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**USAID PROJECT FOR MEDIA
LEGAL REFORM AND
RESPONSIBLE MEDIA**



**MEDIA
DEVELOPMENT
CENTER**

**MONITORING OF IMPLEMENTATION OF
MEDIA LEGISLATION, OF THE MINISTRY
OF INFORMATION SOCIETY AND
ADMINISTRATION, OF THE ASSEMBLY
OF THE REPUBLIC OF MACEDONIA,
OF THE AGENCY FOR AUDIO AND
AUDIOVISUAL MEDIA SERVICES AND OF THE
MACEDONIAN RADIO AND TELEVISION**

SKOPJE, OCTOBER 2015

USAID PROGRAM FOR STRENGTHENING INDEPENDENT MEDIA IN MACEDONIA,
PROJECT FOR RESPONSIBLE MEDIA AND MEDIA LEGAL REFORM

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3RD QUARTERLY REPORT

(JULY - SEPTEMBER 2015)

PREPARED BY:
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SKOPJE, OCTOBER 2015

INTRODUCTION

The Media Development Centre (MDC), under the programme for monitoring of the implementation of the Law on Audio and Audiovisual Media Services (LAAVMS) and the Law on Media (LM), monitored the work of the Agency for Audio and Audiovisual Media Services (AVMS) and the work of the Macedonian Radio and Television (MRT).

The implementation of the laws was analyzed primarily through the impact of the legal provisions on the competent institutions and the media. During this period, the monitoring of the work of AVMS and MRT focused closely on the process of appointment of some of their internal bodies, the manner of operations and the transparency and accountability in their work and operations.

The monitoring relied on the following tools: Presence in the sessions of the AVMS Council and the sessions of the Assembly of the Republic of Macedonia that discussed matters related to the implementation of the media legislation, analysis of documents published on the websites of the institutions, analysis of documents secured through freedom of access to information (FOI requests), and direct communication with the stakeholders.

This monitoring is implemented under the auspices of the USAID Programme for Strengthening of Independent Media in the Republic of Macedonia and the Project for Media Legal Reform and Responsible Media.

AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

In the period from July 1 to October 1, 2015, the AVMS Council held just eight sessions and adopted 2 rulebooks and several by-laws. During the period covered by this report, the AVMS Council adopted the Programme for Promotion of Media Literacy in the Republic of Macedonia¹ and held the third public meeting for 2015.²

During this period, the Agency again didn't complete the procedure for appointment of Deputy-Director of the Agency. The procedure for appointment of Deputy-Director of the Agency was terminated and then postponed in October 2014 and, to this day, no activities on that matter were implemented and the public has not been informed about the reasons for the delays of the procedure.

On July 1, 2015, the Agency moved to its new headquarters, in the "Panko Brašnarov" Building in downtown Skopje.

AVMS COUNCIL REDUCES ITS ACTIVITIES

As in the previous quarter³, the Council of the Agency continued to work with reduced workload. While, at first sight, it may seem that

the main reason for such reduction was the move to the new premises and the summer vacations season, the question remains why the Council has reduced its activities and convenes in just three sessions per month.

It should suffice to mention that in 2013 and 2014, the Council of the Agency held 65 and 64 sessions, respectively, averaging more than one session per week, an average that has dropped significantly in 2015.

In view of all of the above, the question emerges if AVMS Council Members should continue to receive a fixed monthly compensation or if the amount of the compensation for their work should be tied to the number of sessions held and the scope of the work they have completed in a month.

In the context of AVMS's activities, it is worth noting that, on July 31, 2015, the Agency released a statement to the public⁴, appealing to "be left out of daily political events and developments". In the statement, the Agency emphasized that it is an independent regulatory body and the "*its position as such has to be respected*", as well as that it "*never were nor shall it be a body of executive power*". It is not clear why AVMS released such a statement in the middle of the summer season. One possible explanation may lie with the new political reality that emerged after the publication of "Priebe's Report" and the Agreement of Pržino (finalized on July 15, 2015),

1 http://www.avmu.mk/images/izbori2014/Programa_za_mediumska_pismenost_Usvoena_2.pdf

2 http://www.avmu.mk/index.php?option=com_content&view=article&id=2427%3A2015-09-18-12-33-29&catid=171%3Anastani&Itemid=504&lang=mk

3 [http://mdc.org.mk/wp-content/uploads/2015/07/CRM_Izvestaj_Monitoring-na_AVMU-MIOA_MRT-Sobranie-i-mediumi_-juli-2015.pdf\(crp.3-4\)](http://mdc.org.mk/wp-content/uploads/2015/07/CRM_Izvestaj_Monitoring-na_AVMU-MIOA_MRT-Sobranie-i-mediumi_-juli-2015.pdf(crp.3-4))

4 http://www.avmu.mk/index.php?option=com_content&view=article&id=2341%3A2015-07-31-12-52-10&catid=88%3Asoopstenija-media&Itemid=313&lang=mk

which refer in one part to the current situation, processes and the need for urgent indepth changes in the media sphere in Macedonia.

