheres of their operation. The facts indicate that in Macedonia there is a sufficient (even excessive) number of media (particularly electronic), which is most often referred to as 'pluralism' in the media space. Predominant are private, as opposed to public media. Regulation and self-regulation follow the European guidelines to developing media policy. The public broadcasting service performs an activity of public interest through several

television and radio channels. The journalistic staff has been educated and organised in associations and union organisations.

In practice, however, instead of public interest, the media are placed in the service of the interests of the political and economic centres of power. The symbiosis between the ruling political elite and the media owners/businessmen determines the structure and the contents of the media products, and impacts the journalists' 'ability' for critical observation of social events. Loyal yes-men are appointed to key editorial positions, whereas those who show autonomy are being marginalised and sanctioned. The concentration of private media ownership in few hands threatens media diversity and pluralism, and the desire for profit predominantly gained from state funds (government commercials) directly influences editorial policies. The situation is not much different with the public broadcasting service either, in which, both in the past and nowadays, each government has had its own people in top positions (despite the clearly prescribed rules for their appointment). Thus, the public broadcaster 'owes' its editorial, personnel and financial independence to the authorities (even though it is funded through a licence fee—from the citizens). The claim, therefore, that it performs a public interest activity is simply reduced to an empty phrase. Practically, the mainstream media are completely subjected to instrumentalisation for business and political purposes, of which the local media have not been spared either, only by politics and businessmen at the local level.

The media scene is highly polarised and politicised, and journalists work in an atmosphere of (hidden and open) censorship and



self-censorship. They are the targets of (mutual) accusations, (direct and indirect) pressure, threats, attacks, sanctions, and even imprisonment for their work. There is an evident decline of ethics in the journalistic profession, but also a rise in professional incompetence, as well as susceptibility to the influence of politics and business. Propagandistic journalism and the corruption of the media have reached troubling levels. The editors, infiltrated in the clientelistic vicious circle, are more concerned with satisfying the interests of media bosses, politicians and advertisers than with the interests of the public. It directly 'reflects' in the journalistic products and media content.

Of course, media legislation follows and applies the numerous recommendations from the European Union on advancing media independence, but, however good it may be, it is not functional since it is not implemented in practice, that is, it is interpreted arbitrarily or wrongly, or completely ignored, and there is no one to 'sound the alarm' (the competent 'partisan' regulatory body). Private broadcasters (particularly the national ones) do not recognise public interest in the legally defined principles of securing television and radio broadcasts. It is also absent from the public broadcasting service despite the clearly specified programmatic responsibilities, standards and principles both of the media, and the journalists and editors, in producing and presenting the programmes. It is left to the 'good will' of the media to serve the public interest.

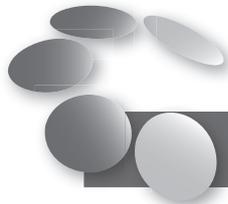
In the absence of developed media policy and a clearly defined public interest in the media, there is open room for free interpre-

tation and creating various interests for various types of public—political, economic—and neglecting the interest of the general public. For these very reasons, instead of answering to the public, the media have become the main battlefield of the public itself and its attempts to establish control over and 'democratise' the media. How else could citizens be protected from the onslaught of diametrically opposed information on the same events or the failure to disclose them, their overemphasis, minimisation, or the fabrication of facts, comments on something they have not been informed about, mixing information with facts, the growing populism and propaganda in the media? Currently that seems to be the only effective mechanism to protect the right of the citizens to receive high-quality and reliable information for active participation in the democratic processes. Devastatingly, the citizens know what public interest is better than the media themselves.

For these reasons, considering the great importance and role of the media in safeguarding and advancing public interest, in the following text we shall attempt to reflect on the key aspects of this sphere: primarily, the theoretical postulates on the media and public interest, the European regulatory framework and the standards in the media, the key documents in this sphere, as well as the norms, the rules of public interest in the Macedonian media legislation. A special emphasis in the analysis will be placed on the 'treatment' of the public broadcasting service, the role of commercial broadcasters in safeguarding public interest, the influence of ownership and the financial sources on media editorial policies, as well as the public interest in public interest campaigns.

# 1

## Theoretical Postulates on the Media and Public Interest



### 1.1. Defining Public Interest in the Media Sphere

*There is no free democratic society without a free public sphere, and there is no such a sphere without free media, even if someone holds monopoly over them.*

(Habermas, 2007)

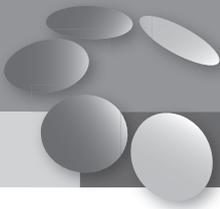
Public interest, or its leading interpretation as a 'common good', is most often encountered among the values of plural and free-thinking societies. But it is difficult to find a single standardised 'formula' that would determine what public interest in the media is. Does it mean fulfilling the wishes of the public as a collective of individuals, or does it imply a normative loyalty to the principle of what is in their best interest?

Historically speaking, the concept of public interest is related to the period of the emancipation of the media in the 19<sup>th</sup> century, the battle for freedom of the media (press) from the influence of the state (and the church). One of the earliest attempts of its operationalisation is considered to be the 1929 report of the US Federal Radio Commission (established in 1926) on the key principles for the concessionaires, which included an unhindered signal, securing various types of programming, dedication to the local interests and proof of the nature and the integrity of the authorised concessionaires. Namely, the increase of the number of concessionaires compelled the need to codify the

unwritten rules and prerequisites in a list of requirements with which the regulator was to assess the degree to which the public interest obligations were met and thereby the possibility of an easier licence renewal. But, despite this 'procedural', pragmatic treatment of public interest in the media, later on, theoreticians and practitioners, each from their own standpoint, have stressed public interest as a key aspect in the operation of the media.

As an imperative, public interest in the media sphere is almost exclusively related to the interests and the needs of the citizens for building democratic society. According to Pendleton Herring (Herring, 1968:171), public interest is a constant representing the values, wishes and interests of society and is 'more than the sum of competing interests'. Or, using the definition of David Leigh, the investigations executive editor at *The Guardian*: 'Information is in the public interest if it assists in the proper functioning of a democracy.'

Additionally, in the last decades, theoretical thought has particularly stressed the role of the media in creating and supporting the public sphere, as well as in enabling the citizens' active participation. The media, according to David Croteau, are a key element for the 'health of the public sphere', a space in



which different ideas, opinions and positions are articulated freely. Or, according to Graham Murdock, the media must provide the opportunity for the citizens' active participation in producing media content, that is, the citizens need to have access to the 'means of communication' in order to express criticism and alternative views.

In the same vein are the efforts of Mike Feintuck to define the theoretical and institutional framework for public interest in the media. He states that public interest may best be described as an endeavour of effective citizen participation (Feintuck in: Buckley, Duer, Mendel, O'Siochrú, 2011:8), whereby identifying citizen participation as the participation of informed citizens in the social processes, which implies the need for circulating different views accessible to a wider circle of people. Conceptually, it involves building the capacity of the media in order to improve the governance and the responsibility to the public, building an informed and active citizenry, strengthening the inclusion of marginalised groups, fostering culture and identity, diversity and creativity. The focus is on the media's potential in two main directions: firstly, the contribution of the media to better governance and responsibility to the people and their participation in developing society, and secondly, the media's involvement in developing the culture and identity.

Undoubtedly, there is a wide range of tasks of the media to serve public interest. Therefore, it is not a matter of a static, unchangeable concept, or a simple sum of different interests, or the result of certain interests. Its (re)definition depends on developmental changes in society, the development of the public and the changes in the media (occurring at great speed). That is why nowadays it is impossible to determine its meaning once and for all. There are various conflicting interests in competition (of the government, the political parties, the private business entities, the civic society), but none of them follows the interest of the general public. Even the regulation of this issue not only imposes responsibilities, but also instigates limitations for each group. The irony is that this encumbers the primary role of the media to follow the public interest. 'Public interest

does not involve a consensus within society regarding a specific (public) issue but is more of a guideline determining the specific method of governance. In this sense, public interest is a public good of which the whole public has use, regardless of the interests of individuals at a particular moment.'<sup>1</sup>

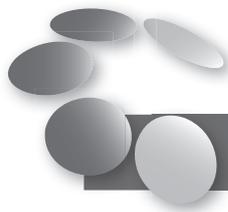
Nowadays, public interest is a fundamental principle of European media policy. Conceptually it is founded on the media's obligation to provide complete, reliable, comprehensive, relevant information, to be a forum for exchanging views and expressing criticism, to offer a representative image of all groups making up society, to present and explain the goals and the values of society. The media are a public good and the state (government) should intervene in order to protect public interest. Generally speaking, normatively and on a practical level there is agreement on the key components of public interest in the media. On the level of media content, they are: diversity of information, position, cultural content, supporting public law and order, high quality of information and cultural content, supporting the democratic political system, respecting the international obligations and human rights, avoiding to harm society and individuals (McQuail, 2010).

However, what is troubling theoretical thought are the tendencies to transform the concept of public interest that began with the deregulation of the telecommunication and broadcasting industry. Instead of defining public needs and specifying the categories of programming that are supposed to serve those demands, media policy is directed towards maximising the services that the public wants, which is fundamentally a populist definition of public interest. 'The public's interest, then, defines the public interest' (Fowler and Brenner in: Aufderheide, 1999:28). The problem is not in its contextualisation, but in the elimination of its role as counterbalance to the pressure of commercial forces.

Despite all the disputes and misunderstandings regarding public interest in the media context and the views that the idea is inscrutable and fluid, vague and controver-

1 English translation of Hrvatin, Petković, 2014:18 [http://www.mim.org.mk/attachments/article/824/zosto\\_e\\_vazen\\_integritetot\\_na\\_mediumite\\_MK\\_v2\(1\).pdf](http://www.mim.org.mk/attachments/article/824/zosto_e_vazen_integritetot_na_mediumite_MK_v2(1).pdf)

sial, there remains a pressing need to classify the key criteria for the operation of the media. According to normative principles, McQuail believes that the media are expected to serve public interest or the general well-being regardless of whether they have been designed in accordance with those expectations or not. In practice, that means that the media are not equated with other enterprises or services, but often need to meet goals of a wider and more long-term importance for society as a whole (McQuail, 1994:95).



## 1.2. Different Concepts and Theories

With the emergence of the press, and later on radio and television, to this day, there have been developed numerous theories on the role and the influence of mass media in society. What is currently attracting the attention of science and the researchers of the media and public interest is focused on several opposing concepts. First and foremost, there are three chief sociological perspectives or theories distinguished: the limited effects theory, the class-dominant theory and the culturalist theory.<sup>2</sup> However, in this last decade there have been two additional theories or model making stride: the market model and the public sphere model.<sup>3</sup> Yet, it seems that the crucial debate taking place is actually on the basic functions of the media, that is, whether they are means of mass communication contributing to a democratisation of society and including the citizens in the social processes, or if they are business organisations in which profit is the chief operating motivation. Both goals, that is, public interest, on the one hand, and the interest of capital (and closely related to it, the interest of politics), on the other, can hardly be met with equal success.

More specifically, the advocates of the first, the Limited Effects Theory, start from the citizens as self-aware subjects who know what they want and do not succumb easily to everything 'served' to them by the media.

Relying on research and analyses of the ability of the media to influence the way people vote, the supporters of this theory claim that people generally choose what to read or watch on the basis of what they believe in; hence the media have a negligible influence on them. That is to say, well-informed people rely on personal experience, previous knowledge, as well as on their own judgement. On the other hand, the less informed are more likely to be influenced by the media, so it is on them that the media experts focus. Critics find fault in the theory for overlooking the relatively limited expansion of the media (as compared to today). Namely, the theory was developed in the 1940s and 1950s. But, the fact remains that this theory finally dispelled the myth of the omnipotence of the media that had predominated theretofore.

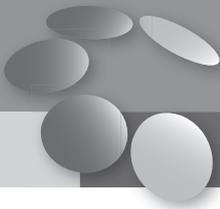
On the other hand, nowadays, as particularly influential among researchers (especially in America) is considered the Class-Dominant Theory. Key determinant of this theory is the claim that a small group—an elite class—owns and controls the media corporations, such as the media mogul Rupert Murdoch. This very class dictates what is to be written/broadcast in the media. Nevertheless, the proponents of this view are concerned about the trends of ever more present merging of media in large conglomerates or 'empires'. That not only limits mutual competition, but also the fact that ownership is located in the hands of few people increases the possibility to manipulate what people will watch and listen. Their political, social, cultural and ideological diversity is limited to two key criteria—competition and profit.<sup>4</sup>

As a combination of sorts of the two previous theories, in the 1980s and 1990s emerged the Culturalist Theory. According to the culturalist theoreticians, people interact with the media to create their own meaning from the messages and images they receive from the media. Therefore, the audience plays an active, and not a passive role in relation to the media. The theory stresses that it is the audience that chooses what to watch from the wide selection of possibilities on offer, autonomously decides how much (time) it will watch, and may also choose the button on the

<sup>2</sup> Sociological perspective, available at: <http://www.cliffsnotes.com/study-guides/sociology/contemporary-mass-media/the-role-and-influence-of-mass-media>

<sup>3</sup> The market model and the public sphere model, available at: <https://hofstramass112.files.wordpress.com/2009/02/media-markets-the-public-sphere-croteau-hoynes.pdf>

<sup>4</sup> Teun A. VanDijk, *The Mass Media Today: Discourses of Domination or Diversity?*, available at: <http://www.discourses.org/OldArticles/The%20mass%20media%20today.pdf>



remote control to turn off the programme. Relying on conducted research, culturalists have concluded that people choose the material (whether as a written text or a media image and message) based on their own knowledge and experience, as well as based on their age, gender, nationality, or religious affiliation. They claim that, however considerable control the elites in large media corporation may exert on the production and distribution of information, still, a greater role in interpreting those messages is played by the personal preferences and viewpoints of people.

In addition to the abovementioned theory, there are two more opposing views differentiated in scientific and research thought, primarily as a result of the processes of centralisation and concentration in the media that have increasingly been pushing for deregulation in the media sphere. The key dilemma is how to find a 'reconciliatory balance' between the increasing number of channels and media and their ever decreasing diversity and the absence of public interest content (programming). In this context, the media researchers David Croteau and William Hoynes distinguish between two basic principles, two models of thought in contemporary media theory. They are the Market Model and the Public Sphere Model (Croteau, Hoynes, 2006).

According to the Market Model, which may be considered as 'akin' to the class-dominant theory, the media are conceived as private companies selling products with the primary goal of generating profit for the owners and shareholders, so the address the category of 'consumers' that may be interested to buy mass media products just as they are buying any other products. That is why the media are encouraging people to enjoy the programming and the content, to watch commercials and to buy products. Public interest for them is 'anything that is popular'. They see innovation as a threat to the profitable standard operating formula, whereas diversity may be a strategy to open up new 'fake' markets. Regulation, according to them, means interfering with the market processes, and they only answer for their work to owners and shareholders. They measure their success according to the principle of gain, or profit.

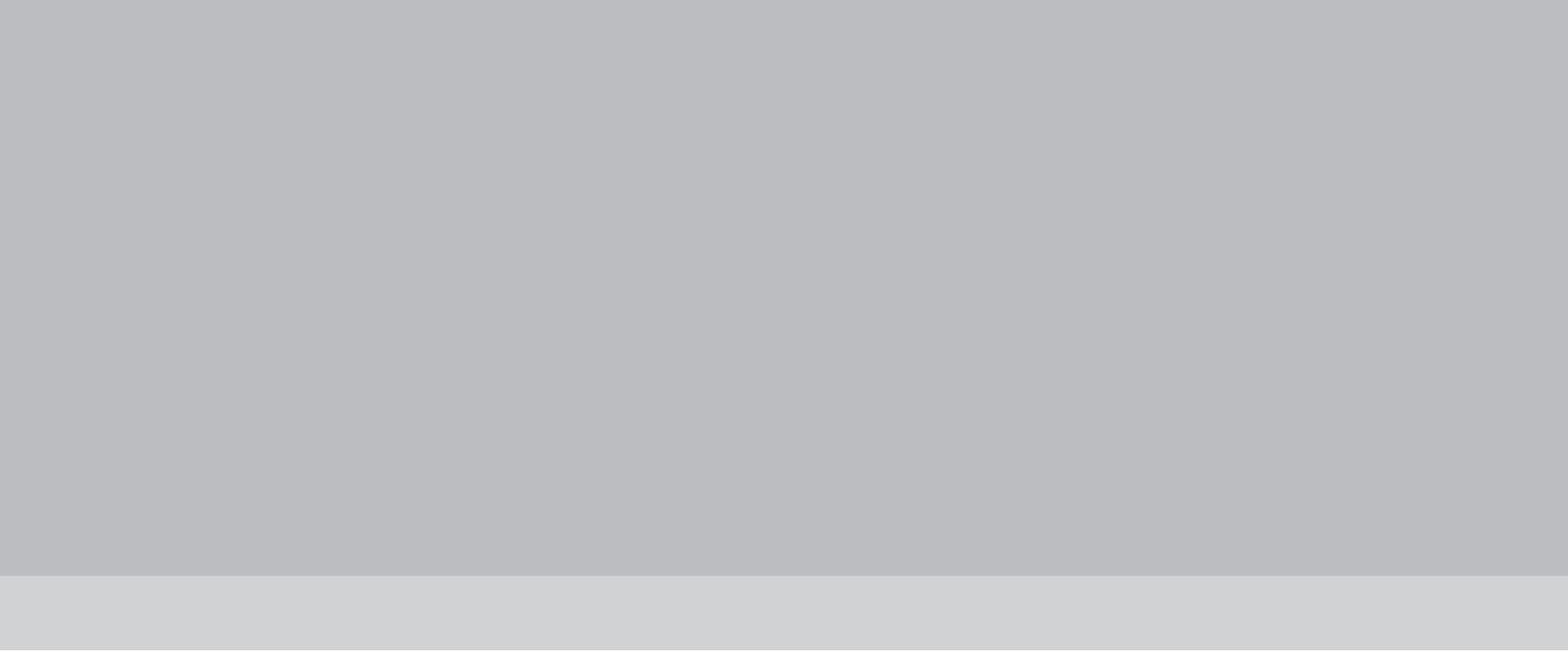
In the Public Sphere Model, however, public resources (the media) sell public access. They are the source of important informative, educational and integrative function. The primary role here is played by the 'citizens', and the media encourage them to find out as much as possible for their own world in order to be 'active citizenry'. Public interest for them is a diverse, essential and innovative content, even if it is not always popular. Innovation is central to the engagement of citizens, and diversity is central to the mission of the media to present the range of different views and opinions to the public. Regulation is seen as a useful tool for safeguarding public interest, and they answer for their work to the members of the public and the authorities. The media measure their success according to the extent to which they serve public interest.

Yet, it must be noted that both in media theory and in practice, and particularly among media entrepreneurs, there is an ever open discussion that media products, even the media themselves, are a commodity like any other. Moreover, entrepreneurship for personal gain (profit) and being successful at it is considered as tantamount to common good. This view is completely unacceptable for the critical scientific thought, according to which the media are not like any other business, but they have essential tasks in achieving general social wellbeing, particularly in the sphere of politics and culture (McQuail, 1994: 120). That is to say, they are considerably different from the other industries because they produce cultural and political goods with various goals, and numerous other goods (Croteau, Hoynes, 2006: 29). According to McChesney, the market cannot (and must not) be the superior way of organising human existence and the foundation for all other freedoms (McChesney, 2008).

Undoubtedly, it is hard to be against contemporary tendencies in the media sphere—privatisation, digitalisation, convergence, or concentration. However, precisely as a result of the expansion of the media industry and under the pressure of the fight for profit, the principal effect is the rationalisation (of the absence) of analytical and investigative journalism, thereby decreasing the contribution to topics, content, programming for which

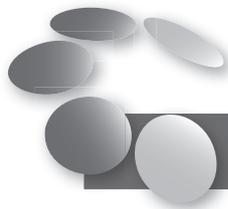
there is public interest. The quandary is how to give all these phenomena a form acceptable to the general public, and not just to those they bring money and power to. In the foreseeable future, the media may not exist in the form in which we know them today. But, that will not cause the disappearance of the need for their responsible informative, and in that sense integrative, cohesive role, necessary for the social community. That is

why Keane's words from two decades ago are still current: 'Media should be for public use and enjoyment of all citizens, not for the private gain or profit of political potentates and businessmen' (Keane, 1995: 9). In this vein also 'persists' the vision of European media policy of the key role and significance of the media of the public service type as bearers and 'promoters' of public interest and the development of democratic society.



