



Freedom of the Press 2016 - Macedonia

Year:

2016

Press Freedom Status:

Not Free

PFS Score:

62

Legal Environment:

19

Political Environment:

24

Economic Environment:

19

Status change explanation: Macedonia's status declined from Partly Free to Not Free due to revelations indicating large-scale and illegal government wiretapping of journalists, corrupt ties between officials and media owners, and an increase in threats and attacks on media workers.

Overview

Macedonia's media landscape is deeply polarized along political lines. Self-censorship among journalists is common, due primarily to pressure from media owners with particular business or political interests and, more recently, concerns about surveillance. Journalists are poorly paid and face threats and harassment for engaging in investigative or critical reporting.

Key Developments

- In February 2015, opposition leader Zoran Zaev alleged that the government of Prime Minister Nikola Gruevski oversaw a massive wiretapping operation that targeted more than 100 journalists, along with thousands of other parties. The findings of a European Commission-backed investigation provided support for Zaev's claims.
- Zaev also released a series of recorded conversations suggesting that government officials had a role in decisions on content at public and some private media outlets.
- Numerous journalists received threats or suffered physical attacks during the year.

Legal Environment: 19 / 30 (↓1)

The Macedonian constitution includes basic protections for freedom of the press and freedom of expression, but the authorities do not uphold them impartially. The use of criminal laws to restrict journalistic activity drew international attention in 2013, when *Nova Makedonija* reporter Tomislav Kezarovski was convicted on dubious charges of revealing the identity of a protected witness in a murder case; the charges were linked to an article he had written about police corruption. Kezarovski received a prison sentence of four and a half years, but was transferred to house arrest after a short period behind bars. In January 2015, an appeals court reduced his sentence to two years and ordered that he serve the remaining four months in prison. Kezarovski was consequently transferred back to prison, but days later he was granted conditional release following domestic and international pressure.

Although defamation was removed from the penal code in 2012, a parallel change to the civil defamation law authorized large fines for reporters, editors, and media owners. Many defamation suits are dropped or settled out of court, often because defendants yield to the threat of crippling financial penalties. While courts have ruled in favor of journalists in a number of recent defamation suits, the Association of Journalists of Macedonia (ZNM) has noted that courts frequently consider defamation allegations in which the plaintiffs have failed to produce any evidence for their complaint, sometimes postponing preliminary hearings multiple times to allow the accusers to gather material. The association also reports that defendants are sometimes not promptly informed when cases are filed against them.

The law on open access to public information is unevenly and selectively enforced, with officials delaying responses and shunning independent or critical media outlets.

Enforcement of media regulations is weak, and the licensing process is subject to undue political and economic influence. Under 2013 media laws, a government-dominated media regulator, the Agency for Audio and Audiovisual Media Services, is empowered to impose heavy fines and revoke broadcast licenses for content that threatens vaguely defined interests such as “public order” and “health or morals.” Amendments to the laws, adopted in 2014, exempted online outlets from regulation, minimized the obligations of print media, allowed the ZNM to nominate one of the regulator’s seven council members, and inserted language to ensure that all future content rules comply with standards set by the European Court of Human Rights. Critics of the original laws said the changes, passed under international pressure, were inadequate.

In February 2015, Zaev, head of the opposition Social Democratic Union of Macedonia (SDSM), announced that he had obtained evidence that the government had engaged in illegal wiretapping of up to 20,000 Macedonian citizens, including more than 100 journalists. He subsequently released a series of audio recordings that not only suggested the existence of such a wiretapping campaign, but also appeared to reveal government officials issuing directives regarding content at several media outlets, including Sitel, a private, progovernment television station with national reach, and the public television network, Macedonian Television (MTV). Zaev also claimed to possess wiretap recordings of journalists’ conversations, but did not release them publicly, instead inviting the affected reporters to pick up transcripts at the SDSM’s headquarters. In what was viewed as an attempt to discourage reporting on the recordings’ content, the public prosecutor’s office in February issued a statement suggesting that it was illegal to publish material that could become evidence in criminal court proceedings, an apparent reference to existing charges against Zaev, who faced allegations of plotting a coup. A report prepared by independent experts and released by the European Commission in June supported Zaev’s claims that the security services had carried out the

wiretapping campaign at the government's request. EEs to review the materials at h but did not release them publically, inviting the affected parties to review the materials at h

The Macedonian Association of Journalists (MAN) is affiliated with the government, while the ZNM is more aligned with the opposition. The ZNM documents media freedom violations more rigorously than its counterpart, but it has been silent on some issues involving pressure against media workers at progovernment outlets. In 2014, the parliament amended the Law on Audio and Audiovisual Media Services to give one of the ZNM's two seats on the board of the public broadcaster to the MAN. The Media Ethics Council, a self-regulatory body, was established in 2014 to hear complaints about the media; frequently the cases it receives are filed by journalists against other journalists.