3RD PUBLIC MEETING OF THE AGENCY – PROFESSIONAL SERVICE IS ACTIVE

In the 3rd Public Meeting, held on September 18, 2015, the Agency presented in detail its activities for the previous quarter. The document it presented⁵ shows that, compared to the inactivity of the AVMS Council, its Professional Service was quite active and worked in accordance with the Annual Programme of the Agency. During that period, AVMS issued a total of 52 warnings to different broadcasters and 4 warnings with an order to terminate the broadcasts of unregistered programming services.

We have to bear in mind the fact that the regulatory role of the Agency is not, and can't be exhausted only through the supervision and oversight of the work of broadcasters. The Agency should grow into a true independent regulatory body that, together with the media, shall care about the development of the media sector in the country.

For instance, the discussion of broadcasters' obligations related to the provisions on broadcasting of original programmes, listed in Article 92 of the Law on Audio and Audiovisual Media Services the 3rd Public Meeting of the Agency, demonstrated that broadcasters are not sufficiently informed about their legal obligations. The discussion put special emphasis on the calculation of percentages of aired original programmes produced in Macedonia. Some broadcasters noted that the quotas should be reduced, having in mind the difficulties they face in achieving the required quotas. It also discussed the effects of the originally produced programmes and its validity in the contemporary context. As noted by the broadcasters, the required programmes

5 [http://www.avmu.mk/index.php?option=com_content&view=article&id=2427%3A2015-09-18-12-33-29&catid=171%3Anastani&Itemid=504&lang=mk\(c\)tp](http://www.avmu.mk/index.php?option=com_content&view=article&id=2427%3A2015-09-18-12-33-29&catid=171%3Anastani&Itemid=504&lang=mk(c)tp).

are usually produced just to meet the legal obligations, with little concern for its quality and currency.

PROCEDURE TO DETERMINE EXISTENCE OF ILLEGAL MEDIA CONCENTRATION AT KANAL 77 RADIO

One of the legal obligations of the Agency is to determine the existence of an illegal media concentration of ownership of broadcasters. In accordance with that legal competence, the Agency Council, in its session of July 30, 2015, adopted a Decision to start a procedure to investigate the possible existence of illegal media concentration in the case of TRD Radio Kanal 77 DOOEL, from Štip⁶. In the session, an explanation was presented that Radio Kanal 77 was founded by the legal entity Trading, Services, Marketing and Information Company GBC KOMUNIKACII DOOEL Štip, which performs the commercial activity 73.12 – Advertising in the Media (classified by the National Classification of Activities as belonging to the group of activities "Advertising and Propaganda), which, in accordance with Article 43 of the LAAMS, constitutes legal grounds for initiation of a procedure to determine the existence of illegal media concentration.⁷ The Agency gave the Štip-based national radio broadcaster a period of 45 days to present and provide to the Agency all the required data and information related to the initiated procedure.

Kanal 77 Radio representatives told the MKD.mk portal that the Agency didn't have the legal grounds to start the procedure and that the initiative was politically motivated. According to Kanal 77, the procedure is directly related to GBC Komunikacii's request, filed with the Agency in June 2015, to open a public call for allocation of licence for national TV broadcasting: *"The Agency is not trying to slow*

6 http://www.avmu.mk/images/24_Vesti_-_03-1000_04.09.15.pdf

7 http://www.avmu.mk/images/Zapisnik_od_24_sednica_na_Sovetot_na_AVMU.pdf



down the process and buy some time. There is the additional influence and the interest of the pro-government TV broadcasters who want to remain alone in the ether, fearing true competition by an independent television with a foreign investor".⁸

Regarding GBC Komunikacii's request for allocation of licence for national TV broadcasting in the terrestrial multiplex (DVB-T), in its session of September 17, the Agency's Council approved the implementation of a public procurement procedure for preparation of study (through public opinion survey)⁹. The Agency is legally obligated to prepare a study that will determine the need for opening a public competition for allocation of new broadcasting licenses.

⁸ <http://www.mkd.mk/makedonija/politika/kanal-77-agencijata-se-obiduva-da-sprechi-otvoranje-na-nova-nacionalna>

⁹ http://www.avmu.mk/images/Zapisnik_od_29_sednica_na_Sovetot_na_AVMU.pdf

MACEDONIAN RADIO AND TELEVISION

The Macedonian Radio and Television received special attention in the Priebe Report¹⁰, in the chapter on the situation in the media sphere. The Priebe's Report concludes that the media in Macedonia are subjected to political pressure, threats and interference in their internal affairs, and that the current political crisis "*highlighted serious concerns over selective reporting and lack of editorial independence on the part of the Public Service Broadcaster*". For those reasons, the Priebe's Report recommends that: "*The Public Service Broadcaster should strive to be completely impartial and independent from political, commercial and other influences and ideologies and contribute to an informed citizenship.*"

NON-TRANSPARENT PUBLIC SERVICE

During this monitoring period, MRT continued to work and operate with total lack of transparency and accountability. The public has almost no information on the work and decisions of the management and governing bodies of the public broadcasting service. The Media Development Centre, for example, is prevented from monitoring the sessions of the Programming Council as the public service has not responded to any of the several requests presented by MDC to be allowed to send its representatives to sit in the sessions of the Programming Council. Also, the scheduled sessions are never announced on MRT's website.

