

MONITORING THE EUROPEAN INTEGRATION
PROCESS: MEDIA SECTOR REFORMS

HALFWAY COMPLETED REFORMS
**- THE POLITICAL WILL IS HERE ONE MINUTE,
GONE THE NEXT**

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ABOUT THE PROJECT AND THE METHODOLOGY

The document is the result of research conducted within the project **“Fact-checking of the progress of the Republic of North Macedonia towards the EU”**, implemented by the Metamorphosis Foundation for Internet and Society from Skopje, with the support of the National Endowment for Democracy (NED). The project is being implemented during 2021 and 2022.

The project activities aim to present facts translated into journalistic texts from different genres, analyzes and conclusions from public debates on the level of reform activities and achievements of the Republic of North Macedonia in several key areas, which are pointed out in the EU progress reports. These key areas are **reforms in the field of public administration, the judiciary, fundamental citizens’ rights and freedom of expression/media**.

Within the project, four (quarterly) monitoring reports will be prepared, which, guided by a qualitative methodology, will assess the situation in specific areas and overall democracy in the country.

Each monitoring report thoroughly addresses one of the four key areas and provides a summary of the other three. The first monitoring report refers to the implementation of reforms in the media sector.

The methodology relevant to this report rests on three pillars: (1) desk research, (2) journalistic articles by journalists and editors on Metamorphosis Foundation media projects, and (3) interviews with experts in the field conducted through focus groups, known to the donor and the Metamorphosis Foundation, but to avoid any possible inconvenience or conflict in the areas where they work (because they work with both governmental and non-governmental organizations and in the media), they will remain unnamed in this report. Information obtained from informal conversations with other journalists or public reactions observed during the year were also used.

In addition to the interviews, the experts fill in a survey questionnaire that lists several dozen questions in the field and which allows cross-comparison - to draw a score from the questionnaire and compare it with the scores obtained from the interviews and the desk research.

The main document, the report on the situation in the media, is accompanied by information on the more significant situation and activities in the other three areas, public administration reform, judicial reform and reform in the field of fundamental rights in RNM, which occurred quarterly from July to end of September 2021.

EXECUTIVE SUMMARY

The main problems in the media sector in North Macedonia are still present, as they were detected in the last few years, although there are concrete steps forward in at least one important segment - the safety of media workers.

- After lengthy negotiations and reconciliations, the Government of RNM agreed to amend the criminal legislation so that threatening or attacking journalists and media workers will be treated as a criminal act for which they will be prosecuted ex officio.
- The danger of influencing the editorial policy of the media is still a reality, given the fact that the 2018 election legislation envisages that the media coverage of the parties' election campaigns will be financed from the Budget where the media have to register for monitoring the elections, and then the parties themselves through their system of preferences determine where in which media they will spend the money.
- A new composition of the Programming Council of MRT (NRT) and a new composition of the Media Agency are still not elected, although the attempts last from 2018 onwards.
- The funding of MRT (NRT) remains at the lowest possible level provided by law, i.e. about 0.6 percent of the Budget for the previous year for the entire broadcasting sector, although, when the legal amendments adopted in December 2018 were negotiated, it was agreed that in the following five years that percentage shall reach 1 percent, of which 75 percent are intended for MRT. The slightly increased funding of the MIA agency, which still has the status of a state-owned joint-stock company, due to the Covid-19 pandemic, has been stopped, i.e. the funds remain at a minimum.
- A strategy for the development of the media sector as a whole, at the state level, does not yet exist, nor are there any announcements that such a thing is being considered. The Regulatory Strategy for the period 2019 - 2023¹, developed and adopted in 2019 by the Agency for Audio-Visual Media and Media Services is the only document into force.

INCREASING THE SAFETY OF MEDIA WORKERS

The issue of physical security and threats against journalists and media workers, although still relevant, is the only one for which there is a significant step forward in a positive direction. However, they are facing physical threats during working and because the competent institutions (the police and, above all, the public prosecutor's office) do not act accordingly, so far there has been no improvement. According to the data available to AJM, in 2020, compared to 2019, when there were 4 registered incidents, there was a drastic deterioration of the situation with 14 new verbal threats against journalists. Most of these happened online, and this year's statistics are still being processed, but two more serious incidents are registered².

After a long-standing request of the journalists' organizations, primarily the Independent Union of Journalists and Media Workers (SSNM), the Government through the Ministry of Justice agreed to proceed with amendments to the Criminal Code that will treat threats or physically attack journalists and media workers as a criminal offence which will be prosecuted ex officio. The concretization of these changes was done through an inclusive process of working meetings attended by the two largest journalistic organizations, SSNM and the Association of Journalists of Macedonia (AJM).

The Minister of Justice in the Government of the RNM, Bojan Maričikj, announced on 27 July 2021 that the attack on a journalist will be considered as an attack on an official with the introduction of a new crime. By defining attacks on journalists as attacks on officials, the minister says the safety of all media workers will be increased. There is also a sentence **of 3 months to 3 years in prison for threatening a journalist or media worker**. The Minister said that in such cases, the Prosecution will act ex officio.

1 - AAVMMS – March 2019 - Regulatory strategy for the development of audio and audio-visual activity for the period from 2019 to 2023. (Available at: <https://bit.ly/3zVa3MM>)

2 - Data was obtained from AJM on 6 September 2021.

“The criminal framework for these crimes for attacking journalists is up to three years in prison and we believe that it is equated with the attack on an official, which refers to the professions that are protected by law as officials. After today’s adoption by the Government, we will immediately send the changes to the Assembly. I expect the Assembly to vote it immediately after the summer break.”³

At the same time, the Government adopted draft amendments to the Civil Code on Insult and Defamation, which will significantly reduce the existing fines for the media and journalists in case of a conviction. **Thus, the maximum fine for a journalist if they lose a dispute for insult or defamation must not be higher than 400 euros in denar counter value, for an editor not higher than 2000 euros and a media not higher than 5000 euros.**

Although the announced changes were immediately welcomed by the domestic organizations, as well as by the European Federation of Journalists⁴, by the time this report is completed, 30 September 2021, the amendments have not yet been adopted, nor have they been discussed in the Assembly of RNM. They are in the phase of the first reading⁵ of the text.