# 2

## The European Regulatory Framework and the Standards in the Media Field



### 2.1. Standards, Regulation, Self-Regulation

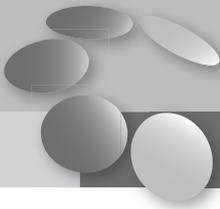
**T**he key standards in the media sphere (on the freedom of the media) in Europe are founded on the basic principles of the freedom of expression stipulated by Article 10 of the European Convention on Human Rights (the Convention). For these purposes, the Council of Europe and the European Commission have passed numerous binding recommendations and resolutions for the European (member) states in building the media systems that will guarantee the freedom of expression, as well as media independence, pluralism and diversity. Central to the building of media policy is the concept of public interest.

Specifically, in the legislation of the European countries, performing public interest is an 'obligation' both for the public and the commercial broadcasting service, only, as opposed to the detailed obligations for the public broadcasters, for the commercial services there is only a general obligation to serve public interest. Thus, in most countries, public broadcasters are obliged to broadcast independent, correct, unbiased, balanced and objective news and information, to provide diversity in programming and in the presented views, to broadcast news, artistic and cultural, and educational programming, minority, religious, children's and entertain-

ment programming in certain proportion, to foster the local culture and values, to produce and broadcast programming relevant to all regions in the country, to broadcast, without compensation, public service announcements, such as announcements related to healthcare, road safety and emergency announcements from government organs. Commercial (but also public) services are generally subject to a series of general legal provisions concerning the broadcasting of content, such as the ones for the protection of minor or the ban for inciting ethnic or religious hatred. Nevertheless, there are considerable examples when they are demanded to broadcast high-quality shows by independent producers (Germany), to provide high-quality programming reflective of the needs and tastes of diverse audiences (UK), broadcasting programming related to the safeguarding of the national cultural heritage (France), or high-quality programming (Italy). These obligations most often form an integral part of the broadcasting licences issued by the national regulatory bodies.<sup>5</sup>

Of particular note here is the United Kingdom with its 'unique' broadcasting model. Namely, all terrestrial broadcasters have public service obligations. Therefore, the greatest responsibility falls on the BBC (as the largest

<sup>5</sup> For more information, see: Television across Europe: Regulation, Policy and Independence, 2005 [https://www.opensocietyfoundations.org/sites/default/files/summary\\_20051011.pdf](https://www.opensocietyfoundations.org/sites/default/files/summary_20051011.pdf)



public broadcaster) and Channel 4 since they get free frequencies in exchange for their public service obligations. ITV and Channel 5 share fewer obligations regarding the programming standards that involve current events and news.

Another effective instrument in the media sphere is self-regulation, oftentimes even more effective than the legally prescribed frameworks, on account of their inflexibility and non-adjustability. It plays an important role in defending editorial independence and in securing editorial standards. Thus, if one starts from the principles of the International Federation of Journalists (IFJ)<sup>6</sup> on the status of journalists and journalistic ethics, they clearly state that the media must abide by the professional and ethical principles of freedom of the press, on which the freedom of expression and opinion rests. They consider the freedom of the press to be:

*[T]hat freedom from restraint which is essential to enable journalists, editors, publishers and broadcasters to advance the public interest by publishing, broadcasting or circulating facts and opinions without which a democratic electorate cannot make responsible judgements.<sup>7</sup>*

According to the IFJ, this freedom may be effectuated only if there are free, independent and plural media expressing different opinions, free flow of information allowing for a complete democratic exchange among all communities, regardless of whether they are based on geography, ethnic background, shared values or common language, compulsory defence and protection of the rights of citizens to free information and their right to know, as well as respecting the professional status and the role of journalists.

In this context, of particular note are the ethical and editorial codes of several large broadcasting services and news organisations. Thus, for instance, the public broadcasting service BBC in the United Kingdom in its editorial standards and values (adapted in many countries in transition), in addition to the reliability, truthfulness and correctness,

editorial integrity and independence, fairness, privacy, transparency and accountability, also underscores the 'serving the public interest'. It specifically explains it as follows: 'We seek to report stories of significance to our audiences. We will be rigorous in establishing the truth of the story and well informed when explaining it. Our specialist expertise will bring authority and analysis to the complex world in which we live. We will ask searching questions of those who hold public office and others who are accountable, and provide a comprehensive forum for public debate.'<sup>8</sup> Even more specific is the Canadian public broadcasting service, PBS, which in the introduction of its editorial standards states that it is 'committed to serving the public interest by providing content of the highest quality that enriches the marketplace of ideas, unencumbered by commercial imperative.' Historically and nowadays, it has operated on the basis of four fundamental principles: editorial integrity (professionalism, intellectual honesty and transparency), quality (thoroughness, commitment to innovation), diversity (meeting the demands of a diverse public, the responsibility to investigate), and local station autonomy (providing topical and relevant content, reflective of the communities they serve).<sup>9</sup>

If, however, one looks at the editor's code of practice of the Independent Press Standard Organisation (IPSO), an independent regulatory body in the newspaper and magazine industry in the United Kingdom, it resolutely defines that public interest includes, but is not confined to: detecting or exposing crime, or the threat of crime, or serious impropriety, protecting public health and safety, protecting the public from being misled by an action or statement of an individual or organisation, disclosing a person or organisation's failure or likely failure to comply with any obligation to which they are subject, disclosing a miscarriage of justice, raising or contributing to a matter of public debate, including serious cases of impropriety, unethical conduct or incompetence concerning the public. There is a public interest in freedom of expression itself.<sup>10</sup>

<sup>6</sup> The International Federation of Journalists, as the world's largest organisation of journalists, was founded in 1926. It was relaunched in 1946, and once again in 1952, in its present form. Nowadays the Federation represents approximately 600,000 members in 139 countries worldwide.

<sup>7</sup> The principle of the International Federation of Journalists, available at:

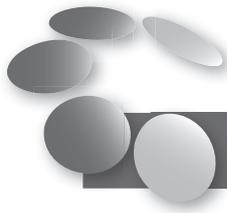
<http://www.ifj.org/nc/news-single-view/category/news/article/status-of-journalists-and-journalism-ethics-ifj-principles/>

<sup>8</sup> Editorial standards and values of the BBC, available at: <http://www.bbc.co.uk/editorialguidelines/guidelines/bbc-editorial-values/editorial-values>

<sup>9</sup> Editorial standards of the Canadian public broadcasting service PBS, available at:

[http://bento.cdn.pbs.org/hostedbento-prod/filer\\_public/PBS\\_About/Producing/PBS%20Editorial%20Standards%20and%20Policies.pdf](http://bento.cdn.pbs.org/hostedbento-prod/filer_public/PBS_About/Producing/PBS%20Editorial%20Standards%20and%20Policies.pdf)

<sup>10</sup> IPSO's editorial code of practice, available at: <https://www.ipso.co.uk/IPSO/cop.html>



## 2.2. The European Court of Human Rights and the Role of the Media as Protectors of Public Interest

The European Court of Human Rights (the Court) has a rich case law related to freedom of expression, qualifying it as ‘one of the basic conditions for the progress of democratic societies and for the development of each individual.’ The following cases concern rulings related to public interest, which unselfishly clashes with its antipode of ‘privacy’.

*The first case* (News Verlags GmbH and CoKG v. Austria, 2000) is a matter of a court order forbidding a newspaper to publish the photographs of a suspect in articles concerning the criminal charges brought against him. The disputable photographs were accompanied by comments that, directly or indirectly, labelled the suspect as the perpetrator of offences that were subject to criminal proceedings. The Court took into consideration all circumstances, and above all the fact that the photographs, published after a series of letter-bomb attacks, were proof that it was a matter of public interest. The suspect, already known as an activist of the extreme right, was also suspected for attempts to undermine democratic society. Finally, the photographs revealed nothing of his private life and in no way encroached on his right to privacy. The Court concluded that the publication of the disputable photographs was prohibited, even though they posed a threat to the legitimate interests of the suspect only on account of the accompanying comments. Additionally, the court order limited the freedom of the newspaper in terms of the manner it presented its articles, whereas the other media were allowed to publish photographs during the criminal proceedings. The Court concluded that the contested measure was disproportionate to the legitimate goals strived for and was, therefore, in conflict with Article 10 of the Convention.<sup>11</sup>

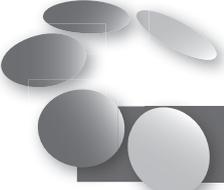
*In the second case* (Bergens Tidende and Others v. Norway, 2000), a newspaper, the editor-in-chief and a journalist were sentenced to pay a fine to a cosmetic surgeon for publishing a series of articles containing testimonials from unsatisfied patients. The Court concluded that the disputable texts concern an important aspect of human health, and as such instigated a serious issue of public interest. In this case it was adjudicated that the patients’ stories were essentially true and that the newspaper relayed them faithfully. The Court reminded that the current reports that are based on conversations are some of the most important means that allow the press to play its key role of a so-called watchdog. Even though the articles had a negative impact on the surgeon’s professional activity, the Court stated that, considering the criticisms regarding the postoperative care and the subsequent treatment of the patients, it was inevitable for his professional reputation to suffer. Hence, the surgeon’s interest in protecting his reputation was insufficient to override the public interest to preserve the freedom of the press when offering information on public interest matters. The Court ruled that that was a breach of Article 10 of the Convention.<sup>12</sup>

*The third case* (Axel Springer AG v. Germany, 2012) involved the arrest and conviction of a television actor for the possession of narcotics. He was known for the part of a police officer in a popular TV series, so his arrest was considered a piece of news worthy of publishing. The actor managed to obtain a publication injunction. The newspaper believed that that violated its right to freedom of expression, and the European Court agreed. Furthermore, the actor identified with his TV role of a police officer in public, as well as with the mission to enforce the

<sup>11</sup> Case law concerning Article 10 of the European Convention on Human Rights, Council of Europe, 2002, available at: [http://www.coe.int/t/dghl/standardsetting/media/doc/translations/serbian/CaseLaw\\_sb.pdf](http://www.coe.int/t/dghl/standardsetting/media/doc/translations/serbian/CaseLaw_sb.pdf)

<sup>12</sup> Case law concerning Article 10 of the European Convention on Human Rights, Council of Europe, 2001, available at: [http://www.coe.int/t/dghl/standardsetting/media/doc/translations/serbian/CaseLaw\\_sb.pdf](http://www.coe.int/t/dghl/standardsetting/media/doc/translations/serbian/CaseLaw_sb.pdf)

law and prevent crime. Even the arrest took place in public, in a tent at the beer festival in Munich. The Court established that the newspaper did not publish any details of the actor's private life, as well as that the article was based on facts. It was noted that the information was obtained legally, and that the injunction had a discouraging effect on the freedom of expression. On account of all that, it was established that the injunction violated the right to freedom of expression.<sup>13</sup>



### 2.3. Key Documents in This Area

Freedom of expression is one of the fundamental pillars on which every democratic society rests. It involves the right to reveal information or opinions without fear of obstruction or reprisals, and as such, falls within the category of fundamental human rights. In this sense, we first and foremost talk about the European Convention on Human Rights, which has an almost 'constitutional character'. Article 10 of the Convention prescribes that:

*Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.<sup>14</sup>*

Freedom of expression is not absolute. That may be noted in paragraph 2 of the same article: 'The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of

information received in confidence, or for maintaining the authority and impartiality of the judiciary.'

Also, freedom of expression is not just an individual human right, the right of every individual, but also a fundamental civil, that is, political right. That is what makes it one of the most fundamental rights on the list of all other civil rights and liberties. That is to say, the freedom of expression is not merely a *condition sine qua non* of the intellectual and spiritual development of each individual as a person, but also a fundamental prerequisite for the surviving all together as democratic communities (Coliver, Darbshire, Bosnjak, 1998:6). In this sense, the right to freedom of expression is an 'expansion' of the citizen's right to be informed, that is of the 'right of the public to know'. That is why, key to realising the democratic potentials of any society is the role of the media allowing for a public debate on the common good, mediating various types of information, ideas, opinions, world-views and political options, as well as, in the role of a so-called watchdog of democracy, to create public opinion and rouse the critical public, openly revealing various undemocratic or illegal actions of the government, the legislators or the judiciary, as well as pointing to various instances and forms of abuse of political power and violating the guaranteed human rights and liberties (ibid. 8).

Freedom of expression is important not just because each of us has a right to state their own opinion, but also because the community we live in has the right to hear the different opinions. That is to say, the freedom of expression is directly proportional to the level of democracy of society and causally related to the free media, which not only have a right, but also an obligation to provide the citizens continually with true, objective and diverse information from various sources, on subjects and issues that are of public interest, in an unbiased and reliable manner.

In this direction there will be further built and developed numerous other legal instruments (resolutions, conventions) within the Council of Europe. Thus, the European Convention on Transfrontier Television,<sup>15</sup> as an

13 Bulletin III: Freedom of Expression and the Right to Privacy, 2012, Human Rights Action, available at: <http://www.hraction.org/wp-content/uploads/Bilten-III.pdf>

14 European Convention for the Protection of Human Rights, European Court of Human Rights, 2010, available at: [http://www.echr.coe.int/Documents/Convention\\_MKD.pdf](http://www.echr.coe.int/Documents/Convention_MKD.pdf)

15 The Convention on Transfrontier Television was initially passed in 1993, and in 1998 the Protocol on the Amendments of the Convention was adopted, and enacted in 2002

other important, legally-binding document in the media sphere, in the very preamble starts from Article 10 of the Convention, stressing the significance of the freedom of expression and informing as one of the key principle of democratic societies, and one of the fundamental conditions for the advancement and development of every human being. That is more specifically embodied in two articles of the document itself. The first concerns the responsibility of the broadcasters (Article 7), that is, that all items of programming services, in terms of their broadcasting and content, must respect the dignity of all human beings and the fundamental rights of others, whereas the second concerns media pluralism (Article 10a), that is, that (in the spirit of cooperation and mutual assistance of the signatory countries) they will endeavour to avoid that, through the programming services broadcast or mediated by a broadcaster, or any legal or physical entity, the media pluralism is threatened.

Furthermore, of particular note is the Resolution 1626 (2008), Indicators for Media in a Democracy.<sup>16</sup> Even though short (consisting of 10 articles), the Resolution ‘reminds’ that the Council of Europe has set the standards for freedom of the media through Article 10 of the Convention. The Resolution addresses the importance of the freedom of the media and the freedom of expression and information in the media as a fundamental requirement of democracy. The participation of the public in the process of democratic decision-making requires that it is well-informed and that it has the opportunity to discuss freely on various opinions. That is why the Resolution calls upon national parliaments to conduct an analysis of the media in order to identify and remove the shortcomings in media legislation and media practice.

For successful conducting of the analysis there is a list of fundamental principles indicated, which includes, among other things: a guarantee of the right to freedom of expression and information through the media in accordance with national legislation, not imprisoning journalists, or closing media

outlets, for critical opinions, freedom of the media to broadcast their content in a language of their own choosing, respecting the confidentiality of journalists’ sources of information, not confusing the exclusive right to report on important public interest events with the right of the public to freedom of information, appropriate working contracts with social protection for the journalists that will not compromise their impartiality and independence, editorial independence of the media from media owners, protection of the journalists from threats and attacks, unbiased and effective functioning of the regulatory bodies for electronic media, protection of the public broadcaster from political interference in its governing and editorial policies, establishing an in-house code of editorial independence of the public broadcasting service, professional codes for journalists and self-regulatory bodies.

Particularly notable are the numerous documents of the Council of Europe related to the work and operation of the public broadcasting service, for the simple reason that it is this institution, as the central ‘link’ in European media policy, that plays the key role in advancing public interest, ‘directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism.’<sup>17</sup> The most significant are the Resolution No. 1 (1994) on the Future of Public Service Broadcasting<sup>18</sup> and the Recommendation No. R (96) of the Council of Europe on the Guarantee of the Independence of Public Service Broadcasting.<sup>19</sup>

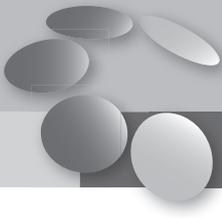
The resolution on the future of public service broadcasting firstly stresses the importance of these institutions to democratic societies, as well as their vital function as a crucial factor of pluralistic communication accessible to everyone. Furthermore, in the policy framework it states that the public broadcasting service ‘must’ have the following missions: to broadcast unbiased and independent facts, information and comments, to provide a public debate forum for the expression of different views and opinions, to be a factor of social cohesion and

16 Resolution 1636 (2008), Indicators for Media in a Democracy, available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17684&lang=en>

17 According to the Protocol on the System of Public Broadcasting, annexed to the Amsterdam Treaty of 1997.

18 Resolution No. 1 The Future of Public Service Broadcasting, available at: [http://www.hkhrm.org.hk/PSB/08.%20Resolution%20No%201.%20\[council%20of%20europe\].pdf](http://www.hkhrm.org.hk/PSB/08.%20Resolution%20No%201.%20[council%20of%20europe].pdf)

19 Recommendation No. R (96) 1, Council of Europe, available at: [http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec\(1996\)010&expmem\\_EN.asp](http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec(1996)010&expmem_EN.asp)

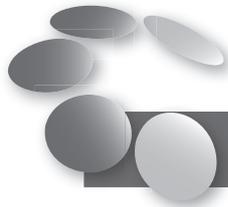


integration of all individuals, groups and communities, to develop pluralistic, innovative and diverse programmes that meet high ethical and quality standards, and not sacrifice quality in favour of market forces, to develop a programming structure and services of interest to a wide public, to reflect different philosophical ideas and religious beliefs in society in order to strengthen mutual understanding and tolerance in multicultural societies, to contribute actively to the dissemination of diversity of national and European cultural heritage.

This will later be 'confirmed' by the Recommendation on the independence of public service broadcasting, with specific operationalisation of the areas in which the public broadcasters should protect editorial independence and institutional autonomy, such as defining the programming framework, the conception and production of programming, the editing and presentation of news and current events. These two documents will later be joined by numerous other recommendations and resolutions stressing the values and principles embodied in them.

# 3

## Public Interest in the Macedonian Media Legislation



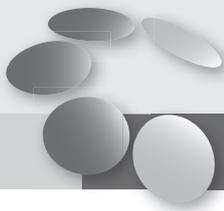
### 3.1. Is Public Interest Defined, and How?

In Macedonian legislation there are two laws regulating the media sphere: the Law on Audio and Audiovisual Media Services (2013) and the Law on Media (2013). Neither specifically defines public interest. However, it is clearly and firmly defined that the Macedonian Radio Television, as a public broadcasting service, ‘shall perform business activity in the field of broadcasting in the Republic of Macedonia’ (Article 104), which includes the production and providing of radio and television programming and programming services (Articles 107 and 110) by meeting the programming obligations (Articles 91 and 92) and the standards and principles for journalists and editors in producing and presenting the programmes (Article 111).

In particular, MRT ensures the public interest through one television programming service in Macedonian, one television programming service in the language spoken by at least 20% of the citizens and is different from Macedonian, and in the languages of the other non-majority communities, two radio programming services in Macedonian and one radio programming service in the language spoken by at least 20% of the citizens that is different from Macedonian, and in the languages of the other non-majority communities, special radio programmes in-

tended for the neighbouring countries and Europe in foreign languages, special radio programmes for informing the expatriates and the citizens of the Republic of Macedonia living in the neighbouring countries, in Europe and on other continents, one radio and one television programming service for the Parliamentary Channel as stipulated by the Law on the Assembly of the Republic of Macedonia (Article 107).

