Analysis of the perception of the Council of Media Ethics of Macedonia after its 2 first years of existence

совет за етика во медиумите на македонија

Communication and Information Sector

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1. BACKGROUND: THE MEDIA LANDSCAPE IN THE COUNTRY

Freedom of speech is a fundamental human right guaranteed in Europe by the European Convention on Human Rights (ECHR)[1]. Article 10 paragraph 1 of this document states: "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. "

In most European countries, freedom of speech is a fundamental constitutional right and there is a low level of legislative regulation of the journalistic work in order to enable the media to fulfill its function of "watchdog" of the society. The work of journalists and the media is regarded as a public good and journalists are obliged to inform citizens in a responsible manner.

In most European countries, traditional sanctions in case of non-professional reporting by journalists, is left to the media self-regulation system. With this system, the media and citizens themselves manage the ethical errors of journalists and promote professional reporting without using the courts of justice.

However, the legal system should continue to provide an important and formal regulation of the media as well as its protection. Such legislation should not be restrictive.

In Macedonia, the work of the public broadcaster (MRT), of the private broadcast media and of print media is regulated by the Law on Audio and Audiovisual Media services as well as by the Law on Media). The Electoral Code also sets out rules on reporting during the election campaign and during the Election Day. In addition, laws governing the work of journalists and media include the Law on Civil Liability of Defamation and Libel, the Law of Privacy, and the Law on Protection of Intellectual Property and laws prohibiting incitement to violence, racial hatred or pornography.

In the former Yugoslav Republic of Macedonia, there are a number of different types of media including: 5 national private television stations, regional and local TV stations (55) and cable TV stations at national level (6), printed newspapers (8), magazines (8)

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[1]Belarus is exception from Europe - the only country that has not signed the ECHR

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and radio (76) at national and local level, as well as hundreds of internet portals and internet televisions. Apart of these media, several cable television stations were established in recent years that produce program in Macedonian and Albanian language. We could say that the country has more than 200 media that, except for the public national broadcaster MRT, are privately owned[2].

TV Broadcasters in the country reach around 21 million euro[3] yearly. The regulatory agency noted that the Government of the country is the biggest annual advertiser in the private media in the former Yugoslav Republic of Macedonia[4]. Media organizations, including the Association of Journalists of the country often argue that public spending in the private media is opaque[5]. This creates an unfavorable market environment where media depend on public funds, which helps political interference. An additional problem is the non-transparency of the financing of private media.

Another issue, which adversely affects the normal functioning of the media in the FYR Macedonia is the lack of political and financial independence of the Agency for Audio and Audiovisual Media Services (AVMS) of the Public Service Broadcaster (MRT). This has often been criticized by the European Commission, in particular in the EU annual progress reports for the FYR Macedonia. According to the latest report, there are sharp findings on the work of MRT and some of them are: "*MRT's editorial independence is still not ensured. Its failure to inform the public on issues of public interest, including the interception affair, in a balanced and non-selective manner continues to undermine its role as a public broadcaster... [6]*". Moreover, the report states: "*The regulator still needs to demonstrate that it works in an independent, non-discriminatory and transparent manner. Serious concerns continued over selective reporting and the public service broadcaster's lack of editorial and financial independence[7].*"

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[2] Market analysis of audio and audiovisual media services for 2014
http://www.avmu.mk/index.php?option=com_content&view=article&id=1154&Itemid=463&lang=mk
[3] Market analysis for 2013, by the AVMS http://avmu.mk/images/Analiza_na_ pazarot_za_2013.pdf
[4] Market analysis 2014 by the AVMU http:
//www.avmu.mk/images/Analiza_na_pazarot_na_AVMU_za_2014_godina.pdf p.7
[5] Transparency International Macedonia, National Integrity System-Assessment of Macedonia, May 2016 http:
//www.transparency.mk/en/images/stories/NIS_eng.pdfstr.210
[6] Progress Report on Macedonia by the European Commission for
2015http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_the_former_yugoslav_re
public_of_macedonia.pdf p. 22
[7] Ibid, p.40

In this context, the public interest is often replaced by the personal interests of various political parties or businesses. Monitoring of the media content in traditional media has been done by the AVMS, the state regulator, and by the project "Democracy Watch 2015: Political pluralism in the media before and during the elections (MODEM)".[8] Analysis of the monitoring indicates that some of the biggest national media are acting unprofessionally and unethically on certain topics in the first half of 2016. This is especially noticeable in the programs of MRT and at least in the programs of three private national shows breaching the Code of Ethics of Journalists and the law[9].