Another example of MRT's opaque operations was the decision to terminate the broadcasting of the Satellite Channel. The public service didn't announce or explain that decision

¹⁰ <http://vesti.mk/read/news/5760050/2175567/shtosodrzhi-izveshtajot-na-pribe-celosen-tekst>

and, from now on, the members of the diaspora will be able to follow its programmes solely over the internet. The public learned about the decision from the reporting of other media, while MKD.mk news portal carried the statement by an anonymous source in MRT that the decision will save the public broadcaster €5 million.¹¹

That decision raises some questions, having in mind that fact that representatives of MRT's management have reiterated, in several public events held during the monitoring period, the claims that the public service was in a fine financial situation and faced no financial difficulties whatsoever. One such event was the debate "Necessary Reforms in Public Broadcasting-MRT", organized by the Ministry of Information Society and Administration, held on July 20 at the premises of the Agency for Electronic Communications. The former Minister of Information Society and Administration Ivo Ivanovski, the Executive Director of MRT Marjan Cvetkovski, AVMS Director Zoran Trajčevski, the President of AJM Naser Selmani and President of MAN Slagjana Dimiškova took part in the debate. Minister Ivanovski and MRT Director Cvetkovski emphasized the improved collection of the broadcasting fee and repeated that MRT functions well from the financial point of view, but that more funds would ensure production and realization of better programmes. At no time the intention to terminate the Satellite Channel was mentioned, although it is evident, in retrospect, that the decision was already "in the making".

¹¹ <http://www.mkd.mk/makedonija/politika/mrt-vekje-nema-da-se-emituva-preku-satelit-zadijasporata-javniot-servis-kje-se>



HIGH SALARIES FOR MEMBERS OF SUPERVISORY BOARD NON JUSTIFIED

Several changes to the Statute of MRT were adopted during the period covered by this Report. The changes concern the Supervisory Board, which was allocated several new competences and obligations, for instance, to adopt the consolidated annual balance sheet and to review the annual and quarterly financial reports of MRT. One questionable change to the Statute was to increase the compensation for the members of the Supervisory Board to the amount of the national average salary, up from one third of the average salary before. The increase of the monthly compensation doesn't correspond to the intensity of the work of the body and the decision is, therefore, unjustified.

DRAFT-FINANCIAL PLAN FOR 2016

On September 9, 2015, MRT published the Draft-Annual Financial Plan for 2016, in accordance with the Law on Audio and Audiovisual Media Services.¹² According to the Draft-Annual Financial Plan, MRT plans to earn 860 million MKD from collected broadcasting fee, which amount to just 66% of the necessary funds.

The draft projects that 240 million MKD will be received from the State Budget (18.6% of the total projected earnings in 2016), another 30 million MKD should come from the Ministry of Information Society and Administration, while the Financial Plan projects that MRT will receive 32 million MKD from the Ministry of Culture as support for the implementation of the Law on Support for Macedonian music production. In other words, budget contributions will amount to extraordinarily high 302 million MKD, or 23.3% of the total projected income of MRT.

The remaining projected income should come from sale of advertising, rent of office space, execution of court orders, etc. The projected 2016 Budget of MRT is smaller than in previous years. The projected income from col-

lected broadcasting fee is at the same level as in 2015, but is lower than in 2014 and 2013. For example, the income collected from the broadcasting fee in 2013 was full 100 million MKD higher than the projection for 2016. The presented data indicates a trend of falling collection of broadcasting fee and increased participation of budget funding in the financing of MRT, a fact that has negative impact on its independence.

MRT CODE OF ETHICS

At the debate held at AEC, the Director of MRT announced that the preparation of the public service's code of ethics was under way, that the draft will be submitted to a process of public debate and should be adopted sometimes this autumn. In the meantime, there was no information in the public, or any sort of public debate on the future Code of Ethics of MRT. The only information on the matter for the citizens was offered by AJM, an organisation that has a representative sitting in MRT Programming Council, which informed the public in a press release¹³ of September 14 that the draft of the Code was completed and its imminent adoption was under way. AJM criticized MRT's management of attempting to adopt a Code of Ethics without a public debate and in a hurry, while even the members of the Programming Council weren't allowed sufficient time to read and analyze the draft. MRT didn't publish the Draft of the Code of Ethics on its web-site, although it is available as a result of a key-word search of its contents. That is yet another example of the full lack of transparency and of the level to which the public broadcasting service is closed to the public. By the time of writing of this report, neither MDC nor the general public received any information whether the MRT's Code of Ethics will be adopted and in what form.

The text of the Draft-Code of Ethics that MDC got for review looks more like a code of conduct than a classic code of ethics. The document contains 85 articles and is divided into several chapters: General Provisions; MRT Programmes;

12 LAAMS

13 <http://www.znm.org.mk/drupal-7.7/mk/node/916>

Obligations and Conduct in the Workplace; Corruption and Conflicts of Interest; Professional standards and ethics; Publication of information in MRT's programmes; Special provisions on work and conduct of journalists; Rights, obligations, responsibilities and relations between journalists and editors; Relationship with the state, government, national politics and economy; Accidents, emergency events, criminal and judicial procedures; Children and social associations in programmes of MRT; Other professional standards and principles; Election campaigns; Advertising; Surreptitious advertising; Ethical Commission; and Entry into force of the Code of Ethics.

