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**LIRIA E MEDIAVE SI PJESË E PAEVITUESHME E DEBATIT
MBI LIRINË E SHPREHJES NË MAQEDONI**

**СЛОБОДА НА МЕДИУМИ КАКО НЕИЗБЕЖЕН ДЕЛ ВО
ДЕБАТАТА ЗА СЛОБОДАТА НА ИЗРАЗУВАЊЕ ВО
МАКЕДОНИЈА**

**MEDIA FREEDOM AS AN INEVITABLE PART OF THE
FREEDOM OF EXPRESSION DEBATE IN MACEDONIA**

*‘Not only that a media has a duty to communicate and impart
information
and ideas on the issues that are under review of the courts,
but the audience as well has the right to seek and receive them.’²*

ABSTRACT

The right to freedom of expression is often considered the most important human right, especially by western states. In this paper I will try to explain a very important component of this right, freedom of the media in Macedonia which is essential for fully implementation of freedom of expression. Freedom of the media is very important indicator for the level of democracy in a society, so in this paper I will try to summarize the developments on the Macedonia’s media environment in the past few years, in order to use that as an indicator about the general situation of freedom of expression in Macedonia. According to

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²ECtHR, Application No. 5493/72, *Handyside v. United Kingdom*, Judgment of 1976, paragraph 10.

international organizations Reports on the freedom of media, Macedonia is ranked the last on the list among Western Balkan countries, as stated in the final report of Freedom House Macedonia is considered to have ‘not free’ status and by that it seems to be the only purple point in the region. This paper, based on arguments and recommendations of international actors working in the field, will try to answer also which is the position and role of the journalists in our society, are they “watchdogs” of the government, can they freely seek for the truth?

Key words: democracy, transparency, freedom, censorship

INTRODUCTION

Since their emergence as a means of mass communication, media have been the most important tool for freedom of expression in the public sphere, enabling people to exercise their right to seek and receive information. Media animate and provide a space for public debate. Media offer comment and opinion as part of political dialogue, contribute to setting the political agenda and the shaping of public opinion, and they often seek to promote certain values. Media facilitate the scrutiny of public and political affairs and private or business-related matters, thereby increasing transparency and accountability. Moreover, media provide education, entertainment, cultural and artistic expression. Media also play an important part in the economy, create jobs and generate income.³

It is impossible to see how a democracy could exist without a free, pluralist media for the spread of information and the discussion of political and social affairs. Not without a reason the media is considered to be the **fourth power**, because trust in the media is correlated with trust in other democratic institutions. It is an essential addition to the powers of the executive, the legislature and the judiciary. This expression has been used to underline the role of the media as an independent and therefore, valuable factor in a democratic society, a counter balance to the political and judicial authorities.

A free press is vital to the maintenance of liberal democracies. Freedom of the press precludes government licensing or the censorship of newspapers, books and other print media.

³*Committee of Ministers*, Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, Adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers’ Deputies.

The purpose of journalism is not to please those who hold power or to serve as the mouthpieces of Governments. Journalists, report, investigate and analyze: they inform us about politics, religion, celebrities, the arts, sports, revolutions and wars. They entertain and sometimes annoy us. But most important of all, they are "public watchdogs".⁴

Furthermore, Freedom of the media plays an enormously important role in the protection of all other human rights. There are many examples where the misuse of power, corruption, discrimination, and even torture have come to light because of the work of investigative journalists. Making the facts known to the public is often the first, essential step in redressing human rights violations and holding those in power accountable.⁵

In series of recent cases⁶ the ECtHR has noted that journalists bear special responsibilities and duties, especially in situations of political conflict and tensions, because besides their responsibility to inform the opinion they can become 'a vehicle for the dissemination of hate speech'.

Politicians and other public figures must also take responsibility because of their power to influence the public's mood.

1. A SUMMARY OF THE MEDIA DEVELOPMENTS IN MACEDONIA

In Macedonia's electronic media there exist a dual system of public broadcasting and commercial one. Besides the public broadcaster MRTV and its three channels plus the satellite channel, currently 66 Televisions and 73 Radios are allowed to broadcast. National televisions are Alsat-M, Kanal 5, Sitel, and Telma, TV 21-M, TV Shenja, TV Art. As for the radio stations there are 73 radio stations (17 regional and 52 local).⁷

⁴Hammarberg Thomas, *Media Freedom in Europe*, in: *Human Rights and a changing media landscape*, Strasbourg (Council of Europe Publishing), 2011, 7-21.