Consequently, the FYR Macedonia is ranked low by international media organizations in terms of media freedom. According to the Index of freedom of expression by Reporters Without Borders, the country[10] is ranked as 118 out of 180 countries in the world and in the reports for 2016, Freedom House[11] assessed that Macedonia is one of four countries in Europe that are considered as non-free country if the media sector. The other three countries included in this report are Russia, Belarus and Turkey.

In this context, the issue of media freedom has become a political requirement for the country towards Euro-Atlantic integration that should be met through implementation of systemic reforms in the sector. Reforms in the media sector are part of the Treaty of Przhino signed by the four largest parties. Guarantors of the agreement are the EU Delegation in Skopje and the US Embassy.

2. SELF-REGULATION OF THE MEDIA

Systems of media self-regulation, particularly in South East Europe are successfully protecting the media from excessive legal regulation by the State which, in turn, can cause restriction of freedom of speech.

There are several definitions of self-regulation of the media, but almost all point to a system that does not depend on State institutions. It rather points to a system where

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8 http://respublica.edu.mk/1modem-info

9 Fourth report of MODEM http://respublica.edu.mk/4-mesecen-izvestaj p.6
10 https://rsf.org/en/macedonia
11 https://freedomhouse.org/report/freedom-press/2016/macedonia

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journalists, media owners and citizens or civil society organizations monitor the way media inform citizens and indicate when media reporting is contrary to the journalists' Code of ethics. By promoting ethical standards, self-regulation contributes to the credibility of journalists and the media towards the public and this is particularly important in countries aspiring to be more democratic.

Models and mechanisms for media self-regulation are different in every country and depend on the local, political and historical context. Just over half of the press councils in Europe regulate all media, while others only regulate the print media, and increasingly online media.

Recent trends in media self-regulation recommend "tripartite" models of self-regulatory bodies, composed of three groups of stakeholders: the media owners, the journalists and the public. This concept stresses that journalists and publishers (the owners) have responsibility towards their guild, but also towards the public as audience. This model is considered transparent as it represents the most important actors in the media and, in those countries where it is functional, this model has positive impact on increasing the solidarity in the profession, as well as the credibility of the media towards the public.

It seems desirable that all media are members of the system of media self-regulation, but this is not always the case, especially in countries where there is great polarization among the media.

Apart from these models, the model of Media Ombudsman is also well spread in Europe, as exemplified in France. However, the best-known and most widespread form of media self-regulation remain collegiate bodies such as the Council on Media Ethics of Macedonia (CMEM).

3. SELF-REGULATION OF THE MEDIA IN FYR MACEDONIA

In the former Yugoslav Republic of Macedonia there are two self-regulatory bodies, namely (i) the Council of Honor within the Association of Journalists of Macedonia (AJM) as the oldest body and (ii) the newly established Council of Media Ethics of Macedonia (CMEM), which has been functioning since two years.

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CMEM works with all types of media and among its members are representatives of the television (national and/or regional, including the public service broadcaster), print media (journals and magazines) and Internet portals that have daily- informative content in Macedonian and/or Albanian language.

CMEM is a non-political independent and voluntary (based on membership by media) organization for self-regulation of the media. Through the application of moral sanctions against the media members, which do not respect professional journalistic standards, CMEM protects and promotes journalistic ethics and professionalism in the media in the FYR of Macedonia. The Council was established in December 2013 after the journalistic community recognized the need for media self-regulation. The establishment of the Council promoting the further professionalization of the media in the country also became a political request from the European Commission and a precondition for the EU integration process.

Within the CMEM, a Press Complaints Committee has been established to decide on the complaints submitted to CMEM. This Committee is composed of seven representatives representing journalists, the media and the public. The media and the members of CMEM are obliged to publish the decisions, whether they are in favor of the media or not.

This self-regulatory body works very actively. The increased credibility of CMEM has been noticed by the international community, which monitors the development of democratic processes in the FYR Macedonia. As a result, the CMEM has been part for 2 years in a row of the Progress Report of the country done by the European Commission.

So far, CMEM has received over 120 complaints from various members of the public.