Article 10, paragraph 1 of the Code states: *"The employees shall be obligated to clear and resolve all their demands, complaints or positions first internally in MRT, within their organisation unit, working with MRT's bodies. After all internal options in MRT are exhausted, without success, only then can an employee approach the competent bodies, institutions and associations in the profession."* The contents of the article is questionable because it restricts the rights of employees in MRT. Furthermore, the provision lacks in precision, because it doesn't define which positions and views the employees should clear up internally in MRT. Also, it doesn't provide the time-frame for resolution of any such issues. Simply said, it is an attempt by MRT to close down further and prevent its employees to alarm about existence of problems, including discrimination or mobbing, and to seek solution out of the organization.

Article 11, Paragraph 2 of the Code states that *"An employee of MRT, in his/her public appearances and actions, shall not violate the provisions of this Code or other acts of MRT, nor shall he/she harm the interests and reputation of MRT"*. Having in mind that the provision on violations of the Code and other acts is clearly defined, the question arises what other ways are possible in which interests and reputation of MRT could be harmed. For example, if an employee speaks in public about certain problems at MRT, without committing a violation of its acts, does he/

she then violates the reputation of MRT? Why should MRT's reputation be more important than the public interest? MRT exists primarily to serve the public interest and is obligated to work in the interest of citizens that fund its operations. For that reason, the public interest, not its own reputation and interest, should be the primary objective of MRT. Paragraph 3 of the same article states *"An employee shall be obligated to inform, at least one day earlier, the managing editor of the programming service about the intent and the general contents of his/her public appearance or action, and to adhere to the provisions of the previous paragraph of this article"*. It implies that even for a public appearance of private nature that is not connected to his workplace at MRT, an employee is obligated to inform the managing editor. That is a violation of rights of employees who are entitled to private life and engage in other activities in their private time, out of the workplace. Therefore, there is no justification for the imposition of such an obligation on MRT employees.

The provisions on corruption and conflicts of interest in Article 12, paragraph 4, are similarly insufficiently precise. A submission referring to suspicions of corruption filed with the competent bodies of the state, committed with good intentions, can't produce any labour law consequences, i.e., it can't serve as grounds for firing or termination of employment. However, it can produce consequences under labour law if it is addressed to the media instead of MRT's competent bodies, the State Prosecution or the law enforcement authorities. It is not clear what the phrase unauthorized presentation to the media means, or why, in matters of public interest, the media and competent bodies couldn't be informed. MRT uses that provision to discipline its employees, instructing them that they can be fired if they speak publicly about their suspicions of corruption in MRT.

Regarding the professional standards and ethics, covered by Article 19 of the Code, there is the matter of paragraph 3 of the article, which states: *"All employees of MRT that appear in front of the camera and in live broadcasts of the pro-*



grammes, shall be properly dressed and shall perform their professional duties in accordance with the general acts of MRT, and shall not wear or exhibit any insignia or symbols that express, in any way of form, their political, religious or other affiliation.” The word *properly* is utterly vague and it is unclear what kinds of clothes the journalists and other personnel that appear in front of a camera may or may not wear. Those matters are regulated with a dress code, not with unclear, generally defined provisions. Furthermore, the prohibition of wearing of insignia or symbols, or expression of political, religious and other affiliation, is questionable. The wearing of a cross is an expression of Christian religion, just as the wearing of a head-scarf is the way in which some Muslim women express belonging to their faith. Are such practices to be banned at MRT? Also, if a journalist, anchor, news presenter, use the traditional Easter greeting “Hristor voskrese”, will that be considered a case of expression of his/her religious affiliation? If the intention is to regulate such matters and to make clear what is allowed and what is not, MRT will have to define them in greater detail. In its current form, the impression is that the provision was inserted just to be able to say that this matter, too, is regulated by the Code.

In the chapter dedicated to presentation of information in MRT’s programmes, Article 13 states that *“Information shall be balanced”*. That is, at best, a clumsy phrasing, because information can’t be balanced. Rather, they are either true or are misinformation. What can be balanced is the reporting/coverage of certain topics or the reporting in general. If that was the intention, proper wording should have been used.

Article 22, paragraph 1, in the chapter on special provisions on the work and conduct of journalists, states: *“The journalists, in his/her work, shall respect the civilization and democratic values, i.e. the contents of his/her articles and programmes shall not violate the law.”* The first part of the sentence is not clear enough in its own right, because we are not informed which civilization or democratic values are being discussed, and the second part just makes the sit-

uation more confusing. It is accepted and understood that all citizens including, of course, MRT’s employees, should adhere to the laws and there is no need to regulate that principle in the Code. In fact, any violation of the laws is legally sanctioned, which makes the introduction of such a provision in a code of ethics empty of all meaning. Article 25, paragraph 1 states: *“The journalist must be credible.”* In view of the fact that there are provisions in place that refer to the credibility of presented information, this provision is completely unclear regarding its purpose. A journalist is only credible to the extent to which the information and articles he/she presents are credible. Therefore, there is no need for such a provision which doesn’t make much sense in the first place.