Talking about the effects of the amendments to the Criminal Code and whether media workers will be safer in the future, we received the following response from the focus group: **“This is to be welcomed, as it shows the proactive role of the Ministry of Justice, its inclusive capacity because stakeholders were involved in drafting the amendments, but it remains to be seen whether the amendments will be adopted as proposed without any other amendments and, of course, to see the capacity of the institutions to implement them.”**

Part of the focus group, on the other hand, believes that even without these amendments, if there had been a will, much more could have been done for the safety of journalists and other media workers. Thus, the changes themselves are not a guarantee.

“As long as the previous cases of attacks or threats against journalists are not resolved, there will be no progress. That problem, for which the Ministry of Interior explains that they are not able to solve due to too little information they received because of poorly conducted investigations, and, on the other hand, do not want to punish police officers who conducted poorly conducted investigations, clearly indicates that what is lacking is political will, not a legal solution. Because the legal solutions so far provide a sufficient basis for resolving cases of threats and attacks on journalists, only if there is a will for such a thing.”

As for the capacity to implement the changes when they take effect, AJM, as one of the largest journalistic associations in the country, has already had a series of talks with the Public Prosecutor’s Office and judicial authorities to decide how to implement them. The Public Prosecutor was asked to train at least 3-4 prosecutors, who at any moment would be ready (trained) to react to the threat of journalists. The judiciary was asked to make changes in the system for electronic monitoring of cases and proceedings and was asked to consider the possibility of a special classification of cases in which violations of the freedoms and rights of journalists are dealt with, and the Training Academy for Judges and Prosecutors assured that a special curriculum would be developed for the next generation of studies, according to which the participants in the Academy would be introduced to the specifics of this type of course, including the treatment of hate speech in general, but also to journalists.

It can be concluded that although there are reservations among some experts, the consent to approach the amendments to the Criminal Code which will consider the attack and threats against media workers as a crime prosecuted ex officio, is an important precondition to significantly increase the safety of journalists and media workers.

3 - Government of RNM – 27 July 2021 – Press-conference of Bojan Maričikj – (Available at: <https://vlada.mk/node/26034> and <https://bit.ly/3tkaXQd>)

4 - EFJ – 29.7.2021 - North Macedonia: Justice Minister introduces amendments to increase protection of journalists – (Available at <https://bit.ly/3jKMUH6>)

5 - Assembly of RNM – September 2021 – Documents – (Available at <https://bit.ly/3n5vFlI> and <https://bit.ly/3BLfU7L>)

THE MEDIA IS STILL LARGELY FUNDED BY PUBLIC MONEY

Financing the private media with public money is still an underlined problem in North Macedonia, even though after the parliamentary elections in 2016 and the formation of the political coalition that has ruled the country since 2017, it was agreed and promised that such practice would end.

The last ruling coalition (2008-2016), over many years, poured significant amounts of the budget into the private media, primarily broadcasters, through the method of direct government funding by paying for broadcasting public campaigns that the government deemed important. The amount reached 38 million euros, according to [government sources](#), and only the five televisions with concession through limited resources (in the field), from 2010-2017, received 25 million euros from the former government of Nikola Gruevski.⁶

The current ruling coalition [announced](#) and concluded that the Government and local self-government units governments should not spend money on the media in terms of political advertising, in 2017, and then announced a clear intention to amend Article 102 of the Law on AAAMS, which stipulated the annihilation of such a practice.

But, the previous government of Gruevski in 2015 [put a moratorium](#) on government advertising, but did not respect it, and again this government is changing its position. They first allowed public money to end up in private media through changes to the election legislation in 2018⁷, through which paid political advertising (PPRA) was introduced, then in 2019, [they decided to advertise only on social networks](#), such as Facebook. Later, in 2021 to propose amendments to Article 102 of the Law on AAAMS several times and to allow paid government campaigns.⁸

In 2021 it can be concluded that public money in private media remains/is becoming a (big) problem in North Macedonia. From 2018 to 2021 alone, tens of millions of euros of budget money were spent in private media, most of which were spent through PPR, during the Referendum in 2018, the presidential elections in 2019 and last year's parliamentary elections. "Metamorphosis" by monitoring these situations within its projects and media platforms⁹ reported in detail on these processes.¹⁰

This practice has been noted by the experts in the focus group for this report. They are adamant that the Government is violating its conclusion from 2017 and the desire to change Article 102 of the Law on AAAMS (which the Government itself accepted to propose and incorporate in the law), and that through PPA the essence to avoid the capture of free media is destroyed - a situation that was noted in the first report of EU expert Reinhard Priebe in 2015.

The broadcasters themselves contribute to this situation in some way. They are facing a continuous decline in advertising market revenues, which from tens of millions of euros until a year ago, in 2020 reached just 18 million euros (for broadcasters), according to the analysis of AAAMS. The Market Analysis for Audio and Audio-Visual Media Services 2020 states that in the entire television and radio industry in the country in the indicated year, the advertising revenues of all broadcasters amounted to **17,973,000 million euros**, with the total difference between the revenues and costs are about **minus 553 thousand euros**.¹¹

6 - Prizma.mk – 25 November 2019 - "The "Grujovision" cost 26 million euros" - (Available at <https://prizma.mk/grujovizijata-chinela-26-milioni-evra/>)

7 - AJM - 12.11.2018 - "The government did not fulfill the promise ..." - (Available at <https://znm.org.mk/vlada-ta-ne-go-ispolni-vetuvaneto-deka/>)

8 - PCE – 1 March 2021 – Government ads and the media - a step back to a captive state - (Available at <https://bit.ly/2X47zNm>)

9 - META.mk – 27 January 2020 - At least 12.7 million euros of public money in the media by the end of the year – (Available at: <https://bit.ly/3jZdrR7>)

10 - Metamorphosis Foundation, MRO project – 13 February 2020 - Public money in the media killed the journalistic criticism (infographic) - (Available at <https://mediaobservatorium.mk/javnite-pari-vo-mediumite-ja-ubija-novinarskata-kritika-infografik/>)

According to the same source, in 2020, compared to 2019, advertising revenue was reduced by 20.78 percent. However, that this is not a bad year only because of the Covid-19 pandemic, speaks the fact that since 2016 there has been a continuous decline in revenues of all broadcasters from over **47 million euros** to **38.7 million euros** in 2020.¹²

This was reflected in the formal and informal lobbying of the representatives of the commercial televisions and radio stations at the central, regional and local level to the central and local government, to support the financial operations by pouring public money into the media on various grounds. Apart from PPA, it is noticeable that at the regional and local level, the local self-government units also pour money into the regional and local media in the form of monitoring the work of the local self-government. This money is not insignificant, given the research conducted by AJM, which showed that in just one year, only 43 of the 80 municipalities that answered the question, declared that they spent at least 500 thousand euros on local and regional media in various forms.