⁵ Ibid.

⁶ECtHR, Applications No.25067/96 and 25068/94, *Erdogden and Ince v Turkey*; Applications No. 23927/94 and 24277/94, *Sürek and Özdemir v Turkey*.

⁷Agency for audio and audiovisual media services, [Анализа на пазарот на аудио и аудиовизуелни медиумски услуги за 2015 година](http://www.avmu.mk/images/Analiza_na_pazarot_na_audio_i_audiovizuelni_mediumski_uslugi_za_2015_godina.pdf), [http://www.avmu.mk/images/Analiza na pazarot na audio i audiovizuelni mediumski uslugi za 2015 godina.pdf](http://www.avmu.mk/images/Analiza_na_pazarot_na_audio_i_audiovizuelni_mediumski_uslugi_za_2015_godina.pdf)

In the section of print media, the circulation of the newspapers nowadays is around 60.000 copies, where leading newspapers in Macedonian language are *Dnevnik*, *Vest*, and *Utrinski Vesnik*, and in Albanian language *Koha*, *Lajm*, and *Fakti*.⁸

There are also few weekly magazines, and the establishment of informational web sites is continuing to grow although they in most of the cases just transmit information taken from other media and very rarely produce their own researched articles. However, the television remains the main dominant medium as the primary news source.

The pluralism in the Macedonia's broadcasting as one of the fundamental values of a democratic society was established in the period from 1991-2005.⁹ According to the analyses of the Broadcasting Council of Macedonia, the broadcasting system was entirely completed with the Law in 2005¹⁰, which was harmonized with the European legislation. Afterwards, changes have followed in 2005 and 2011.¹¹

However, the general situation seems to be very concerning for international organizations who are observing the developments in the Country. These International concerns over the deteriorating media situation in the country were triggered by a series of events that occurred within a short span of time.

In early July 2011, three dailies - *Vreme*, *Spic* and *Koha e Re* - owned by local Plus Production were closed. The papers allegedly owed more than one million euros in unpaid taxes. Since they could not pay, the revenue office closed their accounts and 150 journalists lost their jobs. Several weeks later, the first private broadcaster, A1 TV, also closed down and 243 employees lost their jobs.¹²

A debate in 2013 in the field of the Media was related to the closure of a Daily Newspaper in Albanian language *Zhurnal Plus*. In their announcement they stated that the domestic institutions have debt

⁸*Ipsos Strategic Plus (2012)*, Ispitivanje na javnoto misljenje vo odnos na pazarot za elektronski komunikacii vo Makedonija, www.acc.mk/index.php?option=com_docman&task=doc

⁹*Donev D., Dukov J., Calovski V., Kamcevska V, Trajanovski N.*, Prikaz za mediumskata scena vo Republika Makedonija, in: Europe Here and there, Novi Sad (Feljton), 2013, 45-55.

¹⁰*Broadcasting Law*, (Official Gazette of the Republic of Macedonia No.: 20/97), 29 November, 2005.

¹¹*Broadcasting Council of Macedonia*, Strategy for development of Broadcasting Activity in the Republic of Macedonia 2007-2012, http://srd.org.mk/index.php?option=com_content&view=article&id=558&Itemid=354&lang=en

¹²*South East Europe Media Organization*, Report on Media Freedom in Macedonia/FYROM, 2014, <http://www.seemo.org/Republic-of-Macedonia-FYROM-2014-Media-Report%20.html>

towards them around 100.000 euros. Many other newspapers, boycotted their publication as sign of solidarity with *Zhurnal Plus*. However, this is just another case in a row of cases where Albanian newspapers and televisions have been closed in the past 20 years. Analysts and Journalists consider that this happens because of the discrimination and the disproportional distribution of the budget for the Media in Albanian language as the main reason why they cannot resist on the market. That there is a selective implementation of the laws has also been pointed out by international actors. The South East Europe Media Organization based in Vienna Recommends a ‘non-selective implementation of laws and regulations, transparency of media campaigns, guaranteeing the independence of regulatory bodies, establishing the basis for proper functioning of the public broadcaster and respect of professional standards are the obvious targets to be reached.’¹³ Finally they stated that laws do exist but they have to be implemented in a nonselective manner. However, their implementation depends on political will and it seems to be missing.¹⁴ The Committee of Ministers of the Council of Europe recommends that attention should also be paid to potential forms of interference in the proper functioning of media or its ecosystem, including through indirect action against the media’s economic or operational infrastructure.¹⁵