Article 26, paragraph 7 is especially problematic: It states: *“A journalist shall not use sound or video footage recorded in the sessions of the Macedonian Parliament and its working bodies in entertainment, drama or humour programmes, unless it is done with agreement of the editor-in-chief of the programming service and the managing editor of the information programme, and if it doesn’t violate any law or regulation, the professional and ethical standards.”* It is disputable to separate the Parliament and to prohibit use of audio or video footage from the parliamentary sessions in entertainment, humour or drama programmes, especially knowing that it would be allowed if prior approval from the editor-in-chief and the managing editor of information programme was secured. That undermines the constitutionally guaranteed freedom of speech of MRT journalists. In fact, it constitutes an attempt at censorship and should be deleted from the draft of the MRT Code of Ethics.

In the chapter on accidents resulting in emergency situations, crime and judicial procedure, Article 47, paragraph 1, indent 4 states *“The coverage should avoid individuals or associations that stand out and which evidently appeared on the scene because of the presence of journalists’ cameras and microphones.”* Leaving aside the fact that all associations or individuals that organized events and are prepared to speak

in public do that specifically because of the possibility that they will be recorded on camera and broadcast, it is unclear how MRT and its journalists may determine which are the individuals or associations that need to be avoided. It leaves an opportunity for arbitrary decisions that could lead to censorship and restrictions to the freedom of information.

The Code prescribes the creation of an Ethics Commission of five members that will review the complaints and will adopt recommendations and opinions, on basis of the Code. The provisions of Article 76, paragraph 1 are an issue: *“A complaint may be filed by any employee of MRT, any external associate of MRT, i.e. any body of MRT.”* The public, i.e. the citizens are again excluded and have no right to complain about unethical conduct by an employee of MRT. It makes the whole Code devoid of sense, having in mind that all instances - the complainants, those against whom complaints are filed and those who review the complaints are part of MRT. A closed circle is created that completely excludes the public.

The document also give too great competences and authority to the Executive Director of MRT. For instance, according to Article 77, paragraph 5 of the Code, he/she may *“adopt a decision on violation of work tasks and obligations which simultaneously constitutes a violation of the Code, regardless of the fact that no complaint was filed by the Ethics Commission, or in cases in which complaints were dismissed because of expiration of statute of limitations.* Since it allocates to the Executive Director greater rights than those held by the Commission, the question arises about the rationale of its existence.

In the analysis of the draft-Code of Ethic, MDC compared it with the Codes of Ethics of public broadcasting services in the other countries of the region. The analysis shows that the major part of the draft-Code was, quite literally, translated and copied from the Code of Ethics of Journalists and Creative Personnel of the Croatian Radio and Television (HRT). Even the names of the chapters were copied, that is translated

from the HRT Code.¹⁴

HRT and its governing bodies are subject to strong criticism because of some provisions of the Code, and a number of Croatian civil and journalists' associations believe that some of its provisions are unconstitutional and against the law. They point out that the Code allocates to the Director too great authority in the decision making, and that it violates the rights of the employees, primarily the journalists, in the area of informing the public about the situation and possible abuses in the public service.

A fine illustration is the case of journalist Karolina Vidović-Krišto, who was fired because of publicly stated criticism of HRT Director. Journalists Elizabeta Gojan and Hloverka Novak-Srzić were also fired over alleged violations of HRT Code of Ethics. Those decisions were met with strong reactions by the Croatian Trade Union of Journalists and Croatian Association of Journalists, but also by the European Federation of Journalists, through EFJ Secretary General Ricardo Gutierrez.¹⁵

There are fears that those cases will contribute to Croatia dropping in the media freedom rankings. Such fears should be even more worrying for us, having in mind that deteriorating media freedoms in the country.

For all of the above, MDC believes that MRT Code of Ethics, in its current form, is unacceptable, that it should be subjected to structural changes and submitted to a proper public debate before its adoption.

¹⁴ http://www.hrt.hr/fileadmin/video/Eticki_kodeks_za_novinare_i_kreativno_osoblje_HRT_a.pdf

¹⁵ <http://www.fairpress.eu/hr/blog/2015/05/12/vodstvo-hrt-a-vec-se-vise-od-dva-desetljeća-ponasana-istovjetan-nacin-mi-cemo-po-svom-a-vi-pjevajte-no-uzalud-vam-trud-sviraci/>



CONCLUSIONS

- As in the previous quarter¹⁶, the Council of the Agency continued to work with reduced workload. While, at first sight, it may seem that the main reason for such reduction was the move to the new premises and the summer vacations season, the question remains why the Council has reduced its activities and convenes in just three sessions per month. It should suffice to mention that in 2013 and 2014, the Council of the Agency held 65 and 64 sessions, respectively, averaging more than one session per week, an average that has dropped significantly in 2015.
- MRT continued to work and operate with total lack of transparency and accountability. The public has almost no information on the work and decisions of the management and governing bodies of the public broadcasting service. The Media Development Centre, for example, is prevented from monitoring the sessions of the Programming Council as the public service has not responded to any of the several requests presented by MDC to be allowed to send its representatives to sit in the sessions of the Programming Council. Also, the scheduled sessions are never announced on MRT's website. Another example of MRT's opaque operations was the decision to terminate the broadcasting of the Satellite Channel. The public service didn't announce or explain that decision and, from now on, the members of the diaspora will be able to follow its programmes solely over the internet.
- The projected 2016 Budget of MRT is smaller than in previous years. The projected in-

come from collected broadcasting fee is at the same level as in 2015, but is lower than in 2014 and 2013. For example, the income collected from the broadcasting fee in 2013 was full 100 million MKD higher than the projection for 2016. The presented data indicates a trend of falling collection of broadcasting fee and increased participation of budget funding in the financing of MRT, a fact that has negative impact on its independence.

