

To:

- Mr. Johannes Hahn, European Commissioner
- European Parliament's Committee on Foreign Affairs (AFET)
- Subcommittee on Human Rights (DROIT) of the European Parliament's Committee on Foreign Affairs
- International Federation of Journalists (IFJ)
- European Federation of Journalists (EFJ)
- Parliamentary groups in the European parliament of the EPP, PES, AECR and ALDE

Skopje, December 9, 2015

From: Macedonian Association of journalists (MAN), Skopje, Macedonia

Ref: Information concerning the Draft law that severely endangers the right of the journalists to do their job freely in reporting the news, including expressing opinion and analyzing the news.

Dear Respected Readers,

The largest opposition party in Macedonia SDSM (social democrat party) is imposing a new media law (Law on audio visual services) that **severely endangers the right of the journalists** to do their job freely in reporting the news, including expressing opinion and analyzing the news.

There are a number of ominous articles in the law, it is clearly set up as tool by SDSM to attack any journalist who they arbitrarily deem to have reported too often on a certain personality or perhaps a talk show host who may dare to have an actual opinion on the topic which he is engaging with his guests and viewers.

Following are several examples:

According to 2 articles from the law which SDSM is demanding, in article 62, that addresses the political pluralism in the news and the informative programs, it is written:

"...in the news and the daily informative programs **it is not allowed** to concentrate on one concrete personality, institution or organization".

Further, it is stated: "The news presenters and anchors **are not allowed to express their personal views**".

Beside this, in the draft law that is being imposed by the SDSM, says that the journalist or the host in every contact program or debate program or news program must to have representatives from both sides of the

topic that is being discussed, and both sides need to be given identical space and length, without a right to personal opinion, analysis or comment by the journalist or the host.

If both sides are not provided with same time of participation during the program, the information can not be provided or the program should not go on air, and the journalist and the medium will be punished.

The punishment and the penalty (fine) is a ban of that media i.e. stop of work and broadcasting for the media and for the journalist, and as a following and next penalty is a **permanent taking (withdrawal) of the broadcasting license** or work for that certain media, and a **permanent ban from the profession for the journalists** to be a journalist and to be involved in the journalism in any form.

These penalties, according to this law, will be determined and imposed by the Director of the Agency for media, that will be **appointed as a proposal from SDSM political party**, and he will decide for these penalties according to his **personal impression and discretionary view and personal opinion**.

As a base / ground for these penalties, the SDSM appointed Director and the Media agency council, can have some **very biased explanations**, like **unbalanced reporting, subjectivity in the reporting, biased approach from the journalist or reporter, violating the international position of the State, morality, favorizing one information...** All these are very subjective categories, that are part of the personal freedom of conviction, freedom of opinion and personal attitudes, thoughts, world view and convictions.

There is no place in the Law that these criteria are defined or explained, what is the meaning of these descriptions, and everything is left to the Director of the Agency for media **individually** to evaluate and conclude when the conditions for media or journalism ban are met, and when this penalty starts. The appeal or a complaint for such a decision is not postponing the enforcement of such severe fine / penalty.

We think that these discretionary decision rights in line with the personal taste and individual evaluation are **clear censorship**, serious threat to the professionalism and against the freedom and the independence of the journalist. Moreover, this proposal from SDSM is against number of international human rights chapters and declarations, and it is against the Constitution of Republic of Macedonia, article 16, where freedom of expression is guaranteed. **A journalist that has these restrictions for his opinion, position or analysis does not have the ability to do his professional job.**

Macedonia has a Law on media (Law on audiovisual services) that was recently adopted. It was voted in December 2013, and is being implemented since May 2015.

The current, the existing Law on media was prepared by the experts from the European Union (EU). The adoption of the Law was supported by both journalism associations MAN and ZNM, and **the preparation of the Law was paid 900.000 Euros from the IPA 2009 program.**

The Law was supported by written statements from the EU, OSCE and the embassy of the USA in Macedonia. But, now SDSM demands a new, restrictive Law on media.

According to the EU recommendations, the ruling parties in Macedonia VMRO-DPMNE and DUI had negotiations and talks with the opposition parties SDSM and DPA to fulfil reforms in the area of election laws, Government sharing and judiciary, as well as an agreement for early elections on April 24th 2016.