One of the major problems faced by the Council of Media Ethics at present is the non-publication of the decisions taken by the Press Complaints Committee by the offender. This negatively impacts the effect of moral sanction, and there is hence an insufficient public awareness about the existence and functioning of the press council. However, given that this body exists for only two years and the major media, electronic, print,

and Internet portals are part of it, this provides a good perspective to unite all stakeholders in the future. The non-publishing of the decisions by the media breaching the ethical standards is a problem, on the other hand, there is a degree of solidarity among other media that regularly report on the decisions and actions of CMEM, thus contributing to the promotion of media self-regulation as a way to professionalize the media.

One of the potential risks faced by the majority of press councils in the region and thus CMEM is their financing model. CMEM tends to be more and more active and focuses increasingly on services towards its members and citizens, which should be followed by adequate financial support, as well as technical and human resources that would help CMEM to fulfill its mission.

One external risk that could disrupt the work of the CMEM is the socio-political context in the FYR Macedonia with a potential political pressure towards the body itself or towards some of its members. In order to overcome such scenarios, it is necessary for the CMEM to assess the external and internal risks, as well as to identify measures to overcome them.

It is positive that CMEM is a member of the Alliance of independent Press Councils of Europe as well as part of the network composed of several successful self-regulatory bodies active in the EU Member States and candidate countries (Media Nethics). As a new organization, CMEM shall continuously develop partnerships with credible local and international organizations active in the media sector.

## 4. PERCEPTIONS OF JOURNALISTS AND CIVIL SOCIETY ORGANIZATIONS ABOUT THE WORK OF CMEM

In order to identify the perceptions about the CMEM's work and about other important issues related to the process of self-regulation in the media, CMEM conducted a research with journalists in the country and representatives of CSOs, in the period April - May 2016. Interviews with a focus group were also conducted with 8 experts in the field of media.

The survey with journalists was conducted during workshops organized in six cities in Macedonia, as well as through electronic way. The survey with civil society organizations was conducted electronically through TACSO, an organization that works to promote the work of civil society organizations and which is financially supported by the European Union. TACSO helped with the distribution of questionnaires to all civil society organizations in its database.

Following the survey of journalists, a total of 77 completed questionnaires were received and a total of 30 were received from the civil society organizations.
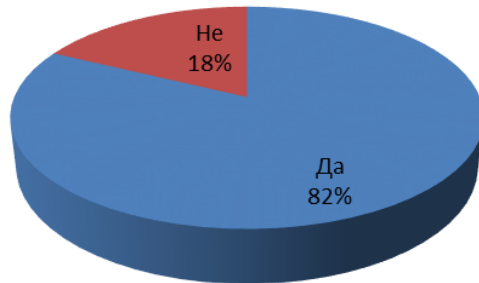
A visual and descriptive review below summarizes the data and the findings from the focus group.

It is remarkable that most of the respondents know what self-regulation in media is and are aware of the existence of CMEM.
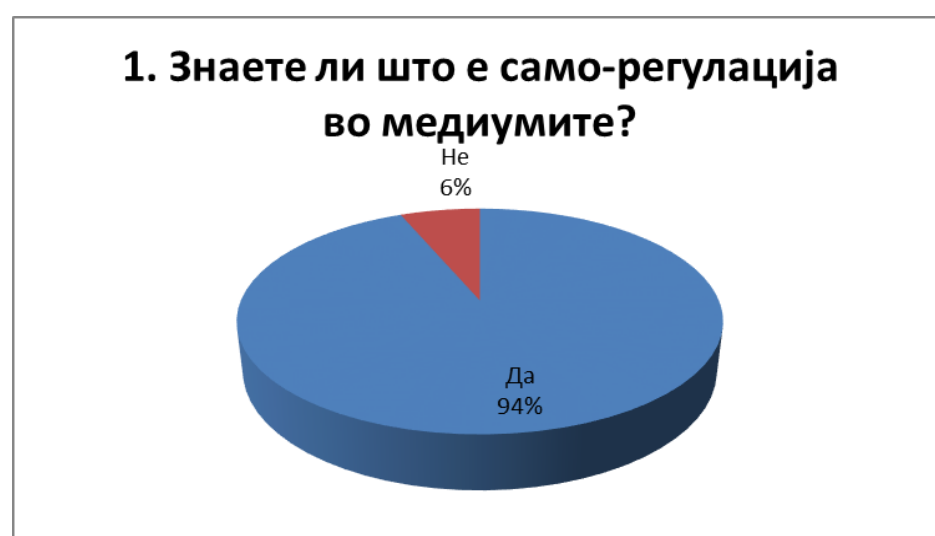
- *1. Do you know what self-regulation in media is?*
- *No 6%; Yes 94%*

2. Дали знаете што значи кратенката СЕММ?