- MRT prepares a Code of Ethics behind closed doors and without any sort of public debate on its text. The analysis of the Draft, conducted by MDC, indicates that the document was almost completely copied from the Code of Ethics of the Croatian Radio and Television, which is challenged by Croatian journalist and civil associations as unconstitutional and in violation of the law, as well as holding many questionable provisions that undermine the rights of employees and increase the lack of transparency in the work and operations of the public service. For all of the above, MDC believes that MRT Code of Ethics, in its current form, is unacceptable, that it should be subjected to structural changes and submitted to a proper public debate before its adoption.

¹⁶ [http://mdc.org.mk/wp-content/uploads/2015/07/CRM_Izvestaj_Monitoring-na_AVMU-MIOA_MRT-Sobranie-i-mediumi_-juli-2015.pdf\(crp.3-4\)](http://mdc.org.mk/wp-content/uploads/2015/07/CRM_Izvestaj_Monitoring-na_AVMU-MIOA_MRT-Sobranie-i-mediumi_-juli-2015.pdf(crp.3-4))



HQO INFO-CENTER

ANNEX 1

MONITORING OF MEDIA COVERAGE OF TOPICS RELATED TO MEDIA LEGISLATION AND FREEDOM OF EXPRESSION

(JULY - SEPTEMBER 2015)

PREPARED BY:
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SKOPJE, OCTOBER 2015

INTRODUCTION

The NGO Infocentre, under the auspices of the USAID Programme for Strengthening of Independent Media in the Republic of Macedonia and the Project for Media Legal Reform and Responsible Media implemented by the Media Development Center, conducted a continuous monitoring and analysis of the public debate in Macedonian media.

This analysis covers the implementation of the Law on Media (LM) and the Law on Audio and Audiovisual Media Services (LAAVMS), and the topics related to the media freedoms and freedom of expression in general.

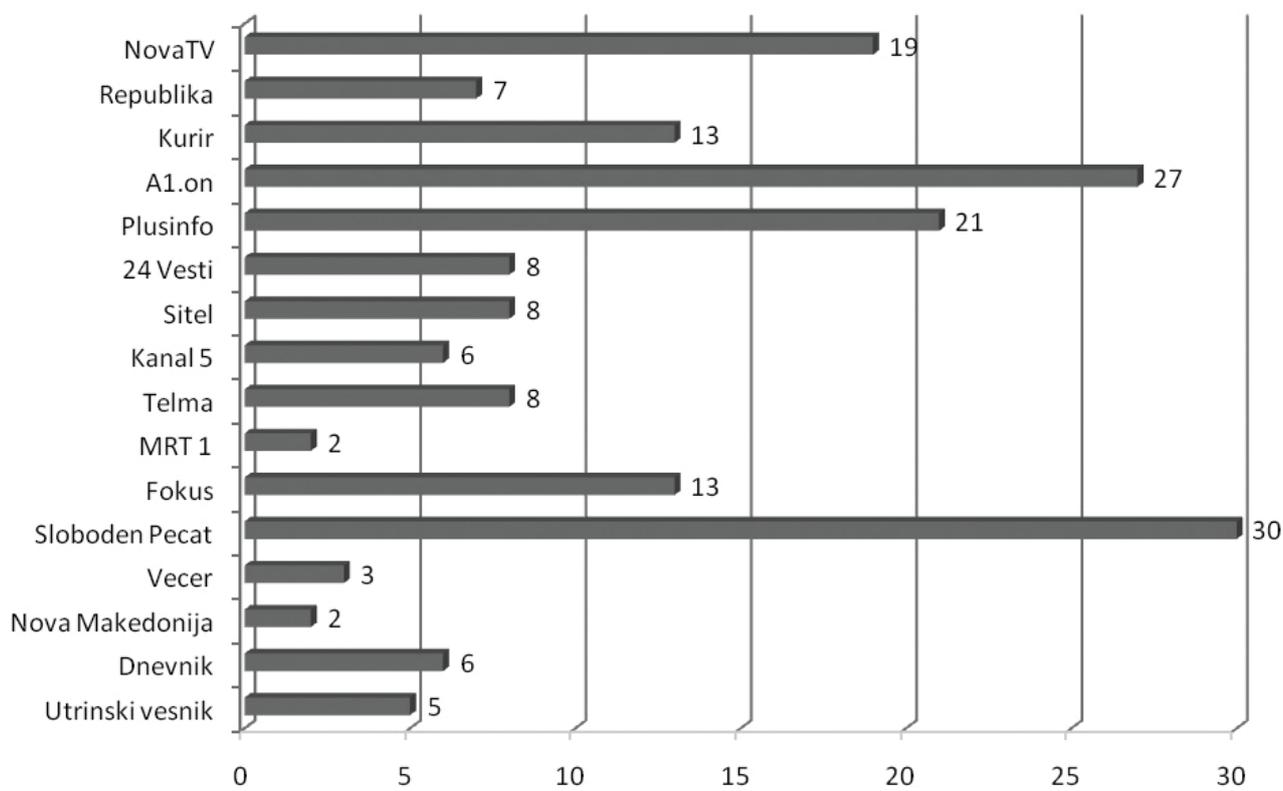
A total of 16 traditional and online media outlets were included in the this monitoring: the daily newspapers - Utrinski vesnik, Nova Makedonija, Dnevnik, Sloboden pečat and Večer; one weekly – Fokus; main newscasts of national TV broadcasters: Kanal 5 TV, Sitel TV, Telma TV, MRT1 and 24 Vesti TV; and internet news sites A1on.mk, Kurir.mk, Republika.mk, Plusinfo.mk and NovaTV.mk.