Because of the whole situation, it should be borne in mind that there is no data on how much the media, under various forms, including advertisements or campaigns, spend on public enterprises, especially companies that have the status of state-owned joint-stock companies or companies where the participation of state ownership is significant, as Makedonski Telekom, for example.

PRINT MEDIA SUBSIDIES AND MEDIA FUND

The overall financing of the media with public money includes the subsidizing of the print media, which is done according to established rules. The rules were established in talks between representatives of the Government, the Association for Protection of National Print Media, and AJM participated with its proposals. The first package of subsidies began in 2018, and with a decision of the Government, and following the Program for support of printing and distribution of print media, 50 million denars or about 813 thousand Euros were allocated.

For media that meet the eligibility requirements for state subsidies, 50 percent from this first package is intended to cover printing costs and 50 percent for distribution, while for print media in the languages of ethnic communities, no less than 50 percent and no more than 70 percent of the mentioned printing and distribution costs.

These funds are declining. Thus, according to official sources, in 2019, 43 million denars were allocated, and in the last year, with a decision for 2020, only 30 million denars were allocated. However, it should be noted that in 2020 all media, including print media, received extra assistance in their work from the state due to the Covid-19 pandemic.

Practice so far has shown that this money is welcome for the print media given the dramatic decline in circulation, primarily due to modern technologies and the expansion of information through the Internet. On the other hand, the public may be criticized for the criteria for receiving subsidies and for not including specialized print media, but only media with a general informative character.

The bad image with the finances of the commercial broadcasters also gave rise to ideas for a Media Fund. Such ideas ranged from the request of local and regional broadcasters, which was supported by the Government on an informal rather clear level¹³, to the idea of a Radio and TV Production Fund of the owner of the national radio "Kanal 77", Goran Gavrilov¹⁴, to informal Government proposals for a Media Fund to be financed from non-standard budget revenues (games of luck, cannabis oil industry, etc.). The development

12 - Ibid. – Figure 1: Total industry revenue, p.6 - (Available at: <https://bit.ly/2XhO6Jq>)

13 - IRL – 31 March 2020 – The Government has found a way to give money to... - (Available at: <https://bit.ly/3A71myM>)

of this idea is expected after the local elections in 2021 because the Government has already sent an invitation to the journalists' organizations and the non-governmental sector to nominate representatives in a body that would deal with media reform. For now, this idea is completely mystified, because the invitation, except for the general phraseology, does not clarify and specify what reforms would be discussed.

However, the Government has made its intentions clearer in early May 2021, presenting the *Fund as an independent fund for investigative journalism and the production of media content of public interest*. The government, through a briefing published by the MIA agency, presented this idea, as well as the idea of amending Article 102 of the Law on AAAMS on government advertising, as “*demands of media workers and as part of a package of media reforms.*” According to the briefing, such a Fund would collect between 1.5 and 2.5 million Euros per year from fixed-income items.¹⁵

A day later, in May 2021, the four largest journalist associations and organizations in the country, AJM, SSNM, CEMM and MIM, reacted to this briefing by the Government, with a joint statement, which emphasizes two facts: first, that these organizations never asked for a change in the article in the law that would allow government advertisements in the media, and secondly, that the organizations never asked for the establishment of a Media Fund, but that they accept it as an idea only if the Government opens a public debate in the media sector on how to develop this model.¹⁶

PAID ADVERTISING AND PRINT MEDIA SUBSIDIES - THE DANGER OF CORRUPTION

Paid political advertising is by far the most dangerous form of public money laundering in private media, legalized through the Electoral Code. Practice so far has shown that in this way, through parliamentary, local and presidential elections, the media pour an average of about 3.5 million Euros for each election cycle. For the local elections in October 2021, the total amount is just under 5 million Euros.¹⁷

Considering that early parliamentary elections in North Macedonia are not uncommon, as well as occasional early mayoral elections due to unforeseen circumstances, given the name referendum, which also cost just under one million Euros, it becomes clear that this way of financing the media, although not the main one, is significant in their income.

However, such a practice, although legal, carries the danger of political corruption of the media and the capture of their editorial policies and therefore must be changed. The solution is to return to the practice of political parties paying their campaign expenses or, as mentioned by one of the experts in the focus group, **to ban it altogether.**¹⁸

The State Commission for Prevention of Corruption (SCPC) also stated that this is a model that is recognized as a potential danger of political corruption in the media with public money. The Commission announced in 2019 that the legal solution to pay the media campaigns of the subjects in the elections from the state budget is dangerous and can lead to corruption phenomena in the media space:

14 - Goran Gavriloš died in March 2021 after a short illness. His idea for a Media Fund for the production of media content of public interest after his death was publicly supported by Prime Minister Zoran Zaev, who stated that he would strive to establish such a fund - (available at <https://kanal5.com.mk/zaev-lichno-kje-se-zalozham-sonot-na-gavriloš-za-fond-za-mediumi-da-stane-jave/a465037>)

15 - MIA – 4 May 2021 – The Government accepts the requests of the media... - (Available at: <https://mia.mk/vla-data-gi-prifa-a-bara-ata-na-mediumite-i-mediumskite-rabotnici-e-se-osnova-mediumski-fond-za-proekti-od-aven-interes/>)

16 - SSNM-5.5.2021 – We do not need a replay of paid public media campaigns – (Available at: <https://bit.ly/3Fmajam>)

17 - Nezavisen.mk – Apasiev brought Arsovska before the anti-corruption activists – (Available at: <https://nezavisen.mk/apasiev-ja-donese-arsovska-pred-antikoruptionerite/>)

18 - The expert referred to some practices in Europe, pointing out, in particular, the United Kingdom, where political advertising in the media is completely banned, as a threat to democracy, because in that way the media can be “bought” - captured.