When producing these radio and television programmes MRT is obligated (Article 110) to create and broadcast programmes accessible to the overall public in the country in order to contribute actively to the creation and development of free thinking and to informing the public, and be the driving force of the democratic processes in the country, to develop and plan a programming schedule in the interest of the overall public (of all segments of society without discrimination, taking into account the specific societal groups), to provide continual, accurate, complete, impartial, and timely information creating and broadcasting high-quality programming on all the important political, economic, social, health-related, cultural, educational, scientific, religious, environmental, sporting and other events and happenings in the Republic of Macedonia, the countries in Europe and the world, to *promote and improve the culture*



*of public dialogue and to provide an arena for broad public debate on issues of public interest, not to represent and not to protect positions or interest of a specific political party, political, religious or other groups, and the programming it creates and broadcasts to be protected against the influence of the authorities, political organisations or other centres of economic and political power, to contribute to the respect and promotion of the fundamental human rights and liberties, the privacy, dignity, the reputation and the honour of the individual, the tolerance, understanding and respecting diversity, the sense of peace, justice, democratic values and the institutions, the protection of minors, gender equality, combating discrimination and the benefits of civic society.*

Furthermore, its obligation is to create programming that contributes to fostering and advancement of knowledge and the understanding of the cultural identity of the communities, the respecting of cultural and religious differences and promoting the culture of public dialogue in order to strengthen the mutual understanding and tolerance in order to improve the relations among the various communities in a multi-ethnic and multicultural environment, informing the public of the regional and local features and events in the Republic of Macedonia and *ensuring open and free debate on all issues of public interest*, informing, educating and broadcasting programmes on safeguarding the cultural and natural heritage, on protecting the environment and people's health, as well as consumer protection, informing and educating on other cultures, especially European, fostering and developing the speech and language standards of all the communities in the RM, creating and broadcasting programming of national interest focused on crime prevention, socially unacceptable and risky behaviour, and promoting safety in the community.

When producing or presenting the programming, the journalists and the editors at the MRT are obligated (Article 111) to abide by the principle of truthfulness, impartiality and comprehensiveness of information, the principle of political balance and pluralism of view, to provide impartial, comprehensive and important information and present

them clearly, unambiguously and in a manner in which the citizens are able to form their opinion, not to represent or favour the positions or interests of a particular political party, association, personal interest, religion or ideology in the programming, to respect the privacy, dignity, reputation and honour of the individual, to abide by the principle of constitutionality and legality in shaping information and programmes, including the ban to incite cultural, ethnic, religious, gender, racial, national or other forms of intolerance, to abide by the principle of political independence and autonomy of the reporters, to make a clear distinction between information, that is, event, and position, and to meet the criteria of quality, expertise, cultural values and professional competence in terms of the highest achieved national and recognised European professional standards and ethical principles of independent journalism and quality programming.

Additionally, in the Law on Audio and Audiovisual Media Services there are particularly specified media services (programmes) labelled as public interest, for which there are special normative rules defined. These include the obligation to broadcast European works and works by independent producers, as well as the obligations to broadcast music and programming originally created in Macedonian or the languages of the communities in the Republic of Macedonia. This equally concerns the public broadcasting service and the private/commercial broadcasters.<sup>20</sup>

Under obligation to broadcast European works and works by independent producers are the television broadcasters broadcasting television programming service on a national level. They need to provide at least 51% of all the programmes broadcast throughout the year with content of this type, not including the time allocated for broadcasting news, sporting events, gameshows, advertisements, teletext and teleshopping services. For the realisation of these works they are obliged to allot at least 10% of the programming budget, but at least half of them need to be produced in the last five years. As regards broadcasting music and originally created programmes, the private broadcasting subjects are obliged to make 30% of their

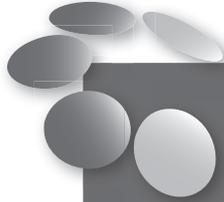
<sup>20</sup> It is important to note that these provisions in the Law result from the harmonisation with the EU Audiovisual Media Services Directive

programming in Macedonian or the languages of the non-majority communities living in Macedonia (in 2015 this percentage was 40%, and as of 2016 it has increased to 50%), whereas the public broadcasting service is obliged to make it at least 40% (in 2015 that percentage was 50%, and as of 2016 it has increased to 60%). Of particular note here are the domestic documentary and dramatic programming (paragraph 13 of Article 92), as well as programmes of public interest to the Republic of Macedonia.

Additionally, in the context of public interest are notable the principles that the (private) broadcasters need to abide by when providing television or radio broadcasting (Article 61). These, among others, include the fostering and development of human and moral values in human beings and the protection of the privacy and dignity of the individual, the equality of rights and liberties regardless of gender, race, national, ethnic and social background, political and religious affiliation, the wealth and social status of the individual and the citizen, promoting the spirit of tolerance, mutual respect and understanding among individuals of different ethnic and cultural backgrounds, protecting the identity of the victims of violence, respecting the presumption of innocence, promoting international understanding and cooperation, the public's sense of fairness and of the need to defend democratic freedoms, openness of the programmes to expressions of the diverse cultures that are integral part of society, safeguarding and fostering the national identity, the linguistic culture and domestic creative production, *the objective and unbiased presentation of events with an equal treatment of diverse positions and opinions, and allowing for a free creation of public opinion on certain events and issues*, the autonomy, independence and responsibility of the editors, journalists and other authors when creating programmes and editorial policies.

Nevertheless, despite all the presented provisions that, directly or indirectly, refer to the public interest, the fact remains that it is not specifically defined in the media legislation, which in practice leaves room for its 'various interpretations'. For instance, two laws from two neighbouring countries defined public interest in special articles. Thus, the Law on Public Information and

Media of the Republic of Serbia (2014), in the section on public interest in the field of public informing (Article 15), public interest is defined as accurate, impartial, timely and complete informing of all the citizens of the Republic of Serbia, in the native languages of the citizens and the national minorities, as well as the members of the Serbian people living outside the territory of the Republic of Serbia, preserving the cultural identity of the Serbian people and the national minorities, supporting the production of media content with a view to protect and develop human rights and democracy, advancing the rule of law and the welfare state, the free development of the individual and protecting children and youth, the development of the cultural and artistic creation, the development of education, of science, the protection of the environment, improving media and journalistic professionalism, free expression of ideas and opinions, the free development of independent and professional media contributing to meeting the needs of the citizens for information and content from all areas of life, without discrimination. Or, in the Media Law of the Republic of Slovenia (2006), in the section on public interest in the field of media (Article 4) it is defined the Republic of Slovenia supports the media in creating and broadcasting programming content important to ensuring plurality and diversity in the media, preserving the Slovenian national and cultural identity, promoting cultural creation in the field of media, the culture of public dialogue, strengthening the rule of law and the welfare state, the development of education and science.

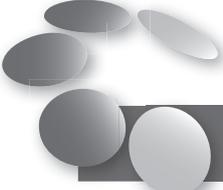


**3.2. Do the Media Have a Legal Obligation to Safeguard the Public Interest and How Much Do They Meet This Obligation?**

If one follows the normative solutions, the MRT as a public broadcaster, with the very fact that it performs a public interest activity, has a clear legal obligation to safeguard the public interest. Under the same obligation is also the director of the MRT, who represents the broadcaster and is responsible for its legitimate operation and meeting the obligations as stipulated by the law. There is

also a Programming Council of the MRT protecting the interests of the public in terms of the programming content, that is, follows the meeting of the programming obligations, the principles and the standards stipulated by the law (for their violation it warns the director of the MRT in writing and may even ask for suspending the programme), as well as the audience's comments and suggestions regarding the broadcast programming (and may ask the director of the MRT in writing to adjust the scope, structure and overall quality of the programming content). As regards the issue of how much the public broadcaster meets the obligation to safeguard the public interest, this obligation is 'adjudicated' by the Assembly of the Republic of Macedonia, to which it submits an annual report on the work in the previous year (as well as an annual programme for the following year).

The absence of firm definitions of the public interest for private broadcasters does not mean that they are absolved of this responsibility. It is enough to abide by the obligation to respect the principles when providing television or radio broadcasts. And, whether and how much they, as the MRT, meet this obligation (or abide by the law) is the 'concern' of the Agency of Audio and Audiovisual Media Services that, among other things, has the jurisdiction to ensure 'public access to the operations of the broadcasters, (...) the protection and development of pluralism of audio and audiovisual media services' (Article 6). It does that through analysis and investigation of their work, and if it finds that they have been working contrary to the law, it may undertake appropriate measures. It is so by law, even though heretofore in practice there have been no instances in which a broadcaster was sanctioned, for instance, or lost its broadcasting license because it did not safeguard the public interest with its programming.<sup>21</sup>



### 3.3. What about Media Pluralism?

It is questionable whether the media legislation promotes media pluralism. It is the essential 'tool' for the development of democratic society, or the means for realising the fundamental human rights to freedom of expression and information. It is also the predominant political goal in the European Union.<sup>22</sup>

In this sense, the Law on Media, when discussing freedom of expression and freedom of the media (Article 2), which is guaranteed and may only be limited in accordance with the Constitution of the Republic of Macedonia, clearly states that it includes: 'the freedom of expression of opinions; the independence of the media; the freedom to collect, investigate, public, select and transmit information for the purpose of informing the public; *pluralism and diversity of the media; the free flow of information and openness of the media for different opinions, convictions and diverse contents*; access to public information; respect for human individuality, privacy and dignity; freedom to establish legal entities for the purpose of performance of public information activity; printing and distribution of print media and other media in the country and abroad; production and broadcasting of audio/audiovisual programmes as well as other electronic media; the independence of editors, journalists, authors and creators of contents or programming collaborators and other persons, in accordance with the professional rules of journalism.'

On the other hand, media pluralism in the Law on Audio and Audiovisual Media Services is first mentioned in the section on the competencies of the Agency of Audio and Audiovisual Media Services (Article 6). The Agency, among other things, is 'responsible for the protection and development of pluralism in the audio and audiovisual media services, as well as for the existence of diverse and independent audio and audiovisual media services.'

<sup>21</sup> According to what is available on the website of the Agency, so far it has conducted several analyses of 'political pluralism' in the media. One regards the election campaign in 2014, and three the television news on the public broadcasting service in 2010, 2011 and 2012. There are no such analyses of the commercial broadcasters.

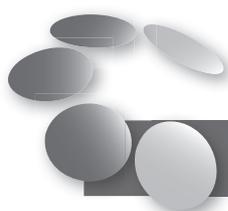
<sup>22</sup> Recommendation No. R (99) 1, Council of Europe, available at: [http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec\(1999\)001&expmem\\_EN.asp](http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec(1999)001&expmem_EN.asp)

Furthermore, a whole chapter, Protection of the Pluralism and Diversity of Audio and Audiovisual Media Services, is dedicated to this issue. Namely, in order to prevent the violation of media pluralism, the law prohibits secret shareholders in broadcasting, limits the participation of foreign physical or legal entities in domestic broadcasters, clearly defines the category of related persons who cannot be involved in the management, the capital and the business policies of the broadcaster, defines the limitations on ownership acquisition, the special prohibitions on ownership acquisition<sup>23</sup>, and the illegal media concentration.

In accordance with the principles when providing television or radio broadcasting, as well as the programming responsibilities, standards and principles, both the private broadcasters and the public broadcasting service are expected to foster and develop medial pluralism through 'objective and unbiased presentation of events, with equal treatment of diverse views and opinions, enabling the free creation of a public opinion on individual events and issues', enabling 'open and free debate concerning all issues of public interest', 'political balance and pluralism of view', unbiased, comprehensive and relevant information and present them in a clear and unambiguous manner so that the citizens are able to freely form their opinion'.

improving cultural pluralism. Namely, national-level commercial broadcasting companies and the public broadcasting service (according to Article 92) have the right to reimbursement of the expenses of up to 50% for the production of domestic documentary and dramatic programming (defined as public interest programming) according to genres (television films, animated films, series, monodramas and dramas, situational comedies, telenovelas and soap operas), from the budget of the Ministry of Information Society and Administration. This measure might be the proper counterbalance to the tendency of various media to 'standardise' the production, which is a threat to media pluralism, but how much it is enforced in practice is another matter.

A measure for promoting diversity of the media offer is, of course, the issuing of the broadcasting licence. In accordance with the Law on Audio and Audiovisual Media Services, it is fairly easy to realise since the issuing of a license for television or radio broadcasting through a public electronic communication network that does not use a limited resource or through a satellite does not require publishing a public competition, and the license is issued upon the request from the interested subject. Of course, in accordance with the legal criteria that, among other things, include: quality, genre and thematic diver-



### 3.4. Mechanisms for Promoting Diversity of Media Content

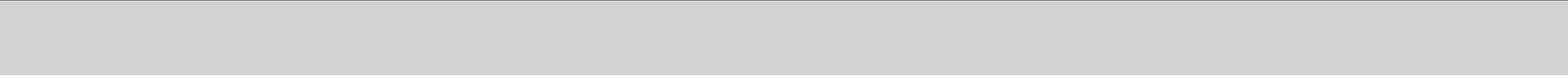
Media pluralism is, simultaneously, diversity of the media offer, which is 'recognised' through the existence of a multitude of independent and autonomous media outlets (or, structural pluralism), and diversity of the media types and content (views and positions).<sup>24</sup>

From the aspect of audiovisual production, the Law on Audio and Audiovisual Media Services has developed mechanisms for

sity of the content, whereby contributing to greater diversity and pluralism in the Macedonian market, a percentage of programmes promoting the development and safeguarding of national culture, a percentage of programmes by independent producers and of European audiovisual works (Article 74). Legally well-regulated and practically enforceable, it still depends on the 'will' of the regulatory body (the Agency) when assessing the criteria for issuing a broadcasting licence.

<sup>23</sup> According to Article 38 of the Law, political parties, state bodies, bodies of the state administration, public enterprises, local self-government units, public office holders and members of their families, may not pursue broadcasting activity, nor appear as founders or co-founders or acquire ownership of broadcasters.

<sup>24</sup> According to the Recommendation No. R (99) 1 of the Committee of the Ministers to Member States on Measures to Promote Media Pluralism



# 4

## Public Interest in the Media in Macedonia in Practice: Hostage of the Partnership between the Owners and the Authorities

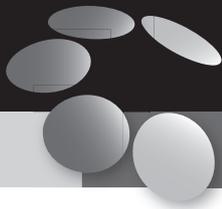
**E**ven though we may conclude that in Macedonia there is a relatively good legislative framework, infrastructure, technology and other resources allowing the media to fulfil their role of protector of public interest, still, their failure to fulfil this role has been increasingly evident. Nowadays, the media in Macedonia are less free than before, they are the victims of clientelism, or the relationships of politics, business and the media ownership structure, of direct pressure from the Government and the institutions, of censorship and self-censorship. According to relevant regional media research, these, as well as other factor on which we shall reflect in this analysis, curtail freedom of the media not just in Macedonia, but all over the region, and impede their fulfilment of the role of protectors of public interest.<sup>25</sup>

In the latest European Commission Progress Report on Macedonia (EC: 2015), it has been noted that the legislative framework was reformed in previous years and is line with the EU *acquis communautaire* and international standards. Nevertheless, freedom of expression and of the media remain a serious challenge, considering the current media culture and political climate. According to the EC, the country has continued to backslide, and the part of the European Commission report on the progress of Macedonia concerning the state of the media contains numerous criticisms and recommendations on the state of the media in Macedonia, freedom of expressing, transparency on the government spending on media advertising and the direct or indirect influence of the government on the media reporting on matters of public interest.<sup>26</sup>

In the section of the report dedicated to the freedom of expression, as part of Chapter 23 devoted on the rule of law and the fundamental human rights, it has been noted that in the previous year there was an increased number of reports of intimidation and harassment of journalists, as well as of cases of property damage of media outlets by unknown perpetrators. There is mention of the example when a funeral wreath was delivered to a journalist's home, which is not the only case of death threats issued against journalists, and there have been noted several physical altercations with journalists, including one involving a senior politician, which have not been condemned by the authorities. The report notes that several reporters have stated that their telephone conversations were included in the illegal intercepted communications on which the public was informed by the opposition, indicating that they were subject to illegal surveillance. The report states that part of the intercepted communications indicate that the media were under direct or indirect pressure from the government in their reporting. 'Attempts to limit reporting on matters of public interest are worrying,' is one of the loud and rather direct messages in the EC Progress Report.

How have we got into this situation? The reasons for this, in addition to the above, are numerous. If we start from the general and global situation, the conditions for creating a fertile ground for such degradation may also lie in the general decline of the quality of the media and of journalism in Macedonia, but not just here. The arguments for the neglect of public interest partially result from the

25 Media Integrity Matters, S. Trpevska, I. Micevski, Macedonian Institute for Media, 2014, available at: <http://mim.org.mk/mk/publikacii/824-2015-08-20-09-18-55>  
26 EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)



world trend of tabloidization of the media, with a visible domination of entertainment, superficial information, PR, advertising, corporate and political interests, at the expense of the increasing neglect of the informative and educational function of their content.

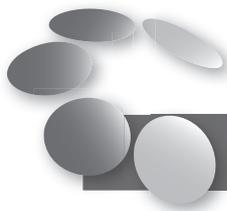
Nevertheless, the reasons for this failure of Macedonia are different, much deeper and more complex. They are the product of a long-lasting process of degrading the media sphere and its stranglehold by the political and economic centres of power, which through the media realise their own—personal or group—interests that are nevertheless special, and not interests of society and the public. In fact, oftentimes these interests and the manner of their articulation through the media are in conflict of what represents and is defined as public interest in the international legal and media studies and practice, which we take as reference point in this analysis, in the absence of a formal legal definition in the Macedonian media and general legislation. Furthermore, it is important to note that the political parties in power, that is, the executive branch of government, all these years have been the predominant actor producing this type of relations, which created the conditions for the erosion of the media and their alienation from public interest, and placing them in a subservient position to those who ‘pay best’.

First and foremost, the creation of such an environment is instigated by legal insecurity—the obvious arbitrary and frequent changing of the laws with a view to placing the mechanisms and the bodies for enforcing the laws under direct or indirect control of the executive branch. Moreover, the laws are being enforced selectively and according to the needs of the government: towards the critical media and journalists they strictly and with draconian measures, towards the media and journalists close to the government with a culture of impunity, regardless of the type of offence. These ‘rules of the game’ leave less room for freedom of expression, and widely open doors to corruption and clientelism. Additionally, one should take into account the fact that the media market in Macedonia has serious structural problems, which over more than two decades of pluralism have of-

tentimes been created by the authorities and the institutions themselves.

A country of two million people, which, in addition to the several TV and radio channels of the public broadcasting service, has 6 private terrestrial national TV stations, 3 national radios, over 25 national TV channels (via cable or a public telecommunications network), and dozens of regional and local radios and televisions, may truly ‘boast’ and excessive quantity of media, but all indicators and reports show a backslide in pluralism in the essential part—in content. The print media market has declined. The five general-interest daily newspapers in Macedonian and the two in Albanian, and the several weeklies have increasingly more modest print runs and are reduced to several thousand copies. In addition to traditional media, which are still adjusting to the new digital age, in which they are not the exclusive gatekeepers of information, there is a growing and dynamic online media scene. Even though, according to the information on MARnet, an authorised domain registration authority in the country, there have been 23,937 domains registered in Macedonia, an insight into the various news aggregators shows that, apart from the websites of traditional media, between 200 and 300 of the media existing only online deal with posting and processing information of public interest, and are able to reach a daily audience of over 10,000 readers. Nevertheless, most of them deal with entertainment content, which is a worldwide trend of ‘tabloidization’ of the media.<sup>27</sup> In any case, these facts indicate an oversaturated media market, with too large a supply for a relatively small audience and economy, contributing to economically and financially weak media, as well as to their susceptibility to influence, clientelism and corruption. On a market that is too small for so many media, there are not too many opportunities for survival, let alone for developing serious media operations, without the support from the owner’s other businesses, of their relationships to the political centres of power. Most often, ‘returning the favour’ takes the form of advertising, or favouring the media owner’s other businesses—in exchange for the media’s reporting positively on the political centre of power granting these ‘favours’.