On the other hand, the case against a journalist, Tomislav Kezarovski, attracted a lot of criticism for the centre-right government of Prime Minister Nikola Gruevski. Kezarovski was jailed for four-and-a-half years for revealing the identity of a protected witness in a murder trial, in a case which has raised fears about media freedom in Macedonia. The reaction of the Association of Journalists in Macedonia was that ‘the decision of the Criminal Court in Skopje, not only condemned the journalist Kezarovski, but it is also pointed against the freedom of expression and against the freedom of media’. Adding that with this case Macedonia became the only country in the Southeast Europe that has a journalist convicted for written text for abusing the institute - protected witness.¹⁶ Their deep concern about the sentencing of the

¹³ Ibid.

¹⁴ Ibid.

¹⁵ *Committee of Ministers*, Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, Adopted by the Committee of Ministers on 21 September 2011 at the 1121st meeting of the Ministers’ Deputies.

¹⁶ *The Association of Journalists in Macedonia*, All Journalists are Kezarovski,

journalist expressed Richard Howitt MEP, Rapporteur, for the Foreign Affairs Committee in the European Parliament and The OSCE Media Representative, Dunja Mijatovic... “I am appalled by today’s sentence. This excessive conviction is a worrying development and sends a clear message of censorship to other journalists in the country” said Mijatovic¹⁷, and urged the authorities to release Kezarovski. In January 2015, an appeals court reduces his sentence to two years and ordered that he serves the remaining four months in prison. He was consequently transferred back to prison but days later was granted conditional release following domestic and international pressure.¹⁸

In July 2014 Besim Ibrahim, a journalist of the daily paper Lajm was arrested on 5 July 2014, while covering a public event in Skopje, on suspicion that he was taking part in the violent protests. He was accused of interfering with police officers while they were performing their duty, which he categorically denies. Ibrahim claims that he was arrested and beaten with a baton by a police officer, who also offended him on the basis of his nationality. He was released from detention 24 hours later, after strong objections from local and international media and human rights organisations.¹⁹

2. THE DISPUTED MEDIA LEGISLATION

The Draft for a new Media Law, that replaced the Broadcasting Law in the country, has been also discussed for a long period of time. Law on Media and Audiovisual Media Services has brought to the fore several crucial problematic areas. The Draft Law consisting of 166 Articles was opened to public debate since 30 April 2013. Many critics followed, mostly from the OSCE Representative on Freedom of the Media prescribed in a document ‘Legal analyses of the Draft Law on Media and Audiovisual Media services of the Former Yugoslav Republic of Macedonia²⁰, where the greatest concerns raised were that the draft Law is very long and complex, that there should be no definition of the journalists and editors in the law, as well as critics that the

<http://www.znm.org.mk/drupal-7.7/en/node/686>

¹⁷*Balkan Insight*, Macedonia Jails Journalist Kezarovski,

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

¹⁸*Freedom House*, Report on Freedom Press in Macedonia 2016,

<https://freedomhouse.org/report/freedom-press/2016/macedonia>

¹⁹*South East Europe Media Organization*, Report on Media Freedom in Macedonia/FYROM, 2014, <http://www.seemo.org/Republic-of-Macedonia-FYROM-2014-Media-Report%20.html>