“In particular, the budget financing of the paid political program for the election campaign is a potential risk for corruption and the creation of a clientelistic attitude.”¹⁹

The Anti-Corruption Commission, in the same document and on the same page that is indicated in the reference in the previous sentence of this report, also declares itself about the subsidizing of the print media:

“Based on a decision of the Government of the Republic of North Macedonia, a program was adopted with which the print media receive state aid to ensure their sustainability. However, the criteria based on which such assistance is granted are insufficiently precise and allow the misuse of the allocated funds.”

So far, there is no official response from the Government to such warnings and remarks of the SCPC, clearly indicated in the National Strategy for Prevention of Corruption.

THE PUBLIC SERVICE REMAINS DEPENDENT - BOTH FINANCIALLY AND POLITICALLY

The European Parliament in 2021 called on the country’s authorities to step up media reform and ensure greater independence of the public service. The text of the Resolution on North Macedonia adopted on 25 March 2021, item 51 states: **We call on the authorities to quickly implement systemic media reforms that will contribute to the revival of competition, increase the independence and capacity of the public broadcasting service and media regulator and support investigative journalism.**²⁰

This is just a summary of what is happening in reality in recent years when the financing of the public service is done through the budget. On the one hand, the Government of the RNM shows that it does not see a problem in financing the private media with public money, despite all the dangers posed by this legalized practice through the election process. On the other hand, although public money is needed to finance public services around the world (whether directly from the citizens or through the budget as is the case in North Macedonia), the Government shows that there is a problem with the financing of MRT (NRT²¹).

In 2017, after consultations between the journalists’ associations and the Government, it was accepted to change the financing model of MRT and instead of the citizens financing the service through a broadcasting fee added to the electricity bills, they switched to direct budget financing. It was agreed to start from 0.5 percent of the budget for the previous budget year and to increase that percentage to 1 percent in 2021 for the entire broadcasting activity, with MRT owning 75% of the total amount.

The Government incorporated this model in the Law on AAAMS as a final solution on 31 December 2018²², but until today, 2021, it has never allocated money from the budget as written in the law, using its discretionary right, which it has incorporated in Article 45, Paragraph two, from the changes adopted in 2018.

The use of the discretionary right became clear from the answer to a direct question to the former Minister in the Government in charge of the media Damjan Mančevski in an interview with the News Agency META:

The Government decided, in the absence of will and commitment to reform the public service, in the absence of a strategic document with a plan to improve the situation and deal with the large multi-year debt, to dedicate the budget to projects that improve the quality of life of all citizens.²³

19 - SCPC – 2019 – National Strategy 2020-2024 – p. 48 – (Available at: <https://bit.ly/3tMBImc>)

20 - European Parliament – 25 March 2021 – The text of the Resolution on North Macedonia, p. 11 – (Available at: https://www.europarl.europa.eu/doceo/document/TA-9-2021-0114_EN.pdf).

21 - The Macedonian Radio Television (MRT) after the ratification of the “Prespa Agreement” with R. Greece in the Assembly of RNM, and at the request of the Government, changed its name to National Radio and Television (NRT). However, the logos of the public service remain MRT to this day, as well as the official website.

22 - Law on amending the Law on AAAMS – Article 105 – (Available at: <https://bit.ly/3hvHBtx>)

These or some other reasons, and the question of what other reasons is valid, persist today, 2021, because in 2019 and 2020 MRT received significantly fewer funds than provided by the legal solution. This can be seen from the annual reports on the financial operations of the public service, and it is stated by AAAMS, but also by the EU.

The Media Agency in the Market Analysis from 2020 concludes that in MRT in 2019 was transferred less than the legally prescribed amount - 229.53 million denars (about 3.7 million Euros), and in 2020, 510.70 million denars (about 8.3 million Euros).²⁴

The MIA Agency can be considered as another public media in practice that faces the challenge of media-public money. This medium is formally a state-owned joint-stock company. Although it has a subscription for its services, it receives the main finances for its work and operating costs from the state budget. However, the ambiguities arise from the fact that these costs are included in the total costs provided for the Office for General and Common Affairs of the Government, so the public can not have a transparent overview of how much money is spent on MIA, which has around a hundred employees.

Although MIA covers a significant part of the news market in the country, although there is a significant improvement in the sense that it places true, timely, objective information about everything that happens in the country and the world, and not just information that would cover the activities of the Government, although there is a visible transformation in terms of production and video content, live broadcasting of events and the like, MIA has registered a process of cutting funds through the latest budget rebalance, although not as much as originally planned by government ministers²⁵.

In the last few months, the idea of a possible transformation of MIA's ownership, which has been a state-owned company since 2006, has been circulating among journalists' associations. The transformation would go in the direction of MIA being a de jure public service, i.e. a public news agency, with the founding right belonging to the Assembly of the RNM, and the financing would go precisely according to a special law, from the budget, as is currently the financing of the entire broadcasting activity, following the Law on AAAMS.

23 - META – 2 March 2020 – Mančevski: We did not accept a political market with VMRO-DPMNE for MRT and AAAMS – (Available at: <https://meta.mk/manchevski-ne-prifativme-politichki-pazar-so-vmro-dpmne-za-mrt-i-aavmu/>)

24 - AAAMS – Analysis of the market for audio and audio-visual media services 2020 p.13 - figure 9: Funds from the state budget for financing MRT for 2019 and 2020.– (Available at: <https://bit.ly/2XhO6Jq>)

25 - This informal information is obtained from conversations with well-informed and knowledgeable people in the work of MIA.