27 Analysis: Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online, available at: <http://mim.org.mk/mk/publikacii/853-analiza-makedonija-vo-digitalnata-era>



#### 4.1. Public Campaigns in the Media—Fulfilling Public Interest, or Partisan and Business Interests with Public Funds?

The main instrument of the political parties in power for buying editorial acquiescence are public advertisements and campaigns, as well as other business ‘favours’ for the media owners, which, of course, are carried out and realised with public funds, with the taxpayer’s money. Several years in a row, the Government of the Republic of Macedonia has been among the top 10 largest advertisers in the country. As expected, most of the influential media ‘beneficiaries’ of these funds almost never observe critically the work of the state bodies. Instead, these media have been transformed into promotional channels of the organs of the executive branch.

Since the country has no media policy and a clearly defined public interest in the media, the subsidising of any media or media content is based on political criteria. As the intermediaries of this operation, political parties have their own ‘trusted’ marketing agencies, competing for and winning the campaign tenders, and then distribute the funds according to unknown criteria, and not according to ratings, target audiences, trust and other criteria normally used in such situations.

The information listed in the report on government advertising, published on the Government website, shows that in 2012, 2013 and the first six months and 2014, the Government conducted a total of 27 media campaigns, spending approximately EUR 18 million in the process. Furthermore, there is a visible trend of increasing the funds spent for this purpose: in 2012, there were EUR 6.6 million spent on campaigns, and just in the first six months of 2014, before the parliamentary elections, almost EUR 4 million. The largest number of the campaigns are for informing the citizens on the benefits from the reforms in the judiciary, healthcare, edu-

cation, agriculture, tourism, administration, and several are for the promotion of the spirit of innovation and entrepreneurship, against abortion, on cohabitation, *Explore Macedonia*, and on family values. Even though one cannot deny the importance of part of the subject matters covered by the campaigns to public interest, what the critical public and the media community question is the non-transparent spending of these public funds.<sup>28</sup> With them, in fact, under the guise of public interest, the government was winning the acquiescence of some of the media.

Regarding this issue, the latest EC Progress Report notes that there is ‘still a lack of transparency on government spending on media advertising and the government has failed to provide details on the amounts, criteria and recipients despite the requirement under the Law on Audio and Audiovisual Media Services to do so.’ In order to remedy these shortcomings, according to the recommendations of the EC, in the following years the country should particularly focus on ensuring complete transparency in government advertising and develop new mechanisms for unpaid public service announcements that truly are matters of public interest.<sup>29</sup>

Following the moratorium on public campaigns in the media enacted in the summer of 2015 in the negotiation process for overcoming the political crisis,<sup>30</sup> the government nevertheless proceeded to use other instruments to maintain the clientelist relations with the media, such as the public calls for tenders, announcements, various public procurements and employments in public administration, through the newly-introduced subsidising of documentary and dramatic programming, the production of which was made mandatory by law for some of the media, or other favours for media owners.

28 Research: Public Funds in the Media Space, Association of Journalists of Macedonia, 2015, available at: [http://znm.org.mk/drupal-7.7/sites/default/files/Javnite%20pari%20vo%20mediumskiot%20prostor%20maj%202015\\_0.pdf](http://znm.org.mk/drupal-7.7/sites/default/files/Javnite%20pari%20vo%20mediumskiot%20prostor%20maj%202015_0.pdf)

29 European Commission Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)

30 The Government Will Not Advertise in the Media, Radio Free Europe in Macedonian, 1 July 2015, available at: <http://www.makdenes.org/content/article/27104568.html>

Speaking of the funds for the production of film and documentary programming, that they are allocated in a process decided by the executive branch is also shown in the latest report of the Macedonian Institute for Media (MIM), 'An Independent Model for Media Subsidies of Domestic Production Needed'. According to the analysis, the allocation of these funds is decided by an Interdepartmental Committee, composed of representatives of several ministries and state agencies.<sup>31</sup> This clearly demonstrates the influence of the executive government on who receives these funds, which form a considerable item in the increasingly poorer media market. Media owners and producers on the one hand, and the professional and civil media organisations on the other, as concluded in the analysis, have divided positions on this issues. Television broadcasters and producers accept the measure, viewing it as an opportunity for developing quality domestic production. Whereas the media associations believe that this kind of financial support might further strengthen the government control over editorial policies and media content.

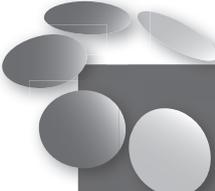


#### 4.2. Non-Transparency in Funding and Ownership: Can Media with Secret Owners Serve the Public Interest?

Non-transparency and the coupling of politics and business are present in media ownership itself, and the clientelist relations with the centres of political and economic power have become predominant on the media market, which cannot even be referred to as such, since it is not regulated according to market, but according to other 'criteria'.

After a years-long non-enforcement of the legislation concerning media ownership, and the limited even formal progress in this sphere in 2012 and 2013, when several media changed ownership on account of the legal constraints, the new law adopted towards the end of 2013 (and amended soon afterwards, in January of 2014) requires print media owners to disclose their media stakes as well.

Nevertheless, as revealed by several journalistic investigations, part of the media, especially those on good terms with the ruling parties, continue have formal and 'real' owners, unknown to the public, who through companies registered in exotic countries or by other means attempt to hide the evident coupling with the government, which is more than just a 'friendly' relationship.<sup>32</sup>



#### 4.3. Media Reporting: An Orchestrated Propaganda of the Centres of Power instead of Independent Journalism in Service to Public Interest

Speaking of the media and reporting serving special political or economic interests, we also come across a particular phenomenon, which is relatively new, but already common for the media environments in countries with partial or curtailed freedom of the media—the appearance of orchestrated media (or the so-called media 'volvox' or 'colonies'). They are editorial desks and media collaborating with a single centre of power, and are tasked with the orchestrated sharing of the same content. The content is not produced by the editorial desks themselves, but by the communication centres of the political parties. These media, which are neither few, nor limited in audience reach and influence, but, on the contrary, have large viewerships and readerships, dictate a completely different agenda from the one corresponding to public interest.

In addition to the role of a 'shield' and a means of praise and advertising, that is, 'promotion' of the potentate—the business or political option behind the media—the media serving directly or indirectly to the centres of power use multiple ways of manipulating the public and the audience, aiming to direct their attention to what the media is interested in, that is, is of interest to whoever is behind it. Over the years, the techniques of manipulating and tendentious framing of content have been perfected, so that they are as unnoticeable as possible to the predominantly media unsavvy audience.

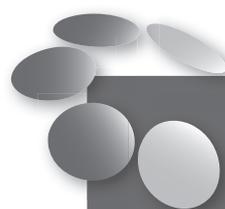
<sup>31</sup> Report: An Independent Model for Media Subsidies of Domestic Production Needed, Vesna Nikodinoska, MSc, MIM, 2015, available at: <http://mim.org.mk/mk/mediumska-politika/844-potreben-e-nezavisen-model-na-mediumski-suvencii-za-domasno-proizvodstvo>

<sup>32</sup> A series of investigations and reports on this subjects have been published on the MediaPedia website: <http://www.mediapedia.mk/>

These media most often ignore or do not report at all on information and events if they are in conflict with their interests, regardless of whether they are momentous events or the most topical happenings in the country. Or, they choose to present these happenings and information in a distorted perspective and context, suitable to the owner or editorial policies. Additionally, oftentimes instead of reliable information allowing the citizens to get informed, to make informed choices and conclusions, and get help in appropriately organising their personal, family and social lives, they produce content completely irrelevant to public interest.

As an instrument of imposing their own agenda, apart from cheap entertainment, they use sensational use, fear mongering with various threats and other tricks, with a view to deflecting the focus from the current issues troubling society. Instead of information, comprehensive analyses and debates, the public is served with misinformation, biased and one-sided positions, and vicious public attacks and discreditation of those deemed harmful to the interests of the media or its business/political patron.

The European Commission's Progress Report on Macedonia has expressed concern about the editorial policies of the public television broadcaster and concluded that the 'largest television outlets with concessions to broadcast nationally (SITEL, KANAL5, ALFA and MRT, the public broadcaster) favour the government and report selectively on opposition or civil society activities'<sup>33</sup> The same concern about biased and limited reporting by some of the media and the pressure on the journalists from the public broadcaster the EC has also expressed in relation to the intercepted telephone communications released by the opposition. In the spirit of these conclusions, and taking into account the allegations from the released communications, from which one could hear how top government officials 'shape' the reporting and the media agenda with owners and editors, one may well determine that in practice too, it seems that these assessments by the EC continue to be manifested through the everyday reporting of some of the most influential media in the country, which is not in service to the public interest.



#### 4.3.1. Election Coverage—Predominantly for the Purpose of Partisan Interests, and Not of Public Interest and the Right to Informed Choice

As noted in the OSCE/ODIHR reports in the last few election cycles, some of the most influential media in the country, particularly several private national televisions and the public broadcaster, showed bias in reporting in favour of the candidates and parties in power, and did not provide conditions for a fair electoral competition, or a 'level playing field' in the media presentation during electoral campaigns. These conclusions were reiterated in the final report of the election observation mission of this organisation.<sup>34</sup>

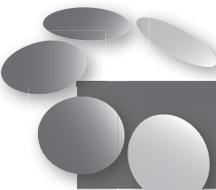
A large part of the most influential media does not abide by the principles of truthfulness, impartiality, objectivity and balance, as well as the citizens' right to an informed decision on the electoral offer and the feasibility of the candidates' proposals. The blurred lines between the party in power and the state are reflected in the too frequent appearances of government officials during election campaigns at promotional events, inaugurating objects and announcing various investments, thereby smothering the media space with their excessive presence.

It is the coverage of these events that has been noted for years as a 'chronic illness' of the public broadcaster that presents this way of reporting as being in the interest of the public, which should know in detail what state officials are doing, even though it practically means following their promotional agenda without the possibility to touch upon sensitive issues. On the public broadcaster, but also on the other dominant influential media, there is evident absence of proper debate and confronting the positions of the government and the opposition, which has lasted for over a decade.

On the other hand, there is a predominant unidirectional approach and artificially generated promotional events and interviews. In

33 EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)  
34 OSCE/ODIHR Election Observation Mission Final Report on the Presidential and Early Parliamentary noElections, July 2014, p. 4, available in Macedonian at: <http://www.osce.org/mk/odihr/elections/fyrom/121926?download=true>

an orchestrated and organised manner, what is offered is strictly controlled and measured information, intended primarily to create a positive image of whoever peddles it, and not to truly address public interest. Instead of analyses, what is offered is content, which formally is information, but actually is not. These conclusions have resulted from almost every observation by MIM, the School of Journalism and Public Relations, and the Institute of Communication Studies, as well as by other organisations, conducted in the last few years.



#### 4.3.2. Media Coverage of the 'Bombs'—Two Truths, Which Is the Real One?

Another example that has provoked dilemmas and fierce debates is the coverage of the opposition's so-called 'bombs', that is, the illegal audio recordings that the public was able to hear at the press conferences of the SDSM and the united opposition. At the very beginning of the release of these materials, the Public Prosecutor's Office openly warned that their broadcasting by the media would constitute breaking the law.<sup>35</sup>

The media close to the government, including several of the most influential national televisions and the public broadcaster, did not even report on the audio materials themselves, or broadcast direct excerpts or complete recording of the released communication, most often justifying themselves with this warning by the public prosecutor. Some of the media favoured the explanation that if the materials were broadcast, they would not be admissible in any future criminal proceedings. In support of this claim was the ruling that the Court of First Instance in Skopje made in the meantime, declaring part of these materials as inadmissible in a criminal proceeding, with the explanation that they had been obtained illegally.<sup>36</sup> Instead of presenting all positions, they reported pri-

marily and almost exclusively on the reactions of the government to the released audio materials, which were qualified as 'illegal', obtained from 'foreign services', 'cut, pasted and edited' materials, and not on the materials themselves or the allegations in them.

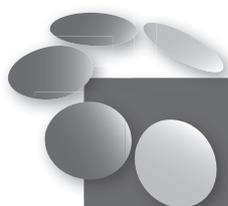
This part of the media also focused on the role of the opposition leader as a defendant in the case dubbed *Coup*, and his portrayal as a man serving foreign interests. While the 'ban' from Prosecutor's Office regarding the 'bombs' was respected, they broadcast video recording of the opposition leader (raising the question as to how they had been obtained, whether by using special investigative measures (SIM)), which suddenly appeared on YouTube and were almost simultaneously released on several influential traditional and online media close to the authorities. They allegedly show the mayor of Strumica arranging questionable deals and commissions. Suddenly, all justification and restraint used with the 'bombs' were no longer an issue. What was also lacking were the warning from the institutions on the unlawfulness of such broadcasts.

The media associations and organisations—with the exception of the Macedonian Association of Journalists (MAJ)—referring to international conventions, the Constitution and the laws, as well as the professional standards, rejected the public prosecutor's warnings not to broadcast the communications that the opposition released to the public, and deemed his statements as threats to the freedom of the media.

The information and the recordings released by the oppositions, in addition to the partially limited reach to mass audiences through the several national media not under government control, received wide dissemination online and on social media. The live streaming on the YouTube channels of the opposition party, or on the online media outlets that broadcast the opposition's press conferences on the 'bombs' gained several dozen thousand views.

35 The Basic Public Prosecutor's Office for prosecuting cases of organised crime and corruption, in accordance with its competences, shall investigate the facts and the circumstances under which the materials from the meeting between the President of the Government of the Republic of Macedonia Nikola Gruevski and the leader of the Social Democratic Union of Macedonia Zoran Zaev got to the media (...) The Public Prosecutor's Office of the Republic of Macedonia deems it necessary to stress that the release of materials that may become subject to further criminal proceedings is prohibited and punishable by law, statement of the PPO, 3 February 2012, available at: <http://jorm.gov.mk/?p=1166>  
36 <http://meta.mk/sudot-gi-proglasi-za-nevazhecki-snimkite-i-dokazite-od-bombite/>

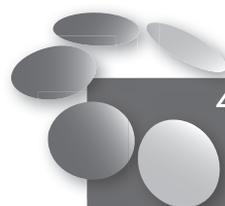
One might claim that the opposition itself, aware that this issue, regardless of its importance, was unlikely to reach a mass audience immediately on account of the expected obstructions to releasing the materials, chose a strategy of a more long-term and fragmented release of these materials, attempting to have the information on the 'bombs' gradually reach every segment of society, occupying it piece by piece. This approach was subject to criticism from part of the public, for selective release of the communications, choosing who would or would not be affected by them, and the calculating and opportunistic behaviour of the opposition regarding public interest.



#### 4.3.3. Kežarovski, Božinovski: Attempts to Silence Journalists Reporting in the Public Interest, or Legitimate Criminal Justice Actions?

There has been plenty written on the case with the arrest and conviction of the journalist Tomislav Kežarovski for revealing the identity of a protected witness. The journalist, on the other hand, referred to the public interest and the right of the public to know of serious abuses of power. Kežarovski was initially sentenced to 4 and a half years in prison. The whole international community, including the UN, OSCE, the EU, the Council of Europe, condemned this case and requested Kežarovski's release.<sup>37</sup> Later, he was paroled by the court. Nevertheless, Kežarovski's 'early' release feel 'bittersweet'. The manner in which the institutions toyed with Kežarovski in the days prior to his release indicates that the authorities do not question or review their actions following strong public protests, but, on the centrally, deal most brutally with those who dare challenge the 'truths' of the potentates. On the other hand, one might say that public pressure regarding this case, the result of the joined efforts of some of the media and the civic sector, is a positive example that the public may unite on important matters in its interest and exert a serious pressure on the institutions and the authorities.

There were public announcements by the institutions interpreted as limiting the information on an important matter of public interest and an attempt to silence the media during the events surrounding the case dubbed *Spy*, in which charges were brought against former police officers, intelligence officers, government officials and the journalist Zoran Božinovski, who is currently in exile. Immediately after the arrest operation, Judge Tufegdžik warned the media that publishing information connected to the case might have serious legal repercussions. Even though these 'warnings' were rejected by the critical part of the public and the media, they had a chilling effect, that is, excessive caution by the media when covering this case, which several international and domestic organisations have interpreted as a case with political implications.

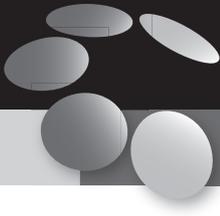


#### 4.3.4. Media Coverage of the Student Protests—a Typical Example of a Smear Campaign Against Activism and Selective Reporting on Matters of Public Interest

The issue of educational reforms, which emerged in the public with the making of multiple amendments in the educational legislation and the projects conducted by the Ministry of Education and Science (MES) and the Government, generated a flood of reactions from everyone involved in the educational process. The events culminated in several months of protests by university and high school students, professors and teachers, who deemed the reforms as wrong and a government dictate. After the initial rigidity and the refusal to dialogue, under pressure from the public and the protests, the government kept changing and backpedalling on its positions, and negotiated with the concerned parties for several months, so that finally, with minor changes and concessions, it persisted with its key intentions and envisioned interventions in education.

The media got involved in the matter, important to the public interest, but presented different realities in the coverage. Despite

37 <http://www.osce.org/fom/107265>



the argument-based criticism from members of education, the civic sector and the public, which could only be heard in limited amount, in the media close to the government and the public broadcaster on could note limited and biased reporting—much less and in a negative light on the protests and the arguments of those affected by the reforms, and much more and in a positive light was reported on the activities of the educational authorities and the Government in the area.

In addition to the expected constraint on the flow of information to the public on the protests and the demands of the concerned public, there was a culmination of smear campaigning in a certain number of media, evidently orchestrated by a single centre of power, in which protesters and activists were discredited, marked, circled, called names and accused of working for the opposition or for foreign interests. Even though thousands of university and high school students, profes-

sors, teachers, parents and citizens took to the streets, part of the media hardly even reported on the events, or attempted to minimise the importance using numbers, employing tendentiously made photographs or videos, as, for instance, at the end of the protesting procession, or of sections of the gathering that, shown selectively, indicate lower attendance.

On the other hand, the influence of these protests on public discourse, the activities of the institutions and on social developments in general is unquestionable. In this context, it is important to note that on certain issues, despite the limited freedoms, some matters important to public interest can still, with the help of some of the media that still adhere to the principles of their profession, manage to gain prominence on the public agenda. That pressure, however, is not sufficient and does not bring about a feeling of responsibility in our political elites that is common in developed democracies.

# 5

## The Public Broadcaster and Public Interest: How Much Does the MRT Serve the Public, and How Much the Government?

**B**oth with the former Law on Broadcasting and with the new law, the mission and the programme functions of the Macedonian Radio Television have been quite clearly defined, but, in reality, it still has not fulfilled its role as a public broadcasting service. The MRT has been in a years-long crisis that cannot be overcome without precisely identifying the causes, as well as the best ways to reform it. The public broadcaster, which is supposed to be the dam against the flood of tabloidization and commercialisation, and a bastion of public interest, is in fact increasingly lacking, ideologised and biased in content, and politically and financially dependent on the will of the executive branch. The managing bodies of the MRT are not independent of government politics. It has been so thus far, from the declaration of independence of Macedonia onwards—each government has appointed their own people to the managing positions in the public broadcaster.