For the purposes of this report, we analyzed journalistic articles, columns, editorials and op-ed articles, photographs and other illustrations related to or covering the topics that are subject to this monitoring.

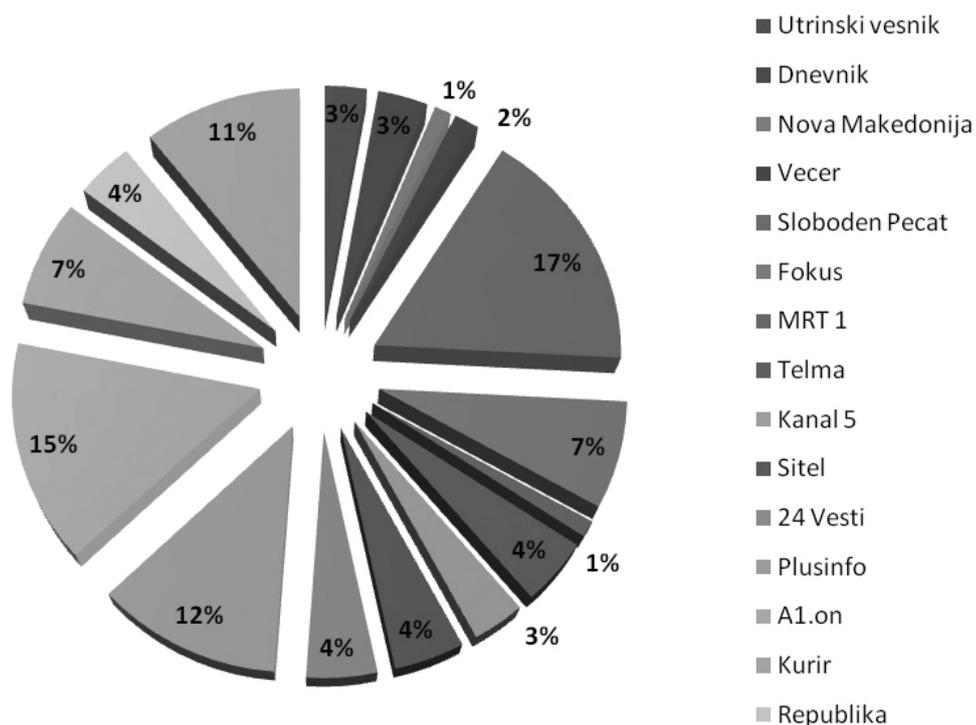
QUANTITATIVE OVERVIEW

In the period July – September 2015, the monitoring registered a total of 178 journalistic articles and reports. The reduced coverage was due to the break in the monitoring activities for the duration of the summer holidays, and the lull in the media coverage in this period of the year.

NUMBER OF ARTICLES PER MEDIA:



INDIVIDUAL MEDIA'S COVERAGE AS PERCENTAGE OF THE TOTAL NUMBER OF ARTICLES:



QUALITATIVE OVERVIEW

Topics and events that marked the monitoring period:

The series of physical and verbal altercations involving journalist Saše Ivanovski - Politiko took up the bulk of the media reporting in July 2015. The reactions to the verbal conflict between Ivanovski and journalist Janko Ilkovski, the host of the “Jadi burek” talk show, were the first in the series of articles and news reports. They were followed, in mid-July, by the reactions to the verbal and physical assault on Ivanovski by Aleksandar Spasovski – Sarma, journalist at Sitel TV, in front of the EU ambassador’s residence, in which a meeting of the leaders of political parties was being held at the time. One day later, a torrent of media articles, reports and public reactions was dedicated to the attack on Ivanovski by deputy Prime Minister Vladimir Peševski.

The critical media regularly carried the reactions and demands for Peševski’s resignation, while Telma TV went one way further and publicly announced that it will boycott all public appearances and statements of the deputy prime minister.

There were notable attempts by the media supportive of Government’s policies to use personal insults and humiliating statements, unsupported by facts, to smear and discredit Ivanovski as a journalist and to justify the actions of the deputy prime minister with presentation of his carefully selected statements. They went further in the smear campaign against journalists, focusing their attention on Biljana Sekulovska – Iva, journalist of NovaTV.mk news site, who witnessed the incident. In a synchronized series of articles, the pro-Government media insinuated that Ivanovski and Sekulovska worked in collusion with the aim to smear the

deputy prime minister Peševski: *“Saše Ivanovski - Politiko and the journalist of Soros’s media NovaTV, Biljana Sekulovska in action to provoke an incident with deputy prime minister Vladimir Peševski. It is clearly visible in the video footage presented by the portal KURIR that Ivanovski and Sekulovska coordinate an incident involving Peševski.”* (Sitel TV, July 16, 2015, headline: Saše Ivanovski is an instrument of opposition’s and SOROS’s destructive intents); *“He comes, he provokes, spitting insults and abuse. Saše Politiko again got what he deserved, just as he got what he deserved last night. This afternoon, SDSM’s activist who claims he was a journalist, and he is not, insulted the deputy prime minister for economic affairs Vladimir Peševski, who responded adequately to the insults, provocations and the abuse. We should note that insulting and provoking an official constitutes a criminal offence, and if the Police did its job in the case of provocateur Saše “Prevara” (“Swindle”) earlier and in a timely fashion, the incident wouldn’t have happened at all.”* (“Večer“ daily, July 15, 2015)