THE ELECTION OF NEW PEOPLE IN AAAMS AND MRT HAS BEEN STALLED FOR TWO YEARS

The situation with the deviations in the legal financing for the broadcasting as a whole leads to the conclusion that the executive power in the country has not done enough for the independence of MRT. According to the conclusions of the focus group and the views of the EU, MRT is neither politically nor financially independent to be able to perform its function.

This is also the case with AAAMS for two reasons - because the funds allocated from the budget for broadcasting also refer to AAAMS (6.5 percent of all money allocated for broadcasting), but also because neither MRT nor AAAMS did not implement the legal changes for the election of new members of the Council of the Agency and the Program Council of MRT.

Although the attempts have been going on since 2019, despite two vacancies announced by the Assembly of the RNM, the two institutions are still functioning with the old composition of people. After the first vacancy announcement that was not implemented in 2019, the government is focusing on accusing that it was deliberately hindered by the opposition party, because the then MP from the main opposition party Ilija Dimovski was chairman of the Commission for Elections and Appointments and deliberately did not convene it to gain the party profits with the old members in both institutions, who are publicly considered to be under the influence of the opposition party. But in the meantime, early parliamentary elections were held in 2020, a new composition of the Assembly was elected, a new vacancy was announced, the chairman of the Commission for Elections and Appointments is from the ruling party, and yet the procedure is still stuck only on the applications of the dozens of candidates who decided to apply.

The focus group is adamant that there is a lack of political will to implement reforms in this segment. One of the experts in the focus group is even convinced that this vacancy announcement can fail, *“because the ruling and opposition parties are probably still not satisfied with the names of the candidates who applied, and the ultimate goal would be only a few experts and independent candidates to apply, and as many candidates under the control of political parties.”*

A similar conclusion is made by another expert from the focus group, who on the same question (about the insufficient financial support of MRT and the delay in the election of new members of the Programming Council of MRT and the Council of AAAMS), said that *“these are so illogical and unproductive moves, which even raise the question of whether there is a hidden agreement between the government and the opposition “*; such an unresolved situation should last as long as possible as the most opportunistic solution for both political parties.

SELF-REGULATION AND MEDIA REGISTRY IS FULLY FUNCTIONAL

While broadcasters and print media are legally regulated, online media are not part of the legal regulation, although they are recognized as such in the Electoral Code, but not in a separate law.

Online media, although not only them, have been subject to self-regulation for several years, led by the Council for Media Ethics in Macedonia - CEMM. Self-regulation, although criticized and not fully understood at the beginning of 2015, has so far grown as a process and has been accepted by a significant number of media outlets in the country (though not by the five private broadcasters with a national broadcasting concession), including several online media. The number of citizens' complaints about the media reporting to the CEMM Complaints Commission is increasing from year to year and, according to the statistics published by CEMM on an annual basis, for 2020, 140 complaints were received, for which decisions have been made. Most of the complaints and decisions were made on the online media - 127 cases²⁶.

26 - CEMM – 2021 – Statistical review of the decisions of the Appeals Commission for 2020 – (Available at: <https://sem.mk/komisija-za-zhalbi/statistichki-pregledi/853-2020>)

From the conclusions of the focus group it can be understood that “the process of self-regulation in RNM is already factored and proven to be successful.” In support of this claim, it was stated that almost all media, both those who are and those who are not members of CEMM, respond and react to the decisions of the Appeals Commission - the central body of CEMM that discusses complaints about media coverage.

In the context of the efforts for greater respect for the ethical standards in reporting, in December 2019 CEMM together with AJM and in cooperation with the Economic Chamber of Macedonia presented the first register of professional online media “Promedia”. In the goals for the existence of the Register, the most important is “promotion and affirmation of the media that respect the professional standards”, “affirmation of the self-regulation in the media”, but also to “support the business community and the marketing sector in recognizing the professional media for further cooperation with them”.²⁷

At the time of writing of this report, according to CEMM sources, there is a process of strengthening the Registry by refining the media that do not meet the membership criteria, but also through proactive support from the business community for their advertising in online media, for which the first steps have already been taken regarding a large company. CEMM is also asking for more support from the state for the importance of this register, with a proposal that it could be used, for example, as a tool for which media can enter the register of the State Election Commission to monitor the election campaigns and election processes, to get the opportunity for paid political advertising with public money.

CONCLUSION

If a brief conclusion is drawn about the state of media reforms in the country in the third quarter of 2021, and given the situation before that, it can probably be said that they have not been fully implemented due to insufficient political will, although by one of the experts, the acceptable term “consistency”, i.e. lack of consistency is used. Compared to the region, RNM may be a little ahead with the reform processes, but that is far from enough, nor is it a reason for the executive branch to be satisfied, because the challenges are still enormous.

Such a situation with halfway implemented reforms reflects on the quality of the media offer in the country, which can be said to be at a low level in terms of quality and diversity despite the large number, quantitatively speaking, of media when it comes to broadcast and online media. Such a situation - a lot of media, small market, low quality of journalistic production, the need for survival of a large number of media, the standard of journalists, etc. – may be improved if there is a media strategy at the national level, which does not exist, although the regulator itself, AAAMS, has indicated several times so far that it is necessary.²⁸

27 - Promedia– Goals for the existence of the Register...- (Available at: <https://promedia.mk/goals?lng=mk>)

28 - AAAMS – 2019 – Regulatory strategy for the development of audio and audiovisual activity 2019-2023, p. 4 - (Available at: <https://bit.ly/3EKThsR>)

MONITORING THE EUROPEAN INTEGRATION PROCESS: A SUMMARY OF THE LEVEL OF REFORMS IN THREE AREAS: REFORM OF THE PUBLIC ADMINISTRATION, JUDICIARY AND BASIC HUMAN RIGHTS

Public administration reform (PAR) is one of the areas assessed in terms of the country's overall readiness for European integration. The PAR is conducted following two documents: the PAR Strategy 2018-2022 and the Action Plan of the Reform Strategy of the PAR 2018-2022.