It is apparent that the news and the current events programming have been under the influence of the government for years, so the audience's trust is almost lost. According to several domestic and international media reporting analyses, the MRT does not provide enough room for the free expression of ideas, opinions or criticism. Programme-wise, it does not meet the standards of distinctiveness and quality, and its programming is hardly any different from that of commercial broadcasters. It lacks innovative self-produced programming and new genres. The MRT has not

been a 'paragon' of high professional standards for years, whether in terms of production/technology or in terms of content.<sup>38</sup>

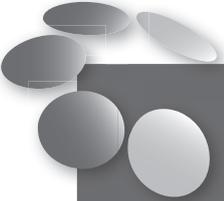
The legislation guarantees the editorial independence of the MRT, but it is not enough to truly assert it, on account of its financial dependence and the insufficient autonomy of the managing bodies. The model of management and supervision of the MRT as defined by the Law allows for the influence of the executive branch. Even though collecting the funds from the licence fee has improved over the years, thanks primarily to the political will to establish a more effective fee collection system, the share of the licence fee revenue is not enough. Additionally, the revenue stream from advertising in the total income of the public broadcaster is still low. This financial insecurity and dependence on government assistance has been used for years in order to establish control and a culture of dependence on the executive government.<sup>39</sup> These shortcomings have been specified in several reports, of international bodies, as well as professional media organisation. In this year's EC Progress Report, it has been remarked that there were measures undertaken to ensure the financial independence of the public broadcaster, but that there are still concerns about its editorial independence. It has been noted that the MRT provided limited coverage of the interception affair, and the report states that some of the recordings released by the opposition 'implied that government officials had threatened public service journalists' job-security.'<sup>40</sup>

38 An analysis of public service broadcasting in the Republic of Macedonia in the context of European media policy, available at: <http://iiks.edu.mk/istrazuvanja-iiks-b/134-eks-pred>

39 An analysis of public service broadcasting in the Republic of Macedonia in the context of European media policy, available at: <http://iiks.edu.mk/istrazuvanja-iiks-b/134-eks-pred>

40 EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)

The reforms of the public broadcaster, including the issues of editorial and financial independence, form part of the political negotiations regarding the implementation of the Pržino Agreement. Nevertheless, here too, the strong resistance of politics and its refusal to release its stranglehold over the MRT is evident. Even though the dynamics of the agreement stipulated that the media issues be among the first on the agenda of the implementation of the agreement, the political parties left this issue last (together with the voter registry), which clearly indicates that the media and the public broadcaster are 'hot potato', but also a desired instrument for influencing the public, which they do not plan to let go easily. Almost none of the actors show complete openness, or a desire for as functional resolution as possible of this extremely important and essential matter related to the autonomy and the independence of the MRT, and creating conditions for its fulfilment of the role of a media whose primary purpose is to serve the public interest.

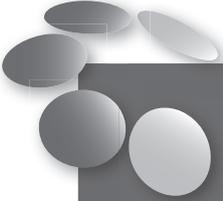


**5.1. The Accountability of the MRT to the Citizens Just a Formality: True Accountability Is to the Authorities**

The transparency, accountability and responsibility of the MRT to the public and the audience, and the manners of the public's communication with the public broadcaster are prescribed by Article 113 of the Law on Audio and Audiovisual Media Services (LAAMS), which obligates the MRT to provide public access of two documents through its website: the annual draft operational programme (for the following year) and the draft development programme for the MRT. The public is allowed to express its position online in a public that may not last less than 30 days. The public's comments on these two documents, as well as the responses by the Programming Council, are published on the MRT website. However, the LAAMS does not provide a more solid mechanism, or direct communication between the public broadcaster and its users and funders, the

citizens. The transparency and responsibility of the MRT are addressed in Article 106, which specifies the obligations regarding the annual report and the annual programme that the MRT is bound to submit to the Assembly. Additionally, the MRT is also obliged to submit the programme for the following years, including a financial plan. This article makes note that both documents, the report and the programme, are to be published on the MRT website, but does not provide a form of communication between the MRT and the public, or specify the time and the manner of publishing the documents.

Even though, in accordance with the LAAMS, the MRT answers only to the legislative branch, according to the professional community and the reports, the practice of directly communicating and informal 'accountability' of the MRT management to the representatives of the executive branch has not changed. To managing positions at the MRT are often appointed lacking experience and knowledge, without the necessary trust and reputation in the public, or a dedication to fulfilling the public interest. These practices, according to the experts, further undermine its autonomy and editorial independence.<sup>41</sup>



**5.2. Funding the MRT from the Budget Greenlit by the Government Continues to Foster Political Dependence**

The Ministry of Information Society and Administration announced that, six months after passing the Law, it will propose amendments guaranteeing the financial independence of the MRT. Thus far, however, apart from the partially improved licence fee collection, there have been no significant legislative improvements or steps forward with a view to secure the financial independence of the public broadcaster.

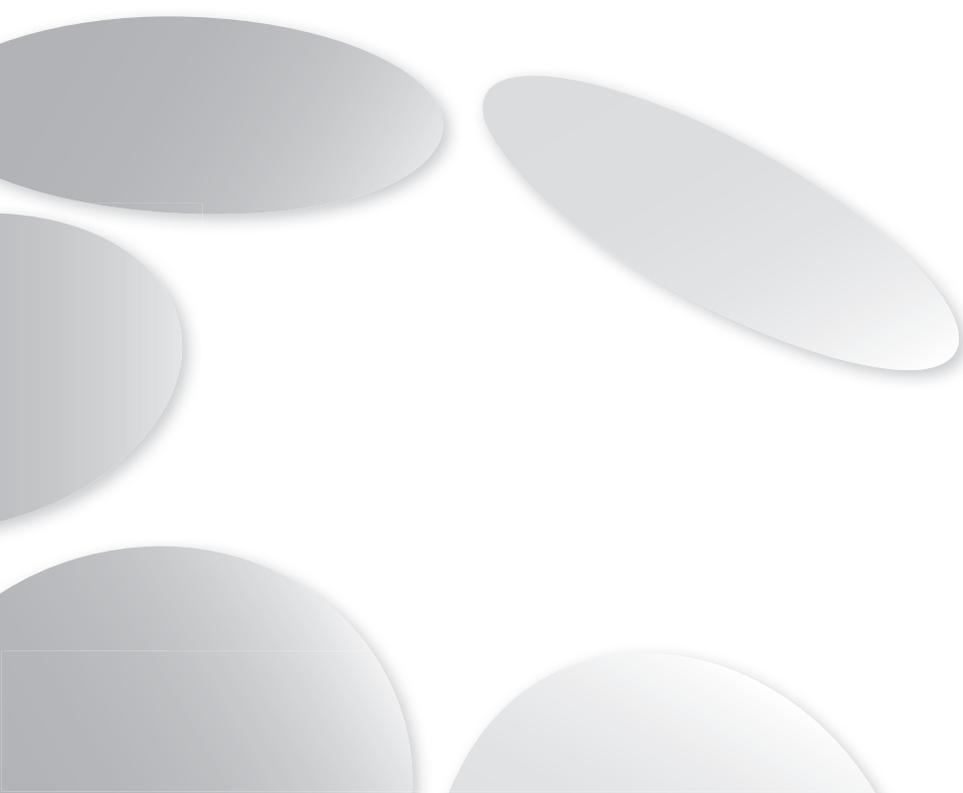
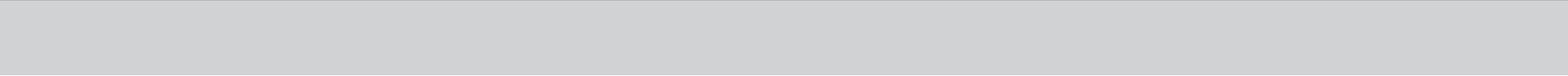
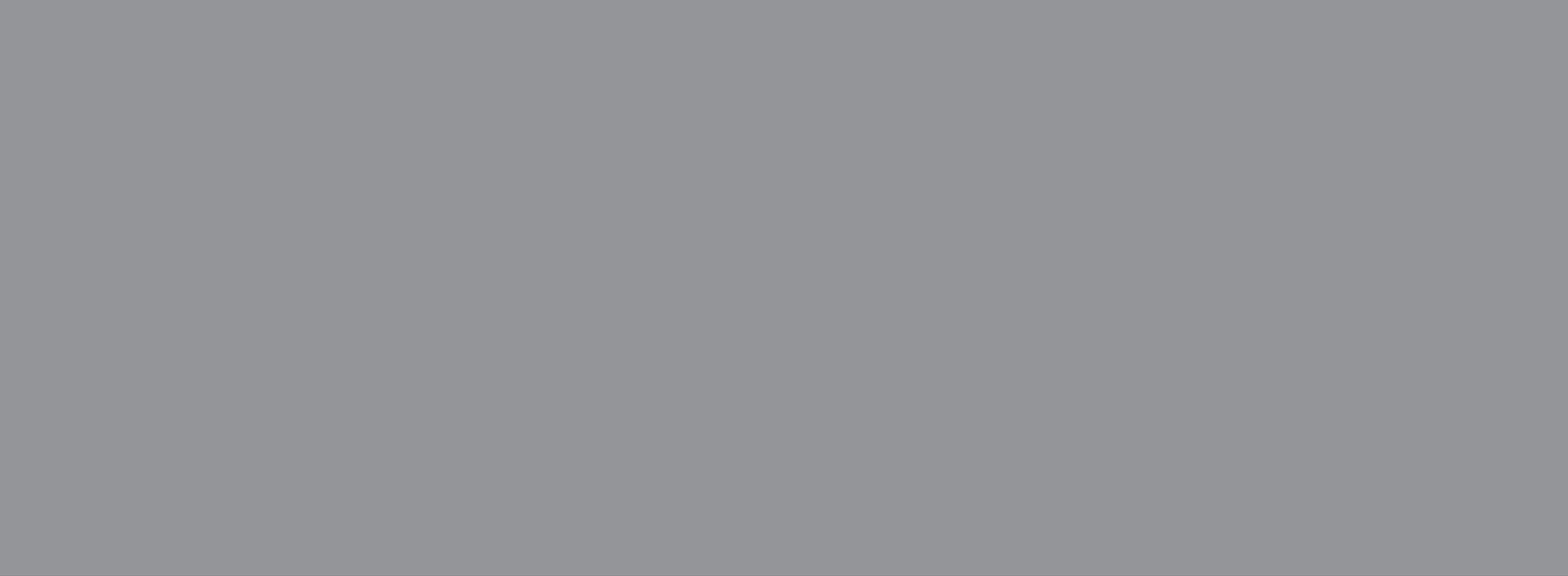
On the contrary, the revenue stream from the state budget for funding the MRT has been increasing. As noted by the Media Development Centre in one of its reports, over

<sup>41</sup> Media Development Centre (MDC), December 2014, Klime Babunski, PhD, 'From the MRT to Independent Public Service Broadcasting in Macedonia' (policy paper).

three years, the share of the funds that the Government transfers from the state budget into the MRT budget has been doubled. In 2013, they constituted 15.7% of the total expenditures of the MRT, in 2014 they made 29.9% of the expenditures, and in 2015 the share of the funds from the Budget of the Republic of Macedonia into the public broadcaster was projected to be nearly a third, or 31.1%. At the same time, there was a decrease in the share of the funds from the licence

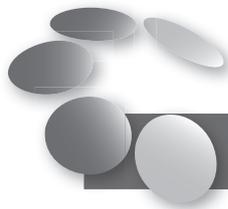
fee in the MRT budget. For 2015 there were projected MKD 124 million less compared to 2014. Additionally, adopting the budgets of the MRT after obtaining approval from the Government, reporting of the MRT organs to the executive branch, as well as other instances of such relationships among the Assembly, the Government and the MRT that are not prescribed by law, complete the mosaic of the financial, and therefore editorial dependence of the MRT.<sup>42</sup>

42 Ibid.



# 6

## Public Interest in the Media and Functioning of the Legal Framework and the Protection Mechanisms

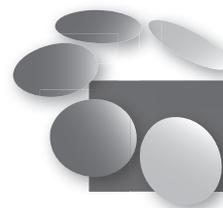


### 6.1. The Criminal Code and Its Implementation for the Purpose of Public Interest in the Media

**T**raditional media most often refrain from open hate speech or promoting, that is, inciting any kind of violence. Hate speech in traditional media is hardly ever explicit, but often takes hidden form, combined with information from unidentified sources and information presented as facts, insult, defamation and the like. This kind of implicit inflammatory speech, leading to hatred, is not a regular practice, even though it often appears in certain media, and is particularly evident in viral/social media, on forums, as well as other types of user-generated content (the comment sections of online texts or Facebook posts, for instance). Most of the public, including a large part of the educated community in the country, does not comprehend the proper meaning and definition of hate speech, and often confuses it with other types of violations committed through the means of public communication (for instance, most often with defamation and insult).<sup>43</sup>

These conclusions of the professional community correspond to what has been noted in the EC Progress Report as well, which states that the tendency of influential television presenters to use deliberately offensive or provocative speech under the guise of freedom

of expression continues to be unhelpful in a media culture dominated by polarisation, intimidating positions, lack of solidarity and a balanced, objective debate. 'The widespread misappropriation of the term hate speech for what is in fact unprofessional or provocative language in the media also continues. This risks overshadowing true incidents of hate speech, which must be investigated and penalised when they do occur,' notes the report.<sup>44</sup>



#### 6.1.1. Implementing the Criminal Code on Hate Speech

When it comes to the final step, the implementation, Macedonia once again seems to lack correct, consistent and unselective enforcement of legislation. Even though hate speech is sanctioned in the Criminal Code, it is highly present in the media and sometimes has serious consequences, Macedonian courts have yet to find someone guilty of such an acts. The allegations of hate speech against several websites and authors have so far been largely ignored or rejected by the prosecution and the police.

<sup>43</sup> Analysis: Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online, available at: <http://mim.org.mk/mk/publikacii/853-analiza-makedonija-vo-digitalnata-era>

<sup>44</sup> EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)

Also, it is evident that the authorities competent to pursue these types of crimes ex-officio (the Ministry of Internal Affairs, the Public Prosecutor's Office) have not taken the initiative to file charges for hate speech in the media. In addition, another important factor influencing the failure to form the habit to abide by these legal provision is the resignation and mistrust in the authorities by the very citizens who have been subjected to or witnesses of hate speech. The majority of interviewed parties, even though themselves victims of hate speech, have not filed suits with the competent authorities, and as main reasons for that they have listed the partisanship of the judiciary and its favouring the parties in power, under whose protection are certain media personalities and outlets promoting speech unbecoming public communication.

**Case:**

***Several public figures file a suit for hate speech, the suit dropped by the prosecution***

Several distinguished public figures (politicians, journalists, civil activists) were subjected to explicit hate speech on the webpage run by a known television host. In his article filled with insults directed towards these figures, the TV host incited the people to deal with them, if the institutions do not. The figures in question at a public press filed a suit with the Public Prosecutor's Office and reported the case to the police. Later, the suit that was relegated to the basic public prosecutor in Skopje was dismissed as unfounded.

**Case:**

***Texts by an activist labelled as 'treason', the calls to violence against him unsanctioned***

Regarding the texts by an activists published on an international website, in certain online media and by social media profiles he and his writings were labelled as examples of 'treason', as someone who should be 'killed, raped' and so forth, led by a known television host with his social media posts. According to the activist, the posts were highly discrediting, both of his activism, and his affiliation to certain groups that were labelled as 'undesirable' in society. Recently, on a popular website there has been a text that is part of this activist's polemics with another public

figure active on social media. The activist attempted to talk to the editor regarding the text written by the public figure, since he is a columnist on the website. He was told that it was a mere reporting on the public figure's already posted Facebook status, approximately 120 to 130 lines long, trying to completely discredit the activist, personally and professionally, particularly in the context of his social engagement and affiliation to certain groups.



**6.2. Implementation of  
the Law on Civil Liability  
for Insult and Defamation,  
Public Interest as a  
Criterion in the Judicial Practice**

After the decriminalisation of insult and defamation and passing a special act that placed these two wrongs under civil law, one might note small progress in this area, which is important to the public interest in the media, particularly in terms of protecting the principles of truthfulness and objectivity, as well as in terms of preserving the decorum and dignity in public communication. Public interest as a concept, both formally and essentially has been built into the legal provisions.

Nevertheless, in the public there are several positions on the functioning of this part of the legislation that applies to all citizens, but is of particular importance to the media and the manner in which they shape their content. The research conducted shows that on account of multiple failed attempts to protect their rights through the institutions, some of the journalists, who, for their critical view of the authorities have been targeted by the media under government control, have lost their faith in the institutions, when it comes to the implementation of this law. There has been a massive presence of insults and defamation, combined with impunity, selective justice, injustices and great mistrust towards the justice system and the institutions.

According to the media organisations, cases in which the plaintiffs are top government officials are unusually swift, and normally with a ruling in their favour.<sup>45</sup> In

45 Quarterly reports of the Media Development Centre (MDC) / monitoring of the court proceedings of insult and defamation

fact, on the debate dedicated to public interest, Jadranka Kostova, editor-in-chief of the *Fokus* weekly, used the example with the suit filed by Sašo Mijalkov to describe the actions of the judges, who are supposed to safeguard the public interest. In the rulings in which the weekly lost, the judges, according to her, wrote that the subject matters of investigating the work of holders of public office were not of public interest.<sup>46</sup> As the media organisations have concluded, in these proceedings the Court does not recognise or partially recognises public interest, just as the practice of the Court in Strasbourg suggests that when it comes to important social topics and the intention if to spark public debate on matters of vital public interest, excess, even provocation, may be tolerated. When presiding over cases involving top government officials, judges also inconsistently apply the three-part test on which the Court in Strasbourg insists, part of which is assessing public interest. The criticism particularly refers to the proportionality of the measures, that is, the amount of the damages, with the legitimate goal that is to be achieved (protection of the plaintiff's honour and reputation).<sup>47</sup>

The judges generally indicate the public, but also hidden, pressure that these cases bring along. During public debates, the judges often accuse the media and the politicians for such pressures. Even though it seems that part of the case law applies the legislation consistently and unselectively, and that some judges even began to refer to the practice of the Court in Strasbourg, nevertheless, it is evident that the proceedings are presided over under pressure and with bias when politicians, particularly from the government, are involved, as well as in certain other cases that have acquired a political dimension. Also, it is evident that large part of the proceedings are between journalists and media.<sup>48</sup>

As regards the court proceedings involving online media, there is a dilemma among the courts whether to apply to them the principle of cascading responsibility of the media, editors and journalists grounded in

the Law. The dilemma appears on account of the exclusion of online media from the Law on Media.

The EC Progress Report notes that the number of lawsuits for insult and defamation is still high, which indicates the need for further reforms in legislation and judicial practice. 'Greater emphasis should be put on non-judicial resolutions such as mediation (in non-media cases) and right to reply mechanisms (in media cases),' state the recommendations of the report. On a political level, the report recommends that politicians and public servants refrain from defamation suits, in line with the practice of the European Court of Human Rights.<sup>49</sup>

**Case:**

***A public official filed a suit for defamation of misapplication of government funds, the defence invoked public interest, the court dismissed the suit***

A public official filed a lawsuit against a person for allegedly making false statements of fact, according to which the public official in three months misapplied a certain amount of the taxpayers' money for sports shorts and T-shirts. This was published in certain media, but they were not sued. The Court of First Instance Skopje 2, after the preliminary hearings and the main hearing, decided to dismiss the suit. The reasons for this, according to the court, were that in her allegations the defendant published a quote from the Public Procurement Bureau, whereby the court rule that, as stipulated by Article 9, Paragraph 2 of the Law, she had a justified reason and sufficient factual grounds in the cited public procurement contracts to believe the truthfulness of her claims, which became subject of the lawsuit. According to the conclusions, the documents that the defendant had at her disposal at the time she made her statements were from an earlier date and were publicly posted on the Public Procurement Bureau website, therefore accessible to the general public. As established from the evidence, the defendant had no intention of making false statements of fact in

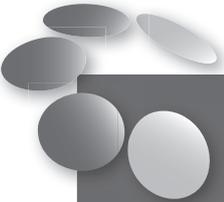
<sup>46</sup> <http://telma.com.mk/vesti/sudiite-ne-se-gruzhat-za-javniot-interes>

<sup>47</sup> Report prepared as part of the project Advocacy for Freedom of Expression, supported by the USAID Project for Civil Society and implemented by the Foundation Open Society Macedonia.