On July 1, the Government, in a statement by minister of information society Ivo Ivanovski given in the debate organized by the Association of Journalists of Macedonia (AJM) on the influence that Government’s advertising budgets have on the media, totally unexpectedly announced a **moratorium on Government’s ads in commercial media**. That “good-will act” of the Government was a sort of admission that, through the distribution of its advertising funds and other forms of economic and financial pressure, it managed to create a media “of its own” with editorial policies totally dedicated to the interests of the ruling party or parties.

The majority of the media that reported on that event focused their coverage on Ivanovski

ki's statement, and the fact that the representatives of the Macedonian Media Association (a grouping that gathers the five national free-to-air commercial TV broadcasters) to protest the fact that, in their view, AJM was not the right organisation to organize a discussion on whether national TV broadcasters should air Government advertising campaigns: "With the decision to leave the debate even before it started in earnest, the representatives of the Macedonian Media Association demonstrated their revolt over the fact that, in their view, AJM was not the right organisation to organize a discussion on whether national TV broadcasters should air Government advertising campaigns. That issue deserves the attention of the public and the televisions are open for a debate on that matter, says the general manager of Telma TV, Atanas Kirovski, but he points out that the main task of the association (AJM, our note) should be the care for journalistic standards and rights of journalists. Minister Ivo Ivanovski also participated in the debate and announced a temporary moratorium on Government's commercial advertising campaigns." (Telma TV, July 1, 2015)

The financing of public service broadcaster MRT again made it into the focus of the media. On July 20, a public debate on the topic "Necessary Reforms of the Public Broadcasting Service" was held on the premises of the Agency for Electronic Communications. There was a notable absence of debate on the editorial policies and personnel solutions at MRT as a way out of the crisis in the majority of the published articles and reports in the media. The reporting was completely focused on MRT's financing, with articles on the solution on offer to reform MRT with an internal code of conduct few and apart.

"The Macedonian Radio and Television should be financed from the Budget in order to become independent from political influence. That is the proposal presented to the management and to the Government by journalist associations. The Government already refused that proposal once. The collection of the Broadcasting Fee is increasing, minister Ivo Ivanovski said, and the growing trend continues. He said that, in addition to the

Broadcasting Fee, the state finances MRTV with bloc donations." (Telma TV, July 20, 2015)

"The Minister of Information Society and Administration Ivo Ivanovski and the Executive Director of MRT Marijan Cvetkovski, in the debate on reform of MRT held today at the Agency for Electronic Communications, announced that the Macedonian Television will be reformed with adoption of a code of conduct and implementation of European practices for functioning of public broadcasting services." (Fokus, July 20, 2015)

The findings of MDC's Report on the work of the Agency for Audio and Audiovisual Media Services and the Macedonian Radio and Television (MRT), prepared under the auspices of the USAID Project for Media Legal Reform and Responsible Media for the period April - June 2015, were reported by several independent internet portals.

Worth noting is the column by Aljoša Simjanovski, documentary director at MRT, published by Utrinski vesnik dailz on August 23, 2015, with the headline "Divide MRTV, Tear it to Pieces", in which the author distorts the facts to accuse the main critics of the work of MRT for the internal situation in the public broadcasting service and the falling quality of its programmes: *"Leave the public service to the citizens. Harness again the creative potentials and focus on production of feature, documentary, educational programmes and contents. The complex and important system that MRTV is should be protected and upgraded, both in terms of technology and in terms of production capacity, as an important institutional stronghold for the future what is increasingly electronic and virtual, and in which the economic, cultural and propaganda contest will take place in the global aether, and less in the form of limited and anachronous visions and simpleton debates of political "expert propagandists".*

The fierce attacks by pro-government media on the critical media and their manner of reporting and treatment of issues of media and social interest continued.

"They invent leadership meetings that were not agreed. The Soros's media, in the view of the



experts, have lost all credibility because of the constant lies and biased reporting. The portals Alon, Meta, Libertas, Reporter, NovaTV, FOKUS, and the other pro-opposition media announced last week that a leaders' meeting will be held and that it will certainly end in an agreement. Not only there is no agreement of any sort, but no meeting of the leaders ever took place.” (Sitel TV, July 6, 2015)

“The media financed by SOROS publish ever bigger lies and manipulations with every passing day. Branko Geroski's Plusinvo tried again to manipulate the public opinion today, Kurir.mk reports.” (Republika.mk, September 1, 2015)

At the end, we should note the absence of debate in the media on the role of media in society and their influence on the process of resolution of the overwhelming social and political crisis, in the light of the negotiations of the four biggest political parties. The abundance of daily media coverage on the negotiations meant that the situation in the media was pushed to the margins.