In the fourth consecutive semi-annual report of the Ministry of Information Society and Administration (MISA),²⁹ which refers to the period January - June 2021, the general situation for the entire period from 2018 to the first half of 2021 can be seen, where in the following data are noted:

- Policymaking and coordination: 80%- implemented activities, 6%- ongoing and 14% -late.
- Public service and human resource management: 25% - implemented activities, 11%- ongoing and 64%- late.
- Openness, accountability and transparency: 53% - implemented activities, 13% - ongoing and 34% - late.
- Providing services and ICT support: 39% implemented activities, 16% - ongoing and 45% - late.

From a conversation with experts, it can be noted that the activities in the reform areas important for the administration are in some stagnation –the ongoing pace cannot be qualified as progress. Among the legal activities that are stalled are the amendments to the Law on Administrative Servants, the Law on Public Sector Employees, the completely new Law on Senior Management Service and the beginning of the process for drafting a completely new law on organization and work of the state administration bodies. All these legal changes have not yet passed the government procedure. The first three laws are posted on the ENER portal, for some the deadline for discussion expires, after which they should go to the Government for adoption. The short description on the ENER portal states that “MISA intended to prepare amendments to the law based on practical remarks from those who apply the law, but given the fact that the analysis and remarks showed that more than 1/3 of the existing articles should be changed, a completely new law has been prepared, based on the already existing Law on Administrative Servants”. This explanation is identical for both the Law on Administrative Servants and the Law on Public Sector Employees.

The Law on Senior Management Service, although announced by the former Minister of Information Society and Administration Damjan Mančevski in 2019 and although adopted by the Government at the end of 2019, and passed for the first reading in the Assembly in 2020, was returned to Government for completion, and the second version was posted on the ENER portal in September 2021.³⁰ This law is very important because it should mean the beginning of the departmentalization of the institutions, with the initial appointment of about 130 senior managers according to the merit system.³¹

Another area where little progress can be reported is the Regulatory Impact Assessment (RIA). Legal changes or new laws still have a weak or no RIA in the texts or if they do, it is a formality. As the number of legal decisions that are brought by urgent procedure grows, so does the lack of RIA in them, because according to the current regulations, laws on urgent procedure or laws proposed by MPs are not subject to RIA. The publication of “Metamorphosis” from 2020 for PAR³², regarding the RIA, states that in the report on the implementation of the Action Plan for PAR, concerning the RIA, in 2018 there was a 20% quantitative progress

29 - Fourth Semi-Annual Report on the Implementation of the Action Plan for the PAR Strategy 2018-2022, January-June 2021 - (Available at: https://mioa.gov.mk/sites/default/files/pbl_files/documents/rja/nacrt_-_chetvrt_polugodishen_izveshtaj_za_srja.pdf)

30 - ENER – September 2021 – Draft Law on Senior Management Service – (Available at: https://ener.gov.mk/default.aspx?item=pub_regulation&subitem=view_reg_detail&itemid=51541)

31 - MISA – 11 December 2019 - ... Full professionalization in 130 institutions is guaranteed – (Available at: <https://mioa.gov.mk/?q=mk/node/2754>).

compared to 2017. But, since then, on the MISA website, the last published special report on the RIA process is the one for 2018.

However, from the PAR Implementation Report for 2020, it can be seen that, at least quantitatively, 74% of the application of RIA has been reached³³, which meet the minimum requirements for quality and transparent process and there is a decrease of 1% concerning 2019. Thus, measurements and assessments are made, but they are not published on the MISA website.

This problem with the RIA is very much due to the lack of capacity of the state administration bodies, although MISA with SIGMA conducted such trainings for some of the civil servants.

There has been little progress with the development of functional analysis (FA), a process that began in 2019 and which the executive branch of power, especially at the end of that year, informed and pressured institutions to complete. Without functional analysis, two other processes cannot be properly managed - the possible reduction of the number of employees in the civil services and the general number of the administration, i.e. public sector employees, as well as quality reform of some of the institutions on a horizontal level, i.e. the started process of reorganization and optimization. Former Minister Damjan Mančevski, who conducted this process, in 2019 stressed that they are important for the implementation of the possible transfer of employees from the public to the private sector.³⁴

Although, MISA itself states that new services were introduced until 30 June 2021, which can be obtained electronically through the portal e-services (uslugi.gov.mk), in the field of education, pension system and services from the Ministry of Labor and Social Policy, the opinion of one of the experts is that the services offered among the first, such as those offered by the Ministry of Interior, do not function as well as before. On the e-services portal, it can be seen (on 29 September 2021) that 154 electronic services have been set up, out of a total of 807 accepted cataloged services as possible electronic services of the institutions.

It can be found out from the competent ministry (MISA) that in the future greater efforts will be made for e-services to gain meaning and functionality, because the idea of e-kiosk has been abandoned, ie the so-called "documentomats".³⁵

From the noted activities of the Government in the field of administration, the amendment to the Law on Public Enterprises can be underlined, which made draft legal changes on the manner of employing and the number of members of the management and supervisory boards of public enterprises, reducing the number and there is a public call for membership in these boards.³⁶

Although not subject to special observation in this short report, while financial transparency is relatively good at the central government level, according to Metamorphosis research, the results in terms of financial transparency in local government are very poor.³⁷

32 - Metamorphosis – March 2020 – PA reforms: the merit system remains a problem, service digitalisation is advancing – (Available at: <https://metamorphosis.org.mk/wp-content/themes/metamorphosis/download.php?id=25396>)

33 - MISA – May 2021 - Annual Report on the Implementation of the Action Plan of the Public Administration Reform Strategy 2018-2022 for the period January - December 2020 (p. 16) - (Available at: izveshtaj_za_srja_za_2020_godina.pdf (mioa.gov.mk))

34 - MISA – 8 October 2019 – [Press conference of the Minister of Information Society and Administration Damjan Mančevski Ministry of Information Society and Administration \(mioa.gov.mk\)](https://mioa.gov.mk)

35 - META.MK – 24 September 2021 – „Portalb: With the recommendation of the Government, MISA gave up the documentomats” - (Available at <https://meta.mk/portalb-so-preporaka-na-vladata-mioa-se-otkazha-od-dokumentomatite/>)