<sup>48</sup> Analysis: Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online, available at: <http://mim.org.mk/mk/publikacii/853-analiza-makedonija-vo-digitalnata-era>

<sup>49</sup> EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)

order to damage the plaintiff's honour and reputation, but to inform the public on the work of the municipality and the mayor, which is of concern to the citizens and is a matter of public interest.<sup>50</sup>



### 6.3. Personal Data Protection in the Media versus Public Interest

Oftentimes in the public dilemmas arise regarding personal data protection and the right of the public to know. These quandaries usually present themselves when the complaints of the violation of this right come from public figures—with public officials unseldom among them—who complain of a violation of their privacy or the privacy of members of their families. On the other hand, the media, referring to the international legislation and practice as well, argue that public figures have willingly renounced their privacy, therefore the protection that applies to the citizens who are not public figures, and thus are not a matter of public interest, 'does not apply' to them.

According to the Law on Personal Data Protection, when publishing a piece of news, an interview or an investigative story on a person or persons, their personal information must be protected. On the other hand, the publishing of personal information in the media in Macedonia has been justified with the public interest. Even though relatively new in the legal system of the country, it seems that the implementation of this law has show some progress, and that the Directorate for Personal Data Protection (the Directorate) has established a functional mechanism, which through the examined examples has shown that it is capable of meeting the citizens' needs and protect their privacy. Nevertheless, in a certain number of cases, as indicated by the concerned parties, the reaction of the Directorate was lacking or slow. Also, it has been noted that in cases involving the violation of the privacy and publishing the information of public officials, or mem-

bers of their families, it has most often been decided to protect their privacy, regardless of whether they may be a matter of public interest.

The Directorate, upon citizens' requests, has most often processed cases of publishing photographs without permission, publishing someone else's personal information in the classified advertisement section, identity thefts, abuse of internet passwords and creating fake profiles on social media online. There are other violations, as, for instance, publishing photographs by online media without first obtaining permission from the person whose photograph is being published,<sup>51</sup> and the person is a citizen who is not a public figure and has an absolute right to protection of their privacy, which applies to all media. It is also prohibited to download photographs from the social network Facebook and publish them elsewhere.

The violations of the right to privacy are particularly present online, on social media, which is why the DPDP has established direct contact with the Facebook Dublin office and has put together a rapid response team that reacts immediately to the citizens' requests, since most of the petitions (approximately 60%) are reactions to abuses of personal data on social media or Internet portals.<sup>52</sup>

#### **Case:**

***Is it public interest or not? An internet portal publishes a photograph, after sanctions from the DPDP appeals to the Constitutional Court, which states that only a citizen—a physical entity—may ask for protection of the right to free expression***

A legal entity has been sanctioned by the DPDP because on a portal it runs, there were photographs published with comments from third parties. The DPDP demanded that the photographs and the comments be removed. The legal entity filed a petition to the Constitutional Court of the Republic of Macedonia, asking for protection of the freedoms and rights of the individual from Article 110, Indent 3 from the Constitution, referring to the freedom of public expression of thought. In the petition, the legal entity stated that

50 Analysis: Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online, available at: <http://mim.org.mk/mk/publikacii/853-analiza-makedonija-vo-digitalnata-era>

51 [http://www.dzlp.mk/mk/temi\\_6](http://www.dzlp.mk/mk/temi_6)

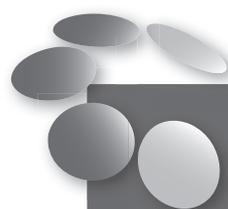
52 An interview with a manager at the DPDP, August 2015

the Directorate had violated their right to the public expression of thought, that is, requested the removal of comments and photographs that were of public interest, whereby it overstepped its competences and determined what may or may not be commented on, taking on the role of a censor of the public information put out in the media. The legal entity believed that the Directorate was censoring the free expression of thought. The petition was dismissed by the Court, with the explanation that according to the Constitution of the Republic of Macedonia, protection of the right to expression may only be asked by a citizen—a physical entity—which believes that their right to the free expression of thought has been violated.

**Case:**

***The telephone number of a journalist published on Facebook, no consequences for the offender; the personal information of a top official's family member published, measures immediately undertaken***

After a journalist's telephone number was published on the Facebook page of a known television host, she petitioned the Directorate. She believes that they gave her an unusual response—that they would contact Facebook and ask for the content to be removed, which according to the journalist is something that anyone with a Facebook profile might do: report to Facebook that the information in question is personal and should be removed. The Directorate informed her that that was all they could do. Subsequently, according to the journalist, the Directorate contacted Facebook, and she herself immediately sent a report to the Facebook administrators, which yielded no results. On the other hand, as the journalist claims, at the same time a top official's son was the subject of publishing his personal information on Facebook, but his case was resolved within two days. 'Everybody got involved and all photographs were immediately removed from Facebook. So, when there is will, there is a way, but when there is no will, they tell you that they will report the personal information, since it was publicly put out,' states the reporter.<sup>53</sup>



#### 6.4. The Law on Prevention and Protection against Discrimination and Its Implementation to Safeguard Public Interest in the Media

The prevention and protection against discrimination is an important matter in the context of public interest and the operation of the media, and might be considered through the lens of the Law on Prevention and Protection against Discrimination, which has formed part of the Macedonian legal system since 2010. The Law defines as discriminatory behaviour or acting (Article 5, Item 4) any active or passive behaviour by any person, by public authorities, by legal entities and individuals from private and public life, which creates grounds for (de)privileging a person in an unjustified manner, or subjects an individual to injustice and degrading treatment as compared to others in a similar situation, based on any of the grounds of discrimination.

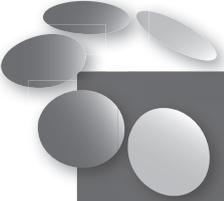
This law also considers degrading treatment (Article 7) as a form of discrimination and harassment, defining it as a violation of the dignity of a person or a group of persons arising from a grounds of discrimination, aiming to or resulting from the violation of the dignity of a person by creating or threatening with a hostile, degrading or intimidating environment, approach or practice. Additionally, the law explicitly points to the invoking and incitement of discrimination (Article 9) and states that any activity with which a person directly or indirectly invokes, encourages, instructs or incites another person to discriminate shall be considered as discrimination.

The competence of the Commission for Protection against Discrimination (Article 24) is to process complaints of cases of discrimination and take the initiative to have the competent authorities act on the violations of the law. The law provides legal remedies, that is, any person believing that their rights have been violated on account of discrimina-

<sup>53</sup> Analysis: Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online, available at: <http://mim.org.mk/mk/publikacii/853-analiza-makedonija-vo-digitalnata-era>

tion may file a lawsuit with the competent court (Article 34). Legal liability is provided for acts that invoke or incite discrimination, or aid a discriminatory treatment on some of the grounds of discrimination (Article 42), for violating the dignity or creating a threatening, hostile, degrading or intimidating environment, approach or practice (Article 43).<sup>54</sup>

As regards the implementation of the anti-discrimination legislation in the media, the Commission has yet to start a proceeding, or make a legally binding decision for discrimination against a media outlet. According to the available information published by the Commission, in 2012 there were a total of eight petitions citing discrimination in media, and in 2013 there were two petitions.<sup>55</sup> Also, on the grounds of discrimination, so far there has not been formally started any proceeding for violating the provisions of this law by a media with the court as a second-instance authority.



### 6.5. The Law on Free Access to Public Information in the Media Reporting on Matters of Public Interest

The investigative activity of the media and journalists is of great significance to public interest. The positive experiences of the developed democracies, or the negative of the countries with limited media freedoms, show that the access to the documents and the information the institutions have may be an important instrument for uncovering or covering up major abuses and crimes. There is no doubt that the manner in which the institutions operate, their transparency and accountability to the citizens that fund them, are important to the citizens and constitute a matter of public interest.

In order to obtain certain information, they may contact the institutions of the country and ask them for access to public documents and information, so that they can

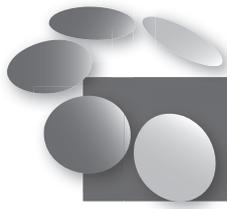
report on their work. This part of the legislation, allowing for public access to the operating of the institutions is very important, and the functioning of this law is among the necessary prerequisites and instruments nowadays, so that the media may be the ones to 'control' the authorities and the institutions on behalf of the public.

According to the law, the obligation to give public information is prescribed for the state authorities, as well as other organs and organisations stipulated by law—the organs of the municipalities, the City of Skopje and the municipalities in the city of Skopje, the institutions and public services, the public enterprises, legal and physical entities with public jurisdiction as prescribed by law. The access to the applicants may be provided in the form of an inspection, transcript, photocopy or electronic record. The Law on Free Access to Public Information has been in force since 2006, but its implementation has been difficult and progressing very slowly. Its implementation is the responsibility of the Commission for Protection of the Right to Free Access to Public Information (CPRFAPI).

The request form for access to public information is available on almost all the state institution websites, and it may also be downloaded from the website of the Commission, which lists the types of public information as well. The holder of information is obligated to respond to the applicant's request immediately, within 30 days upon receiving the request at the latest. If the applicant believes that the information they gained access to is not the one they listed in the request, they may ask the holder of information to allow access to the information listed in the request, within ten days upon receiving the second request at the latest. Against the decision with which the holder of information rejected the request, the applicant has the right to appeal within 15 days to the Commission, which, in turn, makes a decision within 15 days upon receipt. If the applicant is not satisfied with the Commission's decision, they are entitled to initiate an administrative dispute with the Administrative Court within 30 days.

<sup>54</sup> Law on Prevention and Protection against Discrimination, available at: [www.kzd.mk](http://www.kzd.mk)

<sup>55</sup> The 2013 annual report of the Commission for Protection against Discrimination, p. 8, available at: <http://www.kzd.mk/mk/dokumenti/2013>



### 6.5.1. Implementing the Law and Access to Public Information

In the eight years of operation of the Commission, the number of appeals has been changing over the years. This change is apparent in 2014, which marks an increase in the submitted appeals (849) as compared with the 564 appeals submitted in 2013. Of the total, 136 come from physical entities, whereas 713 appeals are from civil associations and foundations. It is important to also note that 2014 marked an increase from 2013 in the number of appeals submitted individually by citizens requesting access to information.<sup>56</sup>

The CPRFAPI in its reports claims success in its work. According to the Commission, based on the listed data one might find that in most of the cases it has decided in favour of the applicants for access to information and made 222 decisions accepting the appeal and compelling the holder to release the requested information, and 30 decisions accepting the appeal and returning the case to the first-instance authority. The Commission has continually proceeded to mediate with the holders of information, which is confirmed with the 406 decisions to stop the appeals procedure on account of their releasing the requested information.<sup>57</sup>

Nevertheless, the practice has shown another reality as well. In it, journalists and media have been facing great difficulties making use of the law. Primarily, on account of the 30-day deadline, which is impractical in the media context, as well as for the lack of willingness to provide proper answers in the institutions, which, even when they respond to the requests for information, they

do so poorly and formally, citing sections of laws (from the request itself), but avoiding to give an answer to what is actually being asked. This, in all fairness, is facilitated by the journalists and the media themselves, which often do not know how to properly formulate the request and leave the institution 'room for manoeuvre'. Afterwards, there is a period of passing the buck, appealing to the Commission, which will compel the institution to provide a response, followed by a new request and a new answer, which once again may be vague. Thus they enter a vicious circle, which demotivates both the media and the citizens to request the information that even by law they have the right to know.

**Case:**

***Waiting for a year for a response to a request for information from an institution***

A journalist has submitted requests for access to information to the Secretariat for Implementation of the Ohrid Framework Agreement, and has been waiting for a year for a response to two or three requests. She appealed to the Commission, which then demanded that the Secretariat respond. The whole procedure is too long, according to the journalist, and is demotivating to those who request information from the institution. 'You lose your willpower. At the end of the day, you have more important current events,' she says.

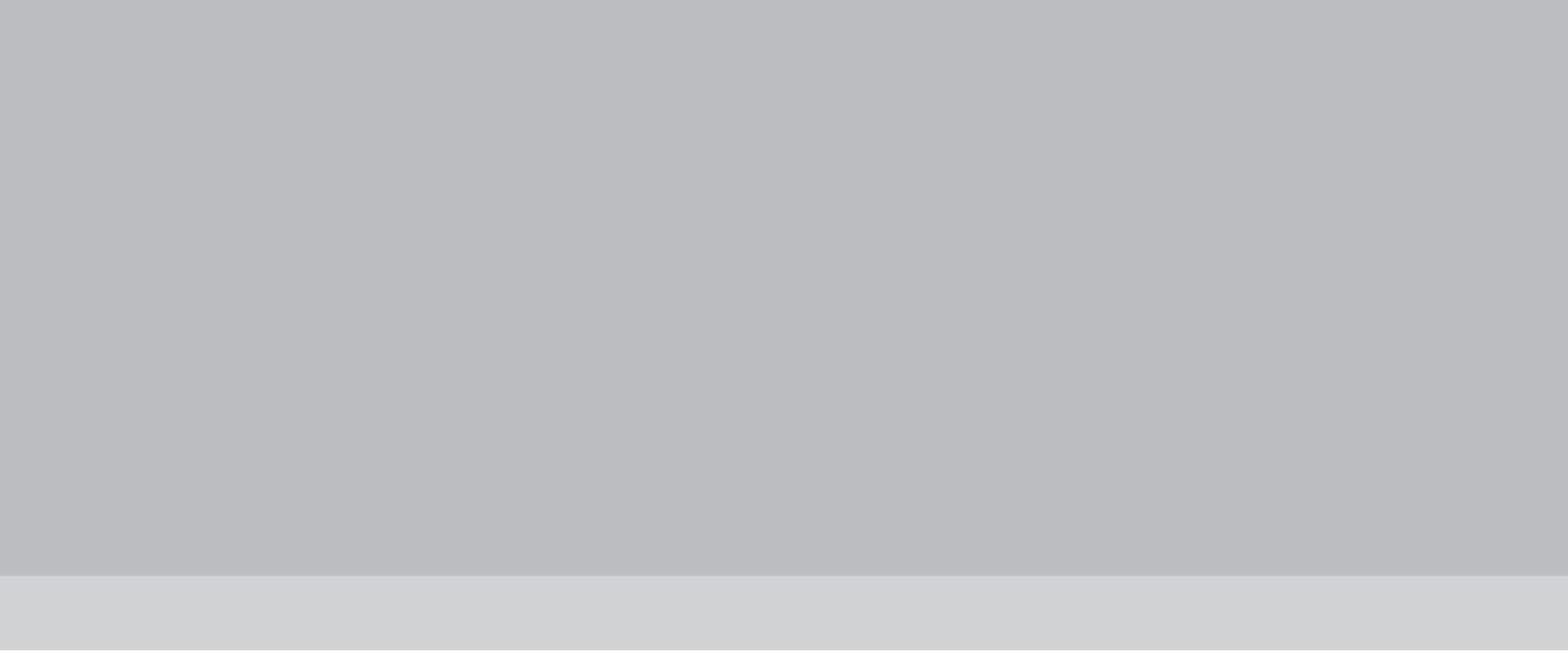
**Case:**

***The law is impractical for the media, so some media ignore it***

In one media they do not practice submitting requests to the institutions, and then waiting 30 days for a reply. In this sense, they say, they are deliberately ignoring the law. 'What sort of journalism is that if we receive the information after 30 days? We call directly and ask for the information, but we are often bypassed and get no answer.'

<sup>56</sup> A CPRFAPI report, available at: [www.komspi.mk](http://www.komspi.mk)

<sup>57</sup> *Ibid*





## The Situation with the Journalists and the Media Community

**T**o be a journalist in Macedonia and to fulfil the role of a reporter on matters of public interest is very difficult, almost impossible. Nowadays, unlike societies where journalism is considered to be a respectable profession, in Macedonia—as stated in the research ‘Media Integrity Matters’ conducted by the MIM as part of the regional media project financed by the EU—to be a journalist means ‘to be socially degraded, professionally reduced to a *microphone holder*, economically reduced to a precarious worker with no rights, whose salary is often lower than the national average and frequently several months late.’<sup>58</sup> According to all professional and relevant domestic and international assessment, self-censorship is widely practiced. Disillusionment, apathy and conformity predominate, and, combined with economic vulnerability, widely open doors to clientelism and corruption, not only among the owners and editors in the media, but also among the editorial desks and the journalists themselves. That is why the dedication to public interest, instead of the interests of the centres of power, fails so easily in the editorial desks.

The owners of commercial media outlets hinder or ban the membership and involvement in union organisations. The editors are mostly not the first or the best among equals, defenders of the independence of the desk and umbrellas protecting the journalists from outside influences and pressures, but enforcers of the decisions and wishes of the media owner. Most often, in editorial positions are people whose qualifications are not

years of professional work and a reputation earned by serving public interest and the public, but obedience to the level of subservience and a lack of ethical scruples, that is, readiness to completely disrespect the professional and ethical rules, and the laws.

Perhaps partially positive changes may be noted in a small, but very professional and highly motivated group of media outlets, investigative journalists and projects, attempting to report professionally on matters that are important to the public and the citizens. Nevertheless, with two or three exceptions, these media outlets are most often commercially unviable, with far fewer resources than the media receiving funds from the state, or on other grounds. Subsequently, they exert far less influence on social developments, despite the quality of their product and the correspondence to public interest.

It is important to note the several years of struggle and active involvement of the Association of Journalists of Macedonia (AJM), the Independent Union of Journalists and Media Workers (IUJMW), the Macedonian Institute for Media (MIM), the newly-founded Council of Media Ethics of Macedonia (CMEM), the Media Development Centre (MDC), and several other professional media and civic platforms and projects, contributing to keeping alive the issue of the presence of public interest in the media in Macedonia, to discussing it and continuously making efforts to improve the situation. The activities undertaken by these organisations individually, in partnerships, and sometimes even jointly (for introducing

58 ‘Why Media Integrity Is Important’, S. Trpevska, I. Micevski, Macedonian Institute for Media, 2014, available at: <http://mim.org.mk/mk/publikacii/824-2015-08-20-09-18-55>

self-regulation, debates on bills on the media, and so forth), have sparked a substantial public debate on the main issues troubling the media sphere and help the fulfilment of the role of the media in the context of public interest.

These several ‘candles in the dark’, however, are still only the exceptions proving the rule that the public interest in the media in Macedonia has been completely marginalised, and that the majority of them are primarily guided by the commercial, economic and political interests of their owners or preferred political partners/options, attempting to impose their special interests and frame them as public interest before the public and the citizens.



### 7.1. The Function of Self-Regulation in Safeguarding Public Interest in the Media

Media self-regulation is an endeavour for professional journalists to voluntarily establish and abide by the fundamental professional and ethical standards in journalism, through codes and bodies for implementing the standards. From the aspect of fulfilling the public interest in the operation of the media, self-regulation, codification and the establishing of mechanisms for self-development of professional practices are very important, since they set up the framework that regulates and links public interest to journalism, to media content and the media themselves. Depending on the legal tradition and the national and historical features in the development of the media systems, different countries have chosen different models of self-regulation. The most well-known and common forms are the collegial organs (media councils, complaints commissions, courts of honour). A little over half of the national self-regulation authorities in Europe regulate the behaviour of all media, whereas the others only regulate print media.



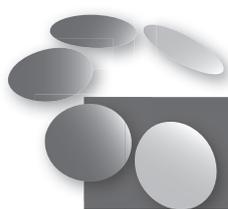
### 7.1.1. The Code of the Journalists of Macedonia

The Code of the Journalists of Macedonia<sup>59</sup> is a self-regulation act, passed in 2001 with broad support from the whole media community, the aim of which is to protect and promote the ethical principles, criteria and standards of professional and responsible journalism. According to the opening principles, the freedom of the media is an inviolable right, and the primary task of the journalists is to respect the truth and the right of the public to be informed, as stipulated by Article 16 of the Constitution of the Republic of Macedonia. Additionally, the principles state that, in line with their role in building democracy and civil society, the journalists shall defend human rights, dignity and freedom, shall respect the pluralism of ideas and positions, shall contribute to strengthening the rule of law and to controlling the government and other subjects of public life. All these aspirations are the elements that, as defined by media theories, constitute the concept of public interest in the media.