There is no single point or sentence in the EU recommendations or in the agreement between the political parties, where new Law on media is mentioned, directly or indirectly. Not even changes in the existing EU backed Law are mentioned.

But, the SDSM political party now asks for a new Law on media in order to participate in the early elections in April 2016, elections that are already agreed.

This is a serious pre condition by SDSM for their election participation, and can cause changes in the existing Law on media as it is mentioned above. That will mean violation of the basic professional and human rights for free expression, closing of media and many journalists to be left without job or being banned to perform their journalistic work.

We have asked from all political parties to show us such a law in any, any EU country with such provisions, but we have not received an answer from SDSM.

We have offered an alternative. Implement any Law on media from any, any member state of the EU, instead of your SDSM condition for election participation, but that was refused from the SDSM, because there is no single EU country that has limitations and penalties that SDSM demands for the Macedonian media and journalists.

SDSM representatives are giving statements that they are asking conditions and media that will contribute for their political and partisan interests for the next general elections, and if these autocratic demands are not met, they are saying that SDSM will boycott the elections. It goes without saying that such a boycott would be disastrous for the country.

The current Law on media that was prepared in 2013 by the EU experts and implemented in 2015 and is a good law, and it can contribute for media democratization, freedom and media independence.

As journalists, we know there is much room for improvement in media freedom and independence and it is our opinion that the current law, implemented earlier this year (2015) is a good tool for improving our situation while not stripping journalists of their basic freedom of thought and expression. The current law paves the way for the necessary changes with professionalism, independence and freedom of the journalists and media in Macedonia.

Macedonian association of journalists (MAN) (founded & established in 2002) is the dominant journalists association in Macedonia, with largest membership. Just in the last 6 months we have registered and published several cases where the political party SDSM and their activists participated in number of violent acts and attacks against journalists:

- Breaking and stoning of the weekly newspaper "Republika" (May 5, 2015)
- Breaking and violence against the offices of "Radio free Macedonia" (May 5, 2015)
- Violence and beating of editor and journalist of TV Sitel (May 6, 2015)
- Violence and public life threats against the journalist of the internet portal "Kurir" (April 24, 2015)
- Threats from speeches during the rally in May 2015 against media and journalists
- Threats with arrests of journalists and editors after the elections by the SDSM spokesman Petre Shilegov (December 2, 2015)

- **Statement by the SDSM President Zoran Zaev that 4 out of 6 national TV stations are their biggest enemies** (Sitel, Kanal 5, Alfa, and the public broadcaster MTV), and these TV's are covering 80 percent of the viewership in Macedonia (December 1, 2015)

This violence, threats and public pronouncement of the largest media as enemies are not a case in any post – communist state in Europe. And, we are speaking here just for the last 6 months.

The media that SDSM publicly named as enemies, will be executed with their authoritarian Law on media, as this political party is saying and stating.

Moreover, besides this restrictive Law, SDSM demands to propose the Director of the Agency for media, and a majority in the Council of the Agency for media.

These changes and a new Law on media as SDSM demands with the above mentioned restrictions and penalties, are an open threat for most of the media and journalists in Macedonia. It pulls back the country for 30 years, back in the 1980's during the time of communism and ideological committees that were evaluating the "eligibility" of the journalists and the media for work.

We kindly ask you to receive this information, and carefully consider its contents. Please feel free to ask additional details from us, and please share these information further.

We kindly ask you to help us and support us to preserve and keep the current Law on media, that was prepared and written by EU experts, that cost 900.000 Euros, and that meets the EU standards, against a party law proposed by SDSM, that meets only their needs.

We have an European law, with all rights for free opinion, position, personal conviction and analysis in the media and in the public. We are threatened to be striped from those basic personal and professional liberties, in the name of partisan control. The irony is that this is proposed in the 21st century in a country that is a candidate for EU membership.

We propose a meeting upon a timing that you will suggest.

We are ready to visit you, to present the details from this process, and to answer your questions. The process is ongoing, and the condition by SDSM is that these above mentioned changes to be adopted by the end of the year, and if that not happens, they will boycott the elections, and leave their duties taken by the Agreements from June and July 2015, when the agreement was reached by the European Commissioner Johannes Hahn.

As we have said, we are ready and open for a meeting.

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President

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