Не 18%

Да 82%

- *2. Do you know what CMEM means?*
- *No 18%; Yes 82%*

Although some of the respondents have answered that they know what self-regulation in media is, in their explanation they stated wrong things about the concept of self-regulation, which only confirms that this term is not entirely clear for them. In addition, it is noted that almost all of the journalists who participated in the survey responded affirmatively to this question. On the other side, part of the representatives of civil society organizations have declared that they do not know what media self-regulation means.

It is generally considered that CMEM can contribute and have positive influence on the professional and ethical media coverage. The chart below represents this visually:

3. Колку сметате дека само-регулацијата во медиумите може да влијае позитивно за професионално и етичко известување на медиумите во Македонија?

Не влијае 2%

Влијае 33%

Многу да влијае 22%

Значително многу да влијае 43%

- *3. How much do you believe that self-regulation in the media can positively influence on professional and ethic media reporting in Macedonia?*
- *It can influence (33%)*
- *Does not influence (2%)*
- *It has a great influence (22%)*
- *It has extremely great influence (43%)*

All participants in the focus group have a positive perception of the CMEM's work, explaining it by the fact that the public submitted a number of complaints about violations of professional standards in the media. This proves that they recognize that the Council is a tool to protect the public rights. "CMEM is a success story with the potential to grow and to further strengthen its influence in the media system of the Republic of Macedonia. It has highly professional and dedicated operational team although very small, acts professionally and efficiently and effectively responds to all challenges."[12] In addition, "the public has experienced the Council as a credible and reliable self-regulatory body in the media that through impartial manner reviews the complaints and contributes to professional and free journalism."[13]

Self-regulation, according to some of the respondents, is a slow process, however necessary to overcome all things not regulated by the state and which relate in particular to ethical and professional standards in journalism in print and online media, as well as in the regulated electronic media. In terms of the functioning of media self-regulation, the answers of the survey suggest that "in general, CMEM had success and it holds tension in the protection of the public interest."[14]

The perception is similar about whether self-regulation in the media can influence the reduction of trials for libel and defamation in the country. 67% of respondents replied affirmatively.

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[12]Quote from B.P. Head of media organization, participant in focus group realized on June 1, 2016
[13] Quote from N.S. journalist and media expert, participant in focus group realized on June 1, 2016
[14]Quote from S.T. media expert and professor, participant in focus group realized on June 1, 2016

4. Дали сметате дека само-регулацијата во медиумите може да влијае на намалување на судските процеси за клевета и навреда во Македонија? *

Можеби 33%
Да 67%
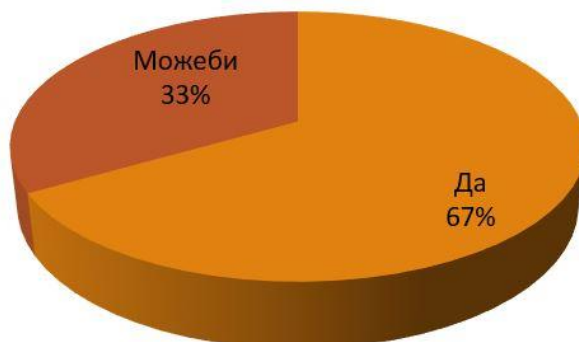
- *4. Do you believe that self-regulation in the media can influence on the reduction of trials for libel and defamation in Macedonia?**
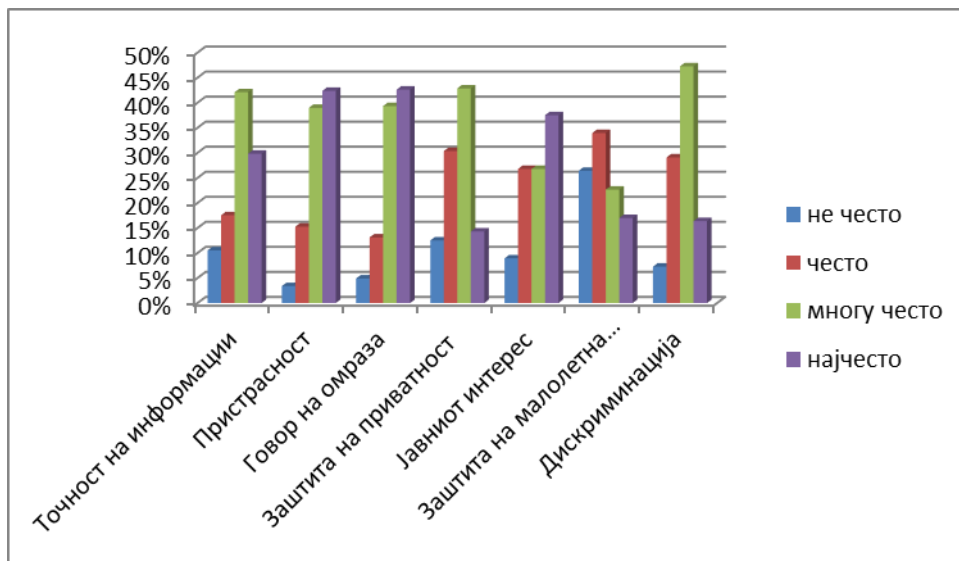- *Yes 67%*
- *Maybe 33%*