²⁰*OSCE*, May 2013,

<http://www.osce.org/fom/102135>

definition of a media publisher is extremely wide. In the Legal analyses the OSCE states also that ‘The reference to freedom of expression is good, but the possible limitations of it are potentially too wide and there should be the safeguard that restrictions must be necessary in a democratic society. Restrictions to freedom of expression should not be seen as a type of permitted censorship’.²¹ Furthermore, it considers the obligations on percentage of national music and programs as excessive. However, as most debated part of the Law has been that of the appointment of the members of Council, where there appears to have a weak representation of civil society and that their term of nine years is too long. The same concern remains true for the mandate of the Director of the Agency, eight years. OSCE came with the proposal that the term for the members of the Council should be reduced to four or five years.²² Complete deletion of some articles were requested such as Article 11 on the right of a journalist to express his or her positions, Article 12 on the right of the journalist to refuse to complete a task, and Article 13 on the protection of the reputation of the author which was also considered as unnecessary because according to the Legal Analysis of the OSCE this matter should be regulated by the copyright legislation.²³

After the remarks received, changes followed in the Draft Law. As recommended, some references to other Laws were deleted; some definitions were limited to some extent. The new draft contained fewer articles than the former, and the period in office of the Council and Director of the Agency were reduced.

Sixty-two legislators in the 123-seat of Macedonia’s parliament adopted the Law on Media and the Law on Audiovisual Media Services, on 25 December 2013. According to the Association of Journalists, the concerning issues still remain and these are referring to: 1. Lack of independence of the Public Broadcasting Service (MRT) and the media regulator (Agency of Media), 2.No need of regulation of print media, 3. Necessity of regulation of the governing governmental campaigns, 4.Excluding the provided financial support to national broadcasters in the new laws 5.Deleting the definition of a journalist and 6. Changing the part that referrers to high penalty provisions.²⁴

²¹OSCE, Legal Analyses of the Draft Law on Media and Audiovisual Media services of the Former Yugoslav Republic of Macedonia, 2013, 2.

²² Ibid., 5.

²³ Ibid., 11.

²⁴The Association of Journalists in Macedonia, Summary of the Media Situation in Macedonia, November 2014

In the begging of July 2014 the Law on Audio and Audiovisual Media Service the Ministry for Information Society and Administration proposed amendments to the Parliament that were drafted with any prior consultation from the local civil society organizations nor any other relevant stakeholders. The Law was passed immediately by the Parliament and with the changes the Association of Journalists of Macedonia will have 1 seat instead of 2 seats within the Programme Council of MRT and in addition 39.000 socially disadvantage households are exempt of paying the Broadcasting fee, a measure that is worsening the financial independence of the public broadcaster.²⁵

Finally, the adopted laws were commented with concern in the European Commission Progress Report which states that „The regulatory regime was reformed in 2013 with the adoption of the new Law on Audio and Audiovisual Media Services, and the Broadcasting Council has been replaced by the Agency for Audio and Audiovisual Media Services. Legislation provides for the Agency’s formal and financial independence but there are concerns about its political independence in practice“.²⁶

3. THE IMPORTANCE OF IMPARTIALITY IN THE MEDIA VERSUS MECHANISMS OF CONTROL BY THE GOVERNMENT

A democratic system can neither develop nor survive if journalists are threatened; media companies censored and laws that should protect free media are undermined.²⁷

The media have the power to manipulate and influence the consciousness of the public. That is why there is this tendency of the governments to have control over such organizations, especially in times of social changes.

Many times, the media have been at the center of political instability in Macedonia. When the leading opposition party withdrew from Parliament in 2011, it cited government interference with the media as

<http://www.znm.org.mk/drupal-7.7/sites/default/files/Summary%20of%20the%20Media%20Situation%20in%20Macedonia%20November%202014.pdf>

²⁵Ibid.

²⁶European Commission, Progress Report on Macedonia, 2015, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_republic_of_macedonia.pdf

²⁷ Czymbreck Anja, Media and freedom of expression, in: Political Thought, No.28, Skopje (Konrad-Adenauer-Stiftung), 2012, 7.

a primary concern.²⁸ In 2015 opposition leader Zoran Zaev alleged that the government oversaw a massive wiretapping operation that targeted more than 100 journalists. He 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.²⁹