In several of its provisions, the Code explicitly refers to ‘public interest’. Article 1 of the Code states that the journalist has the ‘right to free access to all sources that are of public interest.’ Additionally, the journalist should publish true, verified information, not conceal essential data and forge documents, inform the public that certain published content is unverified or a speculation, and verify the accuracy of the information. Public interest is explicitly mentioned in Article 5 as well, noting that the journalist shall respect the laws of the country, but shall not publish or conceal anything that is in conflict with public interest. Article 7, on the other hand, refers to public interest in terms of protecting privacy, stressing that the journalist shall respect a person’s privacy, except when it is in conflict with public interest. The journalist is obligated to respect personal pain and grief. The Code also elabo-

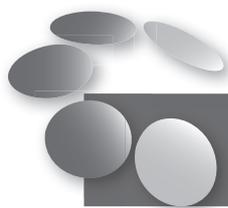
59 Code of the Journalists of Macedonia, available at: <http://www.znm.org.mk/drupal-7.7/mk/node/440>

rates on the journalists' behaviour towards particular situations, age and target groups, specific and important phenomena, events and processes and human rights—elements that form an important part of the mosaic called 'public interest'. In addition, the journalist has the right to refuse an assignment if it is in breach of journalistic ethics, which, considering the clear correlation between the rules of the Code and the public interest, explicitly points to the role of the journalist as its protector and articulator.



### 7.1.2. The AJM Council of Honour

The Council of Honour of the AJM, which can only give moral sanctions (public statements), together with the Code of the Journalists of Macedonia, was formed and adopted in 2001 with broad support from the media community. Until recently, it was the only self-regulatory body of the media in Macedonia. Its primary mission is to protect and promote the ethical principles, criteria and standards of professional and responsible journalism, as prescribed in the Code of Ethics of the Journalists of Macedonia. Over the years, the work of the Council of Honour has been improving, and its limited success thus far is related to three reasons: political divisions among journalists, very limited resources for working on cases of breach of ethics, and lacking partnership with the other media actors—the management, members of civil society, or experts in the field of media ethics.



### 7.1.3. The Council of Media Ethics of Macedonia (CMEM)

The new experiences in self-regulation recommend the integrative 'three-part' models of self-regulatory bodies, consisting of members of the most important players in the media sphere: the media owners,

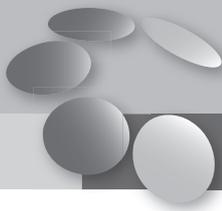
the journalists and the audience—the public. This model significantly increases the authority of these bodies. Such a model was used when forming the Council of Media Ethics of Macedonia, an organisation the founding of which was preceded with several years of preparatory activities, organised by the MIM and the AJM in the period between 2010 and 2014. The CMEM, formed in early 2014, is a non-governmental, non-political and non-profit organisation that, on the principle of free will, unites its members with a view to realise the goals and activities as stipulated by the Statute of the organisation. The Council founds its work on the principles of public access and transparency, and freely promotes its positions and opinions, starts initiatives and participates in the building and upgrading, protecting and advancing professional standards and ethics in the media in Macedonia.

The CMEM Complaints commission, based on its Rules of Procedure, processes petitions from the citizens, and if it finds that the Code of Journalists has been violated, it gives moral sanctions. In the cases of possible violation of the Code, the CMEM decides of the citizen petitions and passes moral judgement. The media that are members of the CMEM are obliged to respect and publish the decisions of the body.<sup>60</sup> The Council of Media Ethics has received over 40 complaints against various media and made decisions in 39 cases. The key problems the functioning of the CMEM faces are the unacceptance of the body by part of the media community and media, and the offenders' not publishing the decisions, whereby the effect of the moral sanction is lost, as well as the insufficient informedness of the public and the citizens on the existence and the manner of functioning of this mechanism. The fact that in a large number of instances the media listed in the complaints did not publish the CMEM statements has been noted as a shortcoming in the EC Progress Report on Macedonia as well.<sup>61</sup>

A potential future risk might also be the model of funding the CMEM, the utilisation of which by the citizens might increase, which should be matched by corresponding technical and human resources that could

60 From the statute and the bylaws of the Council of Media Ethics of Macedonia, available at: [www.semm.mk](http://www.semm.mk)

61 EC Progress Report on Macedonia, available at: [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_the\\_former\\_yugoslav\\_republic\\_of\\_macedonia.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf)



meet the needs of the citizens and the media, which would require appropriate financial backing and continual investment in the condition of this self-regulatory body, which is the link between the public and the media in Macedonia.

**Case:**

***Publishing a case of self-immolation—when is it public interest?***

It is a case of a popular Internet portal published the photographs of an incident, an accidental fatal self-immolation. In a ruling on a petition from a citizen against a media made in the summer of 2015, the CMEM Complaints Commission decided that it is a matter of violating the person's right to privacy, whereby violating Article 8 of the Code of the Journalists of the Republic in Macedonia. Additionally, the Commission's ruling noted a violation of Article 8 of the Code, which calls for refraining from sensationalism when reporting on accidents.

In the response to the petition, during argumentation, the media outlet stated that many media in Macedonia and the world publish hundreds and thousands of photographs of deceased people, which does not constitute disrespect of the pain of their families and loved ones. The declaration adds that the media in principle are guided by the ethical position not to publish the photographs of deceased, killed, injured people, or victims of other types of suffering, unless the events causing leading to those consequences are of public interest. According to the media, from the aspect of the right of the public to know, the self-immolation was the first incident of its kind in the history of the Republic of Macedonia, occurring right in front of helpless passersby, with the involvement of the emergency services, an investigation launched by the police and the public prosecution, and it was a public event on which the media in the world normally report using text, image and video. In further explanation, the media offered links to a number of contents of world media, informing on self-immolations. Additionally, the response states that the editorial desk did not reveal the victim's identity, whereby the media believed that

the claim that it has connected the victim to their family and loved ones was completely unfounded. The response also specifies that the photographs do not contain elements that would help recognise the face or the tragic state it was in, so that the reporting may be more disturbing than the event itself, to which the media paid special attention when publishing.

Nevertheless, the Commission, after reviewing the disputed content and the response, made a ruling that the petition was founded and that Articles 8 and 9 of the Code had been violated. In the explanation, the Commission states that it took into account the recommendations from the World Health Organisation (WHO) to avoid explicit descriptions of the method used in suicide or attempted suicide, since it may make vulnerable people commit the same act, especially when the suicide methods are unusual. As regards the comparison with foreign media and articles, the CMEM Commission replied that those were cases of politically motivated self-immolation with a view to exert public pressure on the institution or to demand the protection and respect of human rights, which cannot be compared with the case in question. Therefore, this event, according to the Commission, could not be presented as a public interest event that should be reported on in detail.<sup>62</sup>

**Case:**

***A media published a public official's monthly salary; there is public interest, but it has been fulfilled in a wrong and unethical manner***

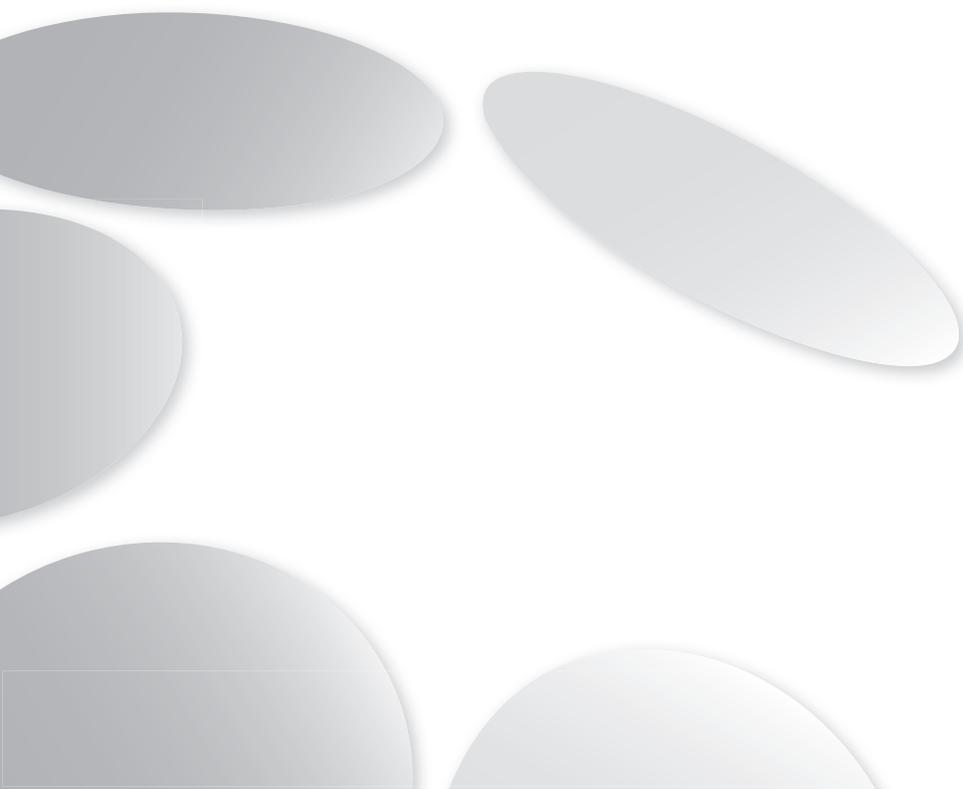
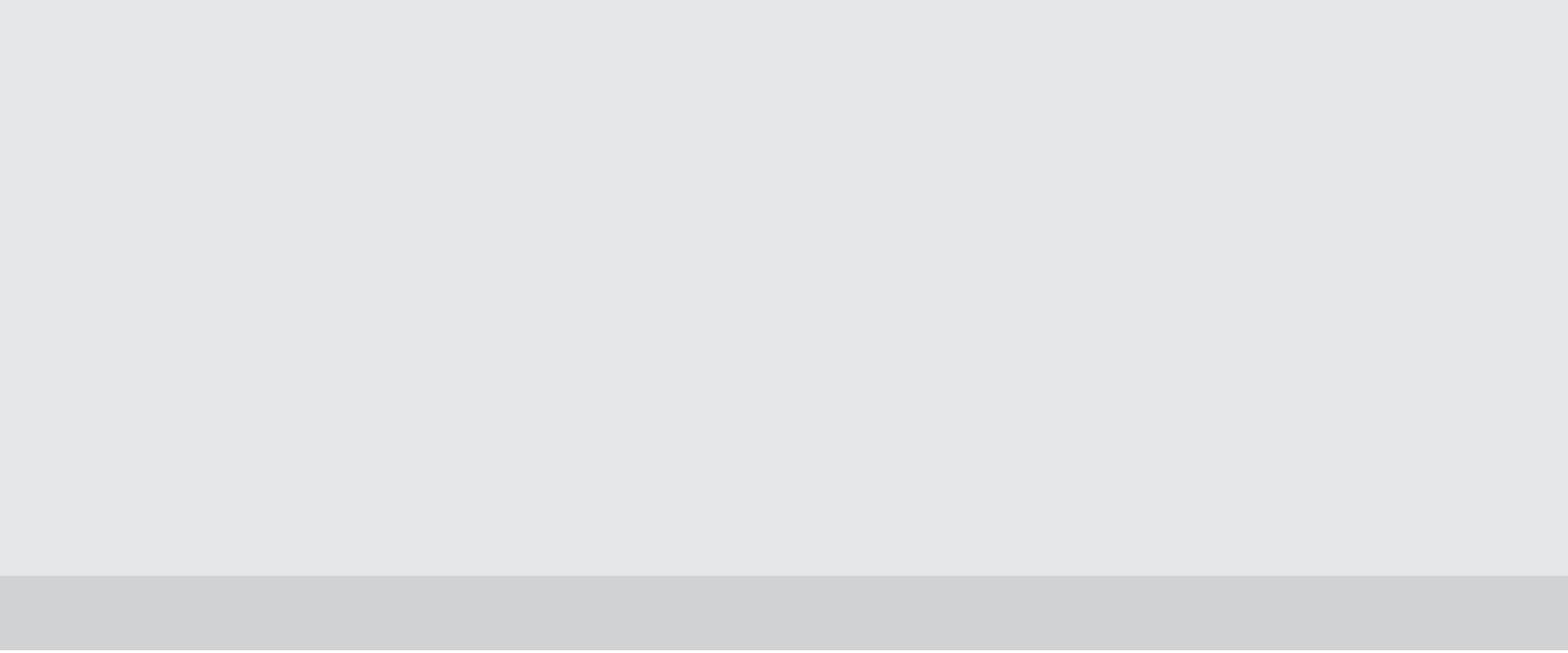
A citizen filed a petition with the CMEM Complaints Commission regarding a text on an informative website, presenting a photograph of the monthly calculation of the alleged salary the petitioner received as a manager of a public enterprise.

The petitioner believed that the text was full of tendentious, defamatory and insulting content, discriminating him on political grounds, attempting to create sensationalism and presenting a different reality than the truth. The media did not answer the Commission's request to respond to the allegations.

<sup>62</sup> Decision of the CMEM Complaints Commission, available at: [www.semml.mk](http://www.semml.mk)

The Commission decided that the citizen's complaint was founded. Even though, according to the Commission, there was public interest in the case, which was the reason for publishing personal information, it concluded that it is necessary to work professionally and ethically when fulfilling public-interest objectives. The Commission deemed that the media had violated Article 1 of the Code, which states that journalists have the right to access to all sources of information when reporting on matters of public interest, but that they are to publish accurate and veri-

fied information, are not to conceal essential information and forge documents, and if the information is unverified, it would be so specified for the audience. The Commission concluded that there was also a violation of Article 4, which prescribes a critical attitude to the sources of information and investigating their motives. As found by the Commission, Article 13, that is, the principle of making a clear distinction between fact and comment, was violated as well, whereby allowing for misinformation and manipulation of the audience.



## Concluding Remarks

**B**ased on the insights into the theory and practice in the media sphere in Macedonia, several conclusions may be drawn.

Theoretical thought unwaveringly stands behind public interest in the media and fiercely rejects the commercialisation of what the public should be informed on. Information cannot be a 'commodity' like any other in the market, and public interest is not an aid of market relations, but their counterbalance. The infiltration of politics and business in the 'creation of public interest in the media degrades their key role and function. In the battle with the 'brutal' commercialisation and centralisation of the media—a worldwide trend—and, therefore, their direct dependence on the special economic and political interests and power, it is the citizens, as bearers of democracy in society, who lose the most.

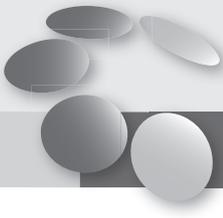
The European media policy, supported by numerous resolutions, declarations and recommendations, does not relinquish the concept of the media as key factors in creating public interest, of media systems that are to guarantee freedom of expression, independence, media pluralism and diversity. That equally refers to the public broadcasting institutions and the commercial outlets, with clearly featured contents with the label of 'public interest'. Furthermore, the key standards in the media sphere are based on the fundamental principles of freedom of expression specified in the European Convention of Human Rights.

In the Macedonian media regulation public interest is not firmly defined, but it is

clearly and unambiguously operationalised through the programming and editorial standards for the media. Legally, the public broadcasting service performs a public interest activity, whereas for the private outlets this obligation results from the principles they need to abide by when providing television or radio broadcasting. The 'obligation' for objective and impartial portrayal of events, for equal treatment of different positions and opinions, allowing the audience to freely form opinions on various events and issues, for autonomy, independence and responsibility of the journalists and editors applies to all media equally. In practice, however, the application of these principles subject to various perceptions, interpretations and disrespect.

Even though one might conclude that in Macedonia there is a relatively good legislative framework, infrastructure, technology and other resources allowing the media to fulfil their role of protectors of public interest, their failure in this sense has been increasingly evident. Contributing to that are the media-oversaturated and economically modest market, the legal insecurity and selectivity. Nowadays, the media in Macedonia are less free than before, they are the victims of clientelism, of links among politics, business and the media ownership structure, of direct pressure from the government and the institutions, of censorship, self-censorship and other factors hindering the fulfilment of the roles of protectors of public interest.

The public broadcasting service, instead of being a dam against the flood of tabloidization and commercialisation, has been in-



## Concluding Remarks

creasingly impoverished, ideologised and politically and financially dependent on the will of the executive branch. From the declaration of independence of Macedonia to this day, the actors on the political scene have not demonstrated the will for functional regulation of the essential issues concerning the autonomy and independence of the MRT, and creating conditions for its fulfilling the role of a media whose primary task is to serve public interest.

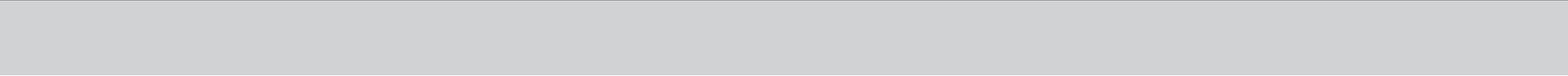
Regarding the functioning of the legislative framework and the mechanisms for the protection of public interest in the media, findings vary. One may mark improvement and greater functionality in the Law on Personal Data Protection and the Law on Insult and Defamation, although even there, criticism and selectivity are not lacking. On the other hand, in the implementation of the Criminal Code for hate speech in the media or anti-discrimination legislation one may note a complete lack of case law or functioning of the mechanisms for protecting the citizens and the public from serious violations of this kind by the media.

To be a journalist in Macedonia is almost impossible. Disillusionment, apathy and conformity predominate and, combined with economic vulnerability, widely open doors to clientelism and corruption, not only among the owners and editors in the media, but also among the editorial desks and the journalists themselves. One could detect positive steps forward in the operation of the media organisations and associations that put up fierce resistance to this situation, supported by a small, but professional and highly motivated group of media, investigative journalists and projects attempting to report responsibly on all matters that are important to the public and the citizens. Nevertheless, they exert far less influence on social developments.

Progress is also detected in implementing self-regulation, but the key problems that the self-regulatory authorities (such as the Council of Media Ethics) face are their unacceptance by part of the media community and the media, the offenders' not publishing the decisions, whereby the effect of the moral sanction is lost, as well as the insufficient informedness of the public and the citizens on self-regulation.

## Recommendations on Strengthening the Role of the Media in Safeguarding Public Interest:

1. Defining public interest in the media regulation of Macedonia seems more than necessary. It should equally refer to public and private media, particularly those with informative programming. Additionally, strong mechanisms must be established in order to implement the legislation in practice.
2. The institutions of the country should create an atmosphere in which the media and the journalists could fulfil their role of protectors of public interest. This primarily refers to the functioning of the legal mechanisms—for the protection of their rights, but also the responsibilities the media have when communicating with a mass audience. They need to start functioning independently, impartially, unselectively and fairly.
3. The media should base their independence and autonomy on abiding by the legally defined standards. This is a strong argument in the battle against political and economic special interests.
4. The media ownership structure must not be the deciding factor when defining editorial policy and creating public interest. The main emphasis should be placed on the accountability to the citizens.
5. The standards of journalistic ethics are key to the integrity of the journalistic profession. Abiding by these principles is the prerequisite for safeguarding public interest, whereas disrespecting them must be sanctioned by the journalistic community itself.
6. The public broadcasting service is a determining feature of democratic society—a service to the citizens. It may not operate other than for the purpose of public interest. That would require strengthening the mechanisms for ensuring this role of the broadcaster.
7. Pluralism of media content and the increasing introduction of content related to public interest needs to be encouraged through the international funds for these purposes, but also through the support with government funds, which should be distributed according to pre-determined and scientifically established criteria, and the selection of the recipients of these funds should be made by professional and independent bodies, in a public and transparent manner. In addition to the support of content, there should be considerations with a view to developing non-profit media, which practically do not exist, as well as the community media of the non-majority and local media, which have become increasingly more endangered.