Most of respondents believe that self-regulation in the media in the FYR Macedonia could affect the improvement of the image of the media among citizens.

Respondents are also generally aware about the manners of filing a press complaint to the Press Complaints Committee. 71% versus 29% of respondents are familiar with the process. It is noticeable that the majority of respondents who are representatives of civil society organizations do not know how to file a press complaint to the CMEM.

5. Колку сметате дека само-регулацијата во медиумите во Македонија може да влијае во подобрување на имиџот на медиумите кон граѓаните?

Не влијае 2%
Влијае 28%
Многу да влијае 29%
Значително многу да влијае 41%

- *5. Do you believe media self-regulation in Macedonia can improve the image of media among citizens?*
- *Influence (28%)*
- *Does not influence (2%)*
- *It has great influence (29%)*
- *It has extremely great influence (41%)*

In terms of the most common violations of the ethical principles by journalists in their reporting, various answers were received that are summarized and presented below. It can be concluded that most of the breaches of the ethical principles are in terms of biased reporting or favoring one side, followed by hate speech. In addition, according to the answers received, the breaches of the ethical principles are often related to discrimination in the reporting i.e. the inaccuracy of the presented information.

Legend (from chart): не често, често, многу често, најчесто

Categories (bottom axis): Точност на информации, Пристрасност, Говор на омраза, Заштита на приватност, Јавниот интерес, Заштита на малолетна..., Дискриминација

- *Information accuracy*
- *Biased reporting*
- *Hate speech*
- *Privacy protection*
- *Public interest*
- *Protection of juveniles*
- *Discrimination*
- *Rare*
- *Often*
- *Very often*
- *Usually*

It is positive that most of the respondents i.e. nearly 90% believe that media self-regulation decreases hate speech in the media.

8. Дали сметате дека само-регулацијата во медиумите во Македонија може да влијае на намалување на говорот на омраза во медиумите или пак за тоа друга организација/институција треба да има повеќе улога?

Можеби 2%
Не 10%
Да 88%
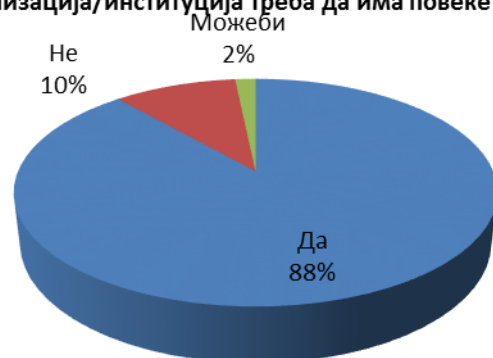
- *8. Do you believe that self-regulation in the media in Macedonia can reduce hate speech in the media or other organization/institution should have a bigger role?*
- *No: 10%*
- *Maybe: 2%*
- *Yes: 88%*

Moreover, a high percentage of respondents i.e. 90% believe that the denial and correction are important measures to professionalize the media from the judicial lawsuits.

9. Дали сметате дека демантот и исправката се поважни мерки од судски тужби за непрофесионално известување на медиумите?

Судски тужби 7%
Демант и исправка 93%

- *9. Do you believe that the denial and correction are more important measures from the judicial lawsuits in relation to the non-professional media reporting?*
- *7% judicial lawsuits*
- *93% the denial and correction*

It should be noted that the representatives of civil society organizations on a smaller scale believe that denial is more useful measure than judicial lawsuits.