Governments may use different kind of mechanisms to have control over the Fourth-Estate, and by this to interfere in the information served for the public, or what many authors call ‘to corrupt the truth’. In Macedonia, obviously the economic situation, in most of the cases, influences the status of the journalist in an inconvenient way. Their salaries are low, and their social security is not guaranteed. And consequently this is reflected in the quality and authenticity of the news that they produce. Furthermore, unfortunately this situation makes them vulnerable to accept certain economic offers and corruptive practices.³⁰

Media ownership remains opaque, highly concentrated and with strong political links. The government is one of the biggest advertisers in the country and there are concerns those funds are directed to television channels which are supportive of the government.³¹ Namely, active and former politicians, as well as their family relatives, are owners of the most influential mediums in the country (both *Sitel* and *Kanal 5*), are under the property of the sons of the leaders of two smaller parties, part of the governing coalition.³²

This means that the economic pressure is one of the most often used mechanisms to control the media. This situation is connected with the interests of the owners of the private media which generally have financial and strategic interests to influence the political decision-making.³³ Hence, they often have clear ideological positions, and even their own political ambitions.³⁴

²⁸*Belicanec Roberto, Rielev Zoran*, Mapping Digital Media: Macedonia, 2012, 6, <http://www.opensocietyfoundations.org/sites/default/files/mapping-digital-media-macedonia-20120625.pdf>

²⁹*Freedom House*, Report on Freedom Press in Macedonia 2016, <https://freedomhouse.org/report/freedom-press/2016/macedonia>

³⁰*Donev D., Dukov J., Calovski V., Kamcevska V, Trajanovski N.*, Prikaz za mediumskata scena vo Republika Makedonija, in: Europe Here and there, Novi Sad (Feljton), 2013, 48.

³¹*European Commission*, Progress Report on Macedonia 2011, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf

³² *Ibid.*

³³ *Ibid.*, 49.

³⁴*McQuail Denis*, Mass Communication Theory, London (SAGE Publications), 2005, 241.

Freedom of expression has a solid legal basis, by being guaranteed in the Constitution, in Article 3 of the Media Law, as well as in the Defamation Law. Furthermore, its protection is supposed to be better supervised after the ratification of European Convention on Human Rights, the European Convention on Transfrontier Television³⁵, and Framework Convention for the Protection of National Minorities³⁶ This legal protection should give a satisfactory situation for freedom of expression; however the practices show a different reality.

It is a kind of situation that may be defined as a ‘distorted freedom’, respectively a situation in which the media is not free enough in areas in which a media in a democratic society should be, and on the other hand they are ‘absolutely free’ in areas in which everywhere else there are certain legal limitations.³⁷ And as European Commission has stated in its Progress Report *‘The overall constitutional and legal framework for the protection of freedom of expression is generally in place, but attention needs to be paid to ensuring that its implementation is consistent, transparent and in line with the case law of the European Court of Human Rights.’*³⁸

Faced with such interferences, as well as summary dismissals and occasional threats of violence, there have been signs of a growing consciousness among journalists concerning their independence. This has led to the establishment of a new Trade Union of Journalists and Media Workers in 2010. What is also evident is that they organize more often public rallies in order to protest against massive sackings, or when a journalist is prosecuted by the state authorities for something he have said or written.

4. INTERNATIONAL ORGANIZATIONS ON MEDIA FREEDOM IN MACEDONIA

Intergovernmental and Non-governmental organizations have continuously commented the situation of Freedom of expression and of

³⁵European Convention on Transfrontier Television, Council of Europe, 5 May 1989, <http://conventions.coe.int/Treaty/en/Treaties/Html/132.htm>

³⁶Council of Europe, Framework Convention for Protection of National Minorities, 1 February, 1995.

³⁷Donev D., Dukov J., Calovski V., Kamcevska V., Trajanovski N., Prikaz za mediumskata scena vo Republika Makedonija, in: Europe Here and there, Novi Sad(Feljton), 2013, 50.

³⁸European Commission, Progress Report on Macedonia, 2011, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/mk_rapport_2011_en.pdf

the Media in Macedonia in their Reports, Recommendations, and Statements. Their main goal is to see improvements in this field, as an indicator of the democracy level in the country as well as its developments in the integration process.