36 - Deutsche Welle– 18.08.2021 – The end for the song – (Available at: <https://bit.ly/3ErSqqi>)

37 - META.MK – 29 September 2021 – “Municipalities do not share financial information ...” - (Available at <https://meta.mk/opshtinite-shtedat-vo-spodeluvanjeto-finansiski-informacii-samo-10-opshtini-imaat-gragjanski-budjet/>)

Areas, where the reforms are relatively well implemented, are still accountability and transparency, for which the Transparency Strategy 2019-2021 and the re-adoption and functioning in practice of the Law on Free Access to Public Information helped a lot, and there is an improvement in terms of proactive informing of the public.³⁸

This is confirmed by the research conducted by “Metamorphosis” within the regional project in cooperation with the partners of the regional network of the Civil Society Organization “Accountability, Technology and Institutional Openness Network in South-East Europe” (ACTION SEE). According to the latest results of the measurement for transparency, the most open is the Government of North Macedonia, which meets 83.43% of the set criteria for openness; the ministries in the Government have an index of 62%, the governing bodies 45.5% and the Parliament of RNM has an index of 68%.³⁹

FUNDAMENTAL RIGHTS CONDITION UNTIL OCTOBER 2021

Based on several years of assessments by the European Union, including the US State Department, in the field of fundamental rights, the Republic of North Macedonia has an institutional and legal framework that is in line with European standards. As the country is a signatory and implements most basic human rights conventions, it can be said that, generally, there is a political will to exercise these rights which are spread in dozens of areas.

According to a conversation that Metamorphosis had with an expert from the focus group on this area, a significant improvement in the institutional framework during 2021 begins at the end of last year, when the Law on Protection and Prevention of Discrimination was re-enacted, and at the beginning in 2021, when a new Commission for Protection and Prevention of Discrimination was elected. The commission was elected according to the new rules in the law and the partial departmentalization of this body was achieved relatively satisfactorily with the involvement of the non-governmental sector in the election process, although there are some remarks that it was not fully achieved.

Mixed signals about the intention to depoliticize and not involve political elites in the process of electing individuals and human rights bodies were also given by the election of the Ombudsman, a process that was considered by the NGO sector and the general public to be non-transparent and to directly implement inter-party agreements.

The entry into force of the Law on Personal Data Protection, as well as the implementation of the new Law on Free Access to Public Information, contributed to the improvement of the institutional framework which is supervised by a new institution from 2020 - the Agency for Protection of the Right to Free Access to Public Information. The agency is the successor to a former Commission whose work has been blocked for more than a year due to the non-election of a president and members.

This institutional framework will certainly be improved with the current adoption of the Law on Payment of Monetary Compensation to Victims of Violent Crimes in the Assembly, as well as the amendments to the Criminal Code, which introduces the crime of “stalking”, to ensure the protection of women from sexual and other harassment through communication channels including the Internet. These changes in the CC are expected in the Assembly after the local elections in October 2021, given the legal break in the work of the Assembly during the campaign until the elections.

38 - IEP – July 2021 – National monitor for PAR, p.11 – (Available at: <https://epi.org.mk/post/17312>)

39 - Metamorphosis – 28 September 2021 – Conference: transparency of the executive branch of power.. – (Available at: https://metamorphosis.org.mk/aktivnosti_arhiva/konferencija-transparentnost-na-izvrshnata-vlast-korsokak-za-informaciite/)

During the compilation of this short report, as a problem was also pointed the dispersion of the strategic frameworks for achieving protection of various fundamental rights through several institutions and, above all, ministries (SEA, MLSP, MP ...), the expired time frames of the strategies for Roma and equality and non-discrimination, and as an indicator of the degree of political will and capacity building of the Ombudsman's Office through the budget, which according to the expert is not sufficient to cover all areas covered by the Ombudsman.

The same criterion for assessing political will applies to the Commission for Protection against Discrimination, which at its first press conference asked for greater support from the institutions for its work.⁴⁰ For example, the Commission does not even have a website, it is now being equipped with furniture in its offices, and it is still in the process of adopting basic bylaws. All this is happening even though, at the presentation of the first quarterly report in July 2021, the Commission announced that it is acting on hundreds of complaints, of which 78 "inherited", from the period of non-operation due to problems with the law that was repealed by the Constitutional court, so it had to be adopted once again.

Among the other important processes for exercising the fundamental rights, the protocol for the action of the multisectoral teams for protection of children victims of violence can be singled out, adopted at the meeting of the National Coordination Body for Protection of Children from Abuse and Neglect, with the Minister of Labor and Social Policy, Jagoda Saphaska, as informed by the Government. Also, the intention is to build two new daycare centers for people with physical or mental disabilities, for which the Government also informs. The third positive example is the protests organized twice by the non-governmental sector (CSO "We change"),⁴¹ which demanded greater rights for persons with disabilities, above all, an increase in the allowances due to them, both for adults and for child allowance, and some other rights and benefits for these persons.

The new Ombudsman, on the other hand, in one of his first appearances in public, in July 2021, said that the biggest problem he saw in the work so far was "resocialization and education system for juveniles housed in the Educational Center in Tetovo."⁴² In September 2021, the Ombudsman on its initiative opened a case "to monitor the exercise of the right to education of children, as well as the measures and activities undertaken by the competent authorities for the smooth exercise of this right in conditions of a Covid-19 pandemic."⁴³

JUDICIAL REFORMS – CONDITION UNTIL OCTOBER 2021

A strategic framework exists and is led by the Ministry of Justice, together with an action plan for its implementation.