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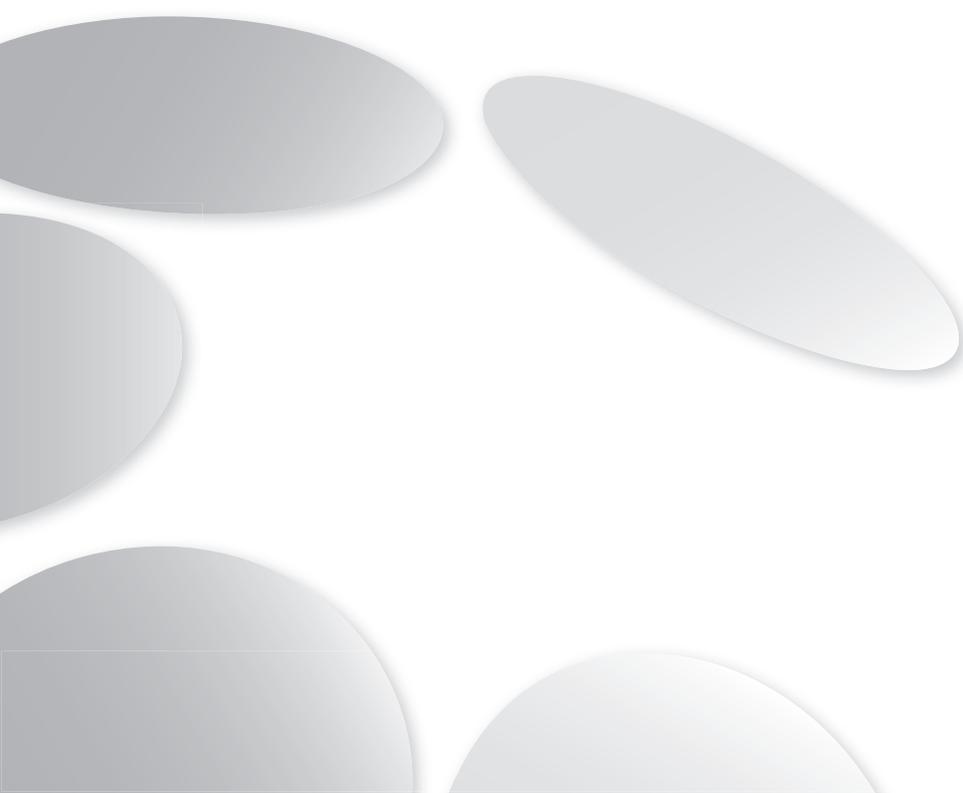
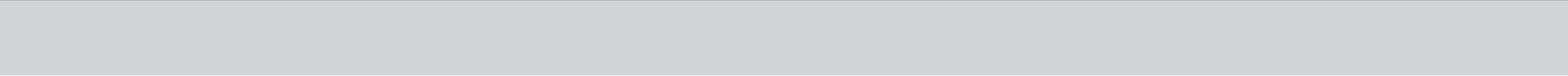
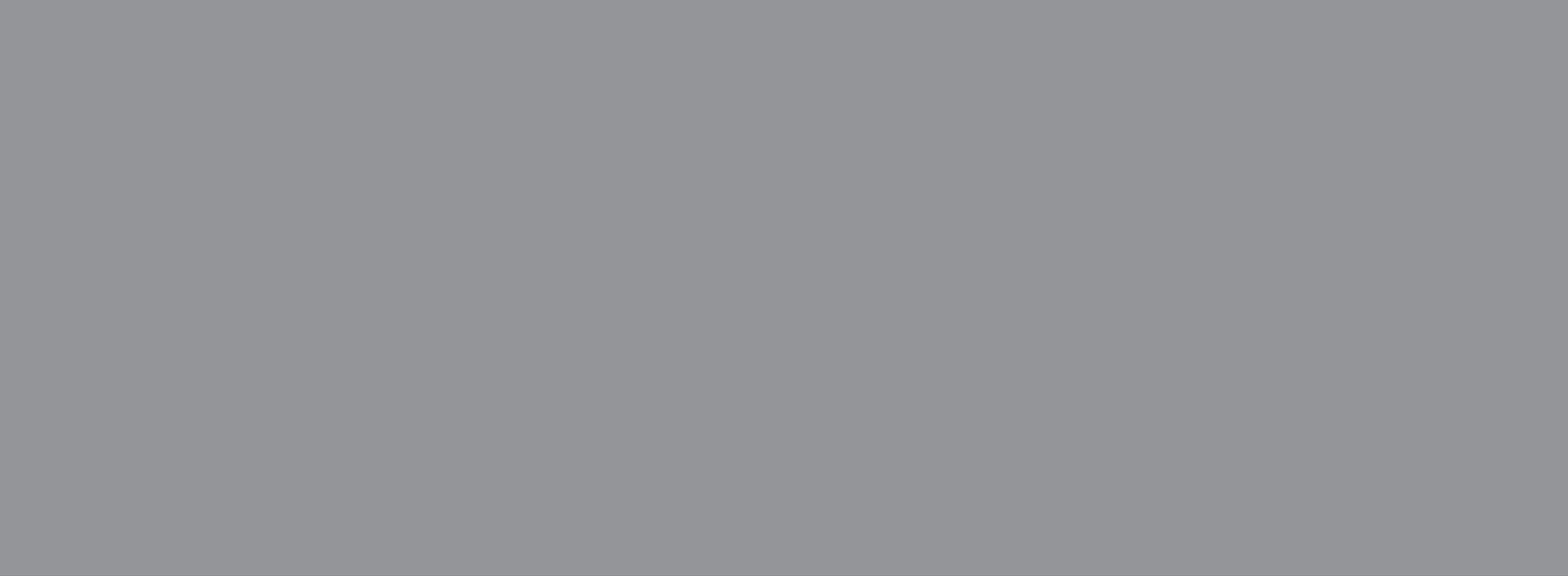
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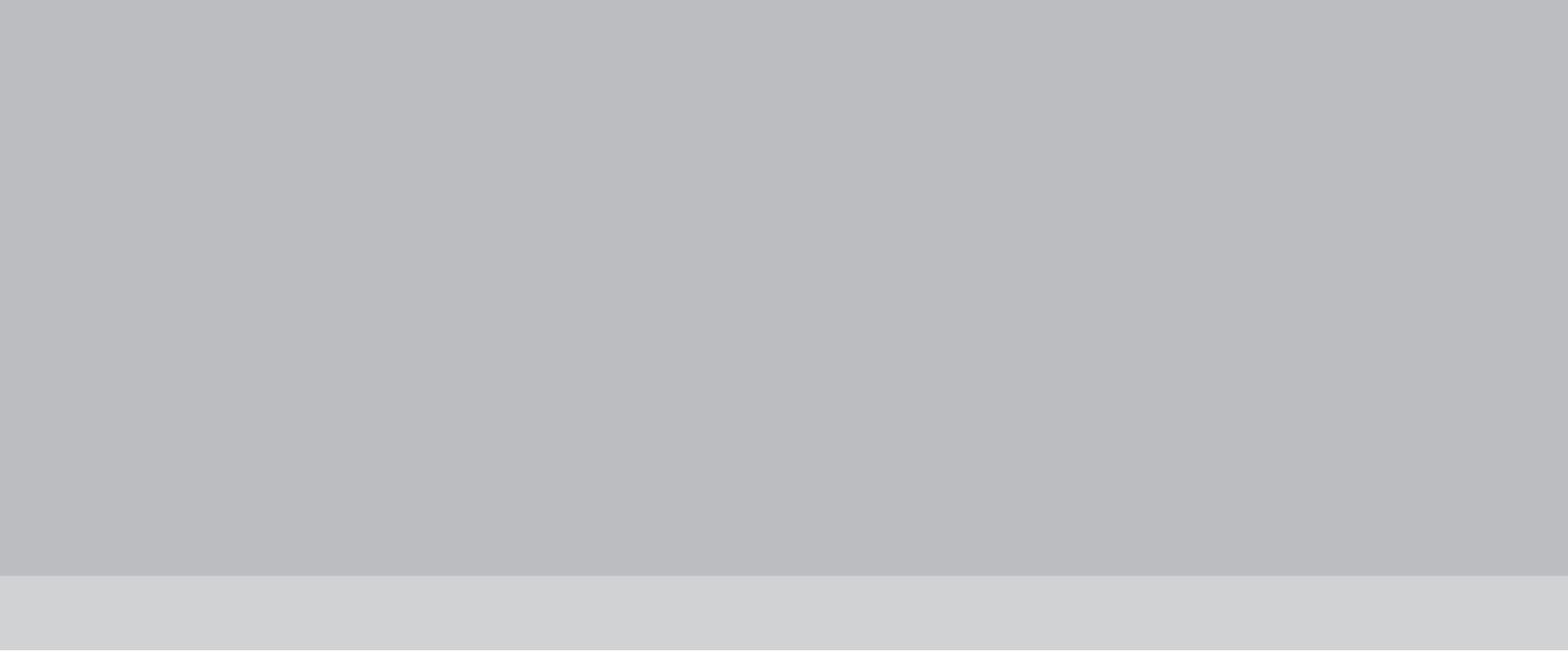
## About the Publisher

**T**he Institute of Communication Studies (ICS) was established by the School of Journalism and Public Relations in 2013. ICS is a leading scientific research organization in the field of journalism studies, media, public relations, political communication and corporate communication. ICS in Republic Macedonia has a dual focus: through academic and applied research to advance science and to be supportive of practitioners; through post-graduate studies to build a network of young researchers who will strengthen the pillars of these disciplines.

The Institute is accredited to provide graduate (master) studies in two areas: Management of Strategic Communications and Management of Media and Multimedia. Using the procedure of binding the teaching process and learning through research, the ICS fosters the development of young people in research and promotes the process of creation and dissemination of knowledge.

*The ICS has the following main objectives:*

- Developing academic and applied research that will increase the knowledge in the fields of communication, media and public relations;
- Creating a thorough research base that will be used in the education process in the fields of communication, media and public relations;
- Promoting innovative ideas in research related to the industry needs;
- Encouraging the development of young professionals in research by engaging students and young researchers in this field;
- Publishing research results on current affairs and issues in order to contribute to the public debate and to the process of creating policies in the fields of interest to ICS.



## About the Project

**T**he Institute of Communication Studies (ICS) implements the project “**Voicing the Public Interest: Empowering Media and Citizens for Safeguarding the Public Policy in Macedonia**”. Within the Project, ICS will (1) prepare analysis and policy papers and will organize discussions around them, (2) develop newsroom editorial guidelines for safeguarding the public interest, including the public interest test and, (3) impel citizens and experts to actively participate in the public sphere through the Res Publica blog.

Through analysis, policy papers, and discussions, ICS will provide a clear overview of the key aspects of public interest, i.e. how can citizens influence the policy-making process; how journalists cover public interest topics; the delicate balance between the public interest and other human rights (e.g. privacy, free speech); the role of the judiciary and the Government in safeguarding the public interest.

In collaboration with newsrooms, ICS will develop a Guideline for Public Interest Journalism (incorporating the public interest

test) in order to protect the public from negligent journalism and unlawful media practices, and restore the trust of citizens in media. The Guideline will set out the standards for producing or presenting the newsroom products, and will provide advice for media professionals on how to deal with editorial issues, and on how to produce content on the highest ethical level when covering public affairs. The public interest test will improve the skills of journalists to decide how best to proceed when they are reporting about the welfare and safety of the public. ICS will work with five national and regional media in order to develop the Guideline.

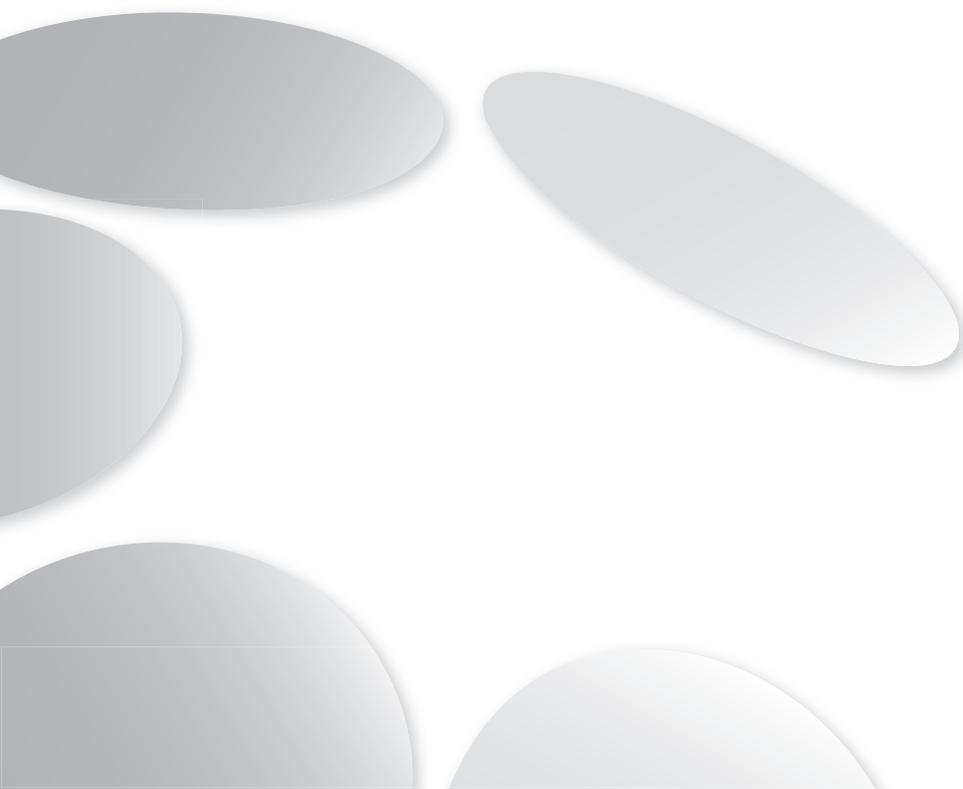
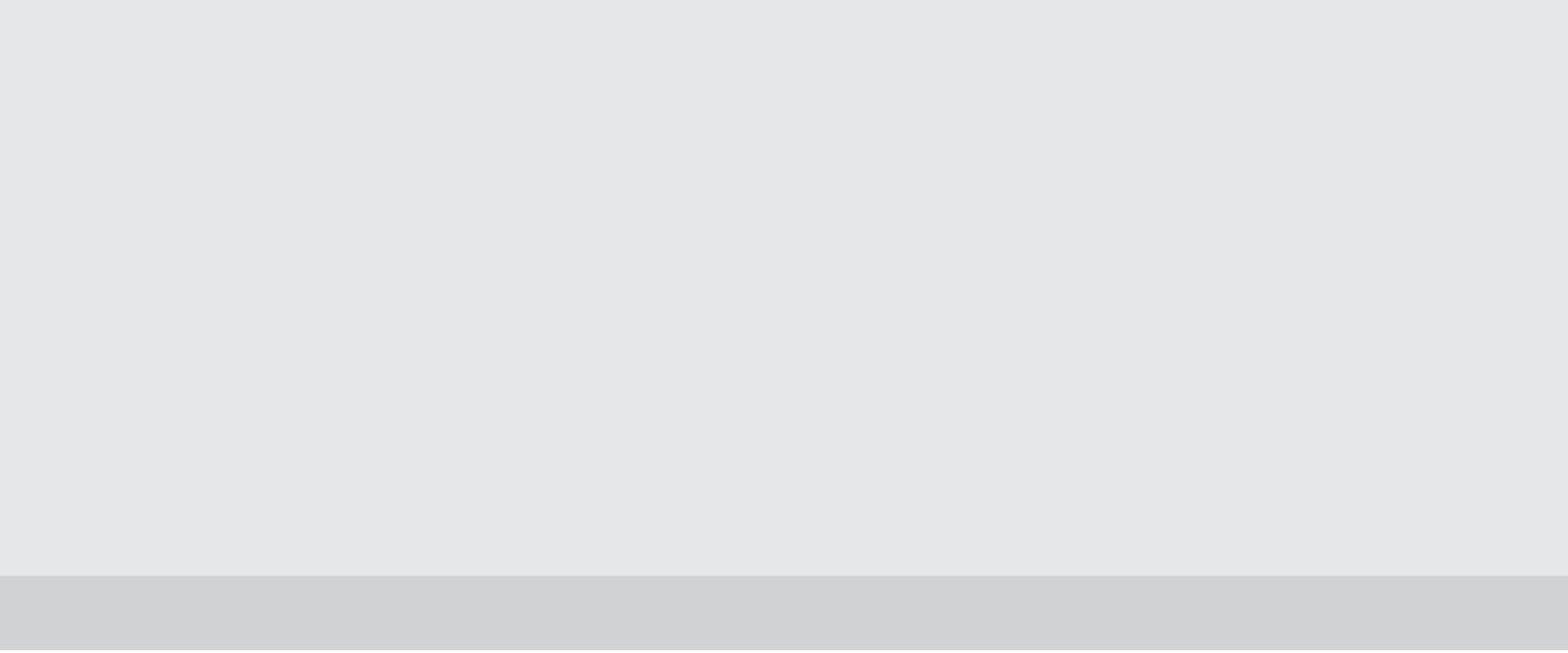
In order to reach a broader audience, ICS will utilize the newly developed web platform *Res Publica* ([www.respublica.edu.mk](http://www.respublica.edu.mk)) that will impel citizens, journalists, and experts to write articles and debate issues of public interest. This way, ICS will create a professional network that will continually analyze and introduce the public with current issues of public interest in the Republic of Macedonia.

The Project is supported by the British Embassy Skopje.



### VOICING THE PUBLIC INTEREST

Empowering media and citizens for safeguarding the public policy in Macedonia



## About the Authors

**VESNA ŠOPAR** has a PhD in Political Science. She teaches at the Institute of Communication Studies in Skopje, and has years of academic research and educational experience. She completed her undergraduate studies at the Faculty of Sociology, Political Science and Journalism in Ljubljana, the Republic of Slovenia, and received her master's degree from the Institute of Sociological, Political and Juridical Research in Skopje. She received her PhD from the Faculty of Law at the Ss. Cyril and Methodius University in Skopje. She has authored over 50 academic publications, books, textbook, monographs and professional scholarly articles published in domestic and international journals. She has participated in numerous academic conventions, conferences and seminars, as well as in over 30 academic research projects in the country and abroad. Her field of interest are information and communication theories, political communication, public opinion, media regulation, intercultural communication, and journalism ethics.

**PETRIT SARAČINI** graduated from the Journalism Department at the Faculty of Law in Skopje, and is a master's degree candidate at the Institute of Communication Studies in Skopje. He has worked and published as a journalist, editor, producer, host and columnist in the *Dnevnik*, *Lobi*, *Press Online*, *Flaka*, *Life Radio*, *Sloboden pečat*, and *TV21*. He has years of experience in media research, earned as programme manager at the Macedonian Institute of Media (MIM), where he has participated in and managed several national and regional projects in the field of media. He has authored and co-authored several pieces of domestic and international research, and professional texts in the field of media, including: 'Kosovo and the Media', 'The Situation with the Media of the Non-Majority Communities in the Republic of Macedonia', *Media Literacy Manual for Macedonian Language Teachers*, 'Balkan Neighbours in the Media', 'Hate Speech Online in the Countries of Southeastern Europe', *Macedonia in the Digital Age—Between the Rights and the Responsibilities When Communicating Online*.

# **THE MEDIA IN MACEDONIA:**

**GUARDIANS OF THE PUBLIC OR  
PRISONERS OF POLITICAL INTERESTS**

**POLICY PAPER**





# VOICING THE PUBLIC INTEREST

Empowering media and citizens for  
safeguarding the public policy in Macedonia



British Embassy  
Skopje

I N S T I T U T E  
**IKS**  
OF COMMUNICATION STUDIES

Jurij Gagarin 17-1/1  
1000 Skopje, Macedonia  
T: +389 2 3090 004  
[info@iks.edu.mk](mailto:info@iks.edu.mk) | [www.iks.edu.mk](http://www.iks.edu.mk)