In the last Progress Report on Macedonia, The European Commission commented the situation of freedom of expression in Macedonia the freedom of expression and the media remains a serious challenge in the current media culture and political climate. The country continued to backslide over the past year. In addressing the shortcomings outlined here, in the coming year the country should in particular: ensure full transparency on government advertising and develop a mechanism for unpaid public service announcements of a true public interest character (Urgent Reform Priority); enforce, at political level, the exercising of appropriate self-restraint by politicians and public officials not to resort to defamation actions, in line with ECtHR case law ('Urgent Reform Priority'); ensure that the public has access to objective and accurate reporting and a variety of viewpoints through the mainstream media, particularly the public service broadcaster.³⁹The Report continues to state that there were several reports of intimidation and harassment of journalists, two reports of property damage and two death threats against journalists in 2015. Journalists continued to report a general climate of self-censorship and the publication of intercepted telephone conversations confirmed that journalists had been under extensive and unlawful surveillance for several years.⁴⁰

These are softer expressions from those used in the previous Progress Reports. In the Report in 2013 the European Commission stated that trust between the government and media representatives was seriously damaged by the events of 24 December 2012.⁴¹ By events of 24 December is meant for the so-called 'Black Monday', when in absence of the strategy for dealing with the media in certain circumstances, the journalists were removed by force from the parliament gallery, which marked a serious violation of freedom of the media, as well as of the principle of publicity of the Parliamentary working sessions.

³⁹*European Commission*, Progress Report on Macedonia, 2015, http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugo_slav_republic_of_macedonia.pdf

⁴⁰*Ibid.* p.21.

⁴¹*European Commission*, Progress Report on Macedonia, 2013, http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf

The Report also pointed out that the Media environment is highly polarized and that further efforts are needed in order to strengthen public's access to balanced reporting.⁴²

While in the Progress Report of 2011 we find lines such as: *Editors and journalists are faced with increasing undue political pressure and intimidation.*⁴³

Comparing the Progress Reports through past few years we still see a serious concern in European Union institutions regarding the situation of press freedom in Macedonia. The significance the EC gives to the situation of freedom of the media, and the signals of concern coming from Brussels, mean that Macedonia should improve the situation, in order to increase the chances for membership in the European Union. And the language used by the European Union regarding freedom of expression, shows that their impression about the situation is not so *formidable*. In most of the cases they have used the expression 'Urges the authorities to take measures... to improve Media environment'.

Attacks on journalists have been emphasized by Amnesty International, along with other concerns including the indirect financing of pro-government media, and political influence over the appointment of journalists and news content.⁴⁴

On the other hand, Reporters without borders have seen some improvements of the situations since Macedonia has been ranked 118 place in the 2016 World Press Freedom Index, higher position comparing with previous years, still the country is left far behind its neighboring countries: Albania (82nd place), Kosovo (90th place), Greece (89th place), Serbia (59th place), Bulgaria (113th place).⁴⁵

Freedom House on their last Report consider that broadcast outlets run by members of Macedonia's ethnic Albanian, some of which provide content in both Albanian and Macedonian, often produce news that is more objective than their Macedonian-language counterparts, this might be a result that they are somewhat removed from the political wrangling between the two main parties, which are composed primarily of ethnic Macedonians.⁴⁶

⁴² Ibid.

⁴³ *European Commission*, Progress Report on Macedonia, 2011.

⁴⁴ *Amnesty International*, Report on Macedonia 2015/2016.

⁴⁵ *Reporters Without Borders*, 2016 World Press Freedom Index, <https://rsf.org/en/macedonia>

⁴⁶ *Freedom House* Report, 2016,

Finally, it is important to emphasize that Freedom House in this Report stated that 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.⁴⁷

5. (SELF) CENSORSHIP

Freedom of expression and censorship are often considered as being two sides of the same coin, since censorship suppresses freedom of speech. While self-censorship is usually intentional, it is often not voluntary. Most of the time self-censorship is deliberate but there are social circumstances that through time create such a mindset that makes self-censorship even unconscious.⁴⁸

If we summarize these opinions and recommendations, we will get a picture where freedom of expression is not in its best condition and has many shortcomings.

We can almost say that there is no leading media currently which offers a 'different' opinion. Issues are not really discussed, and the media try to influence rather than inform.