Most of the laws were adopted by 2020, and now amendments to the Law on the Academy for Judges and Prosecutors are underway, which is in parliamentary procedure. A completely new text of the law is proposed, which arose from the need to change about 80 percent of the previous legal solution, above all, into "new legal criteria for the composition of the governing bodies of the Academy, as well as redefining the manner of taking the entrance and final exam based on objective criteria for assessing the knowledge of the candidates".⁴⁴

40 - MMC-21 July 2021- Bureaucratic obstacles in the work of the new Commission for Prevention and Protection against Discrimination: Members expect new staff and money for equipment - (Available at <https://bit.ly/2XRy7SL>)

41 - Radio MOF – 24 July 2021 - "We change" dissatisfied with the meeting with Shahpaska, the minister claims that they are working on their requests - (Available at <https://bit.ly/3CBkaHm>)

42 - MIA.mk – 24 July 2021 – Ziberi for MIA: Resocialization and the education system ... (Available at <https://mia.mk/ziberi-za-mia-resoci-alizaci-ata-i-obrazovniot-sistem-za-maloletnicite-smesteni-vo-vpd-tetovo-e-na-golem-problem/>)

43 - Deneshen.mk – 14 September 2021 – Ombudsman.... – (Available at <https://denesen.mk/naroden-pravobranitel-mon-da-ne-go-krie-brojot-na-zarazeni-uchenici-so-koronavirusot/>)

44 - RNM Assembly – September 2021 – Draft Law on the Academy for Judges and Prosecutors - (Available at <https://www.sobranie.mk/materialdetails.nspx?materialId=cade6aa5-c61b-4de8-b4f4-e6a73da28ed2>)

From the bylaws, it is worth mentioning one group of acts related to the judiciary and one act for the prosecution. The first group consists of a series of bylaws and regulations adopted by the Judicial Council in the past year, including recent months - Methodology for qualitative evaluation of judges, internal action plan for 2021, Rulebook on the establishment of a commission for evaluation of judges, Rulebook on the promotion of judges to a higher court, etc. The second document is the Code of Ethics for Public Prosecutors adopted this year, which raised a storm in the professional public and whose certain members were criticized by experts, but also by some prosecutors.⁴⁵

From the work of the top bodies in the judiciary, namely, the Judicial Council (JC) and the Council of Public Prosecutors (CPP), two characteristics can be distinguished. As for the Judicial Council, in the professional public and among the judges themselves there are doubts about how the decisions of this body are controlled by external factors and what are the reasons for promotion and dismissal of judges (expert estimates for “Metamorphosis” that there are at least three cases for dismissal that are disputable regarding the reasons for dismissal - cases with a judge in the Supreme Court and with two judges in the Skopje Criminal Court).

At the recent final conference of the Coalition “All for Fair Trials” entitled “The Impact of the Merit System on Judicial Independence and Professionalism in North Macedonia” (28 September 2021), the analysis⁴⁶ of the one-year monitoring process was presented, which also dealt with the work of JC. In addition, the key findings of the analysis emphasized that, although formally the work of the JC is transparent, it refers only to the pre-scheduled sessions, which are regularly published on the website and the decisions made by the JC, which are also published. But, essentially, according to the analysis, there is a lack of clear explanations why a certain judge was elected to a higher court. It was mentioned at the hearing that there is a discussion, but there are no detailed explanations. A university professor, on the other hand, reacted to the proceedings and the reasons for dismissal, noting that the data on 16 dismissed judges in just over a year by the JC does not speak well of the guaranteed independence of judges and that it will create a problem in terms of proceedings before the European Court of Human Rights. Another university professor in the debate underlined that, although formally there is a new way of electing the members of the JC concerning the election of non-judicial members, although according to the criteria a step forward has been made in specifying the election of these members, in practice, there is no progress. It again comes down to the wording that remains in the law, “prominent lawyers”, with the fact that now 15 years of experience in their professional work is required.

As for the Council of Public Prosecutors, according to an expert from the focus group for this area, its closure to the public is characteristic, i.e. its reduction of transparency. The Council of the Public Prosecutor held several sessions during the year, which was reported after the sessions, journalists were not allowed to attend the sessions under the pretext that the hall was small, but there are remarks about the complete absence of criteria in selecting new prosecutors or the promotion of certain prosecutors in their careers, in higher prosecution.

The serious shortage of judges and prosecutors remains a problem, although for judges it mostly affects the efficiency (152 judges are missing), while in the prosecution, due to the lack of over 200 prosecutors, the speed of proceedings in the prosecution stages is put into question, from pre-investigation and investigation to filing an indictment or some other public prosecutor’s decision, which may also problematize basic human rights. The problem of shortage of judges and prosecutors remains to be solved by filling the vacancies only through the Academy for Judges and Prosecutors (legal requirement), and each generation of students of the Academy produces only 60 candidates or graduates.

In 2021, the Ministry of Justice started the process of digitalization of the courts. The Minister announced this at a press conference, and there is a team for implementation of digitalization, which plans the process, assisted by USAID. However, ambiguities, challenges and dangers remain for parts of this digitali-

45 - SDK.mk – 16 July 2021 - The Council of Public Prosecutors banned speaking against it immediately after prosecutor Lence Ristoska rebelled - (Available at <https://bit.ly/3kKU1zN>)

46 - Coalition “All for Fair Trials” 28 September 2021 - Analysis: “The Impact of the Merit System... - (Available at <https://bit.ly/3ocRbWq>)

zation process. According to an expert opinion, digitalization is a priority that should be implemented as soon as possible, regarding the services offered by the courts, as well as for connecting the whole process for one court procedure, i.e. connecting all subjects in the court procedure. But when it comes to online litigation, there are many challenges and, according to expert analysis, it is not easy to conduct all litigation online.⁴⁷

Issues of judicial reform also affect or impose on the Constitutional Court, which has long worked with a reduced number of judges – 6 instead of 9. This is because the election of new judges for the Constitutional Court is stuck in the Assembly of RNM, where due to inter-party cases, the process of proposing new judges to the Commission for Elections and Appointments is hindered. However, this situation again raises the question of the need to adopt a special law for the Constitutional Court, which since the independence of the state has functioned according to several articles in the Constitution of the RNM.⁴⁸

47 - Coalition “All for Fair Trials” - 2020 - Legal and Technical Challenges for Introducing Online Trials - (Available at <https://bit.ly/3EWbgpP>)

48 - “360 Stepni” – 13 September 2021 - Election of new members of the Constitutional Court - (available at <https://www.youtube.com/watch?v=lbdn4ich03U&t=810s> – 13 min.)



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