Members of the Trade Union of Macedonian Journalists and Media Workers (SSNM) have faced dismissal and other forms of pressure from officials and employers. Macedonia's media laws do not recognize bloggers and citizen journalists as professional journalists.

Political Environment: 24 / 40 (↓3)

The Macedonian media landscape is heavily polarized. Most private media outlets are tied to political or business interests that influence their content, and state-owned media tend to support government positions. The government continued to exercise undue political influence over the content of public outlets and control over their supervisory bodies during 2015. The public broadcaster, Macedonian Radio and Television (MRT), mostly ignored the wiretapping scandal, while the recordings themselves appeared to reveal direct government influence over the broadcaster's reporting. The recordings also suggested a government role in the programming decisions of at least one private television outlet, and in determining the content of several newspapers.

Many private outlets are owned by businesspeople who use their media holdings as tools to promote commercial interests or curry favor with the government. Such outlets are often reluctant to pursue stories that would reflect poorly on Gruevski's administration. For example, many outlets did not cover a series of teachers' strikes during 2015, or omitted key details, such as the teachers' grievances and demands, from their reporting. Moreover, as early elections in 2016 grew more likely, the most prominent private television outlets escalated progovernment reporting and criticism of the opposition.

Journalists have reported high rates of self-censorship, as they experience pressure not to publicize information that could harm their employers' business interests. The problem was exacerbated in 2015 by the wiretapping scandal, which revealed how closely many media figures were being monitored.

Journalists faced increased levels of physical violence and harassment in 2015. Borjan Jovanovski, a prominent critical journalist for Nova TV, received a death threat in April. The sender used the name of a long-dead nationalist figure associated with the ruling party, suggesting a political motive. In May, Branko Tričkovski, a columnist for the opposition paper *Sloboden Pečat*, received death threats after he posted remarks on Facebook that were critical of police officers who participated in an operation against insurgents in an ethnic Albanian area of Kumanovo; eight officers were killed during the clash. Tričkovski's vehicle was set on fire that month. Around the

same time, the car of well-known political journalist Sašo Ordanoski was also set ablaze. Separately in May, Saše Ivanovski, the owner of the news website *Maktel*, was banned from a club for members of parliament after questioning Gruevski on the subject of his personal wealth. Days later, Ivanovski was beaten by two unidentified assailants in Skopje. Ivanovski was physically attacked again in July, this time by the deputy prime minister for economic affairs, Vladimir Peševski, after he approached Peševski on the street and questioned him about the wiretapping program. And in June, a Macedonian police officer attacked an Austrian journalist and attempted to confiscate her equipment as she sought to report on the movement of refugees at the border with Greece.

Economic Environment: 19 / 30

Macedonia has a large number of broadcast and print outlets for its population, but progovernment media—including the public MRT and several private television stations and newspapers—hold a dominant position in the market. A small number of outlets, such as Telma TV, 24 Vesti, *Sloboden Pečat*, and *Fokus*, carry more balanced or critical coverage. Broadcast outlets run by members of Macedonia's ethnic Albanian minority, some of which provide content in both Albanian and Macedonian, often produce news that is more objective than their Macedonian-language counterparts; observers have suggested that this is because they are somewhat removed from the political wrangling between the two main parties, which are composed primarily of ethnic Macedonians.

Ownership transparency is undermined by the use of proxies and silent partners. Foreign investment in the media is largely limited to Serbian companies. A Serbian-owned media group has a virtual monopoly on newspaper printing and distribution, and its owner has ties to high-level security officials.

Foreign media content is not restricted. Access to the internet is constrained only by cost and infrastructural obstacles, with around 68 percent of the population accessing the medium in 2014. Use of social media continues to increase, and news sites and blogs have expanded, but most news content originates in traditional media.

The government has faced criticism for its liberal use of promotional advertising, which increases the media's financial dependence and favors progovernment outlets. The government is one of the country's largest advertisers, and the ruling party benefits from deep pricing discounts from friendly outlets, particularly during election campaigns. In the summer of 2015, the government issued a moratorium on official advertising amid the growing political crisis; however, the measure did not extend to all public institutions or to allied private institutions, allowing the government to retain an indirect influence over the media through advertising contracts. The state also subsidizes content production for national television broadcasters under amendments to the media law adopted in 2014, creating another mechanism for the dispersal of official funds to friendly media. Many media outlets rely on financial support from private owners' other businesses.

Journalists face low salaries, a lack of job security, and poor working conditions, leaving them more vulnerable to editorial pressure from owners.