A neutral and balanced opinion in the public can hardly be found. Some would say that the situation is perfect and everything is working as it should be, and the other half is extremely unsatisfied with the situation. What both groups have in common is that in most of the pronouncements the arguments are missing.

Formally claiming for democracy, Macedonia is a not a country where terror is practiced by the government to control the freedom of expression like in other parts of the world, but the governments have developed a whole system of different means of suppression.⁴⁹

In the Constitution of Republic Macedonia is expressively stated that 'Censorship is prohibited'⁵⁰. But something even more serious is likely to be happening. Fear and pressure inhibit people from saying their opinions or restrict the investigative journalism. The results lead to self-censorship, and every opinion is considered to have a political

<https://freedomhouse.org/report/freedom-press/2016/macedonia>

⁴⁷Ibid.

⁴⁸*Donevska Natasa*, Deliberate self-censorship vs freedom of expression in Macedonia,

<http://de.scribd.com/doc/72370914/Natasha-Donevska>

⁴⁹ Ibid.

⁵⁰*Constitution of Republic of Macedonia*, Official Gazette of the Republic of Macedonia, 52/1991, Article 16.

background depending on if you are supporting the ruling or the opposition party. The tight space of neutral and opinions based on arguments is not enough for building the public's trust on the media.

Besides this political division, facts show that in 2010 there were 587 defamation cases brought before the courts, of which 139 were against journalists.⁵¹ The level of fines imposed is often high in relation to the average monthly wage which increases the risk of self-censorship. This self-censorship comes from pressuring the journalists mostly in the courts.⁵² Amnesty International made a statement in 2011 that 'Macedonian government must stop silencing critical media'⁵³

According to results from a recent survey of civil association AGTIS, two thirds of respondents said they are afraid to criticize the institutions of government, because of the risk to lose their jobs.⁵⁴ And this means that the phenomenon of self-censorship is distributed in the whole society, not only journalists.

Authors argue that the situation has not changed when governments have changed which means that this mindset has been created in years, and this does not correspond with the situation in democratic societies. In these circumstances they believe that only international interference could improve the environment, by imposing their recommendations and conclusions in the integration process of the country.

CONCLUSION

In Macedonia, a new climate for human rights is an urgent need for the society, starting from promotion of the fundamental rights, which will inform the citizens for their own rights; otherwise they cannot even make a request for their protection.

Efforts are being made from national and international institutions, but it results that Macedonia continues to have the worst position in comparison to other countries of the region when it comes to the media freedom, which means that bigger progress is needed.

⁵¹*South East Europe Media Organization*, Report on Media Freedom in Macedonia/FYROM, 2011, <http://seemo.org/files/Media%20Scene%20in%20Macedonia%20edited.pdf>

⁵²*Helsinki Committee on Human Rights*, Quarterly report on Macedonia for the period April-June 2012, <http://www.mhc.org.mk/reports/39>

⁵³*Amnesty International*, Report: Macedonian government must stop silencing critical media, 2011, <http://www.amnesty.org/en/news-and-updates/macedonian-government-must-stop-silencing-critical-media-2011-07-05>

⁵⁴*Donevska Natasa*, Deliberate self-censorship vs freedom of expression in Macedonia, <http://de.scribd.com/doc/72370914/Natasha-Donevska>

Authorities should revise the shortcomings in the legislation; and impartiality in the judicial system that will consequently increase the trust of the citizens to claim their rights, must be advanced.

Euro-Atlantic aspirations of the country are very closely linked with the freedom of the media and respect for other human rights which are increasingly becoming an important policy of the European Union in the recent years. A cooperation of the government and political actors in general with civil society would help to first determine the biggest areas of concern and then try to figure a way out for a solution.

The more extensive will be the courts approach to freedom of expression, the more self-censorship which is most likely to be a reality in the country, will be diminished.

A free and plural media environment needs to be build, in order to create conditions for a free flow of information, and competitive approaches coming from equally treated mediums in order to ‘ reveal the truth’. Otherwise we will have two types of media that nobody wants or needs; in one side a media that will try to manipulate the opinion by hiding or deform the information in order not to criticize the government; and on the other side a media that will pour poison for everything that happens in the country; both operating on basis of a lack of arguments.

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