More than half i.e. more than 53% responded positively to the question whether the public condemnation by the self-regulatory bodies in Macedonia can contribute towards improving the media reporting.

- *10. Do you believe that the public condemnation by the self-regulatory bodies in Macedonia can contribute towards improving the manner media is reporting?*
- *Maybe 34%*
- *Yes 53%*
- *No 13%*

Most of the respondents i.e. 90% considered that it is important that the decisions of the Press Complaints Committee in the CMEM are published in the media, which violated ethical principles.

12. Дали сметате дека е важно одлуките на Комисијата за жалби при Советот за етика на медиуми во Македонија задолжително да се објавуваат од страна на медиумите кои ги прекршиле етичките принципи?

Не 10%

Да 90%
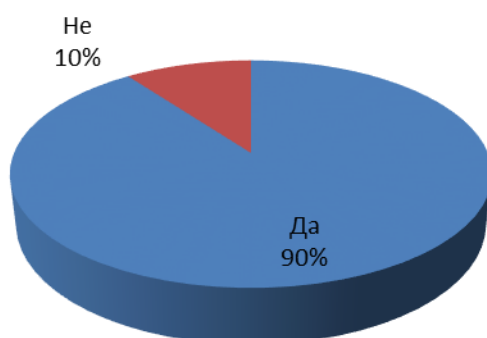
- *12. Do you believe that it is important that the decisions of the Press Complaints Committee as part of the CMEM should be obligatory published in the media, which have violated ethical principles?*
- *No 10%*
- *Yes 90%*

When it comes to the question whether CMEM should adopt specific ethical standards for Internet portals, most respondents answered that special ethical standards should not be required for these media and they should be treated equally as all other media. "Each online media should have an impressum indicating the editorial board and contact details as well as a banner placed on its home page."[15]

According to the participants of the focus group, there should however be specific criteria for the membership of Internet portals to CMEM. "Internet portals have their specifics, which are often associated with the number of visitors. While the importance of a newspaper is measured by its circulation and the importance of a TV channel is measured according to ratings, the relevance of an Internet media is assessed by the number of daily visits. In order to become a member of CMEM, as for traditional media, the existence of a clear ownership structure with an editorial policy and an editorial

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[15]Quote from B.P. Head of media organization, participant in focus group realized on June 1, 2016

board is a prerequisite."[16] In addition, "perhaps there should be some considerations to further develop the existing rules with some specifics for the Internet portals ".[17]

On the other hand, if the founders of CMEM believe that there is a legitimate need for setting up specific criteria for admission of new members from Internet portals this should be done and the same rules should apply to the present members of this kind of media. "The only necessity is to oblige internet portals to respect the decisions of CMEM".[18]

The measure of disqualifying a member from the Council of Media Ethics due to harsh violations of the Code, is, according to the respondents affordable and should be imposed to all media equally. "But before we reach that position, it should be preceded with a long and serious conversation. A professional help from CMEM to correct errors in the media should also be offered, if there is a will to take part in that".[19] But to be disqualified and excluded from the system of media self-regulation, Internet portals must first benefit from their membership in the CMEM. "Setting up a banner showing that the Internet portal is a member of CMEM will convey the message that this particular media observes the Code of journalistic ethics. By creating the "mark of quality for the media" punishment and penalties with shutdown would make sense."[20] On the other hand, it will be considered that the public condemnation can have a greater meaning because "if some of the members are excluded it will certainly be the result of a wrongful reporting."[21]

In relation to the question of whether bloggers should be included in the system of media self-regulation, the opinion of the respondents is that it should not be the case. Participants in the focus group explained that blogs exist for the elaboration of personal views and as such they should not be subject to CMEM's work. "But CMEM may indicate some negative tendencies if there are cases of extremely unprofessional information spread through social networks, such as hate speech or alike."[22]

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[16] ibid
[17] Quote from S.T. media expert and professor, participant in focus group realized on June 1, 2016
[18] Quote from T.B. journalist and media expert, participant in focus group realized on June 1, 2016
[19] ibid
[20] ibid
[21] Quote from S.T.media expert and professor, participant in focus group realized on June 1, 2016
[22] ibid

5. RECOMMENDATIONS FOR IMPROVING THE WORK OF CMEM AND ITS FURTHER DEVELOPMENT

Among the most frequently suggested proposals for further activities of CMEM to improve media professionalism is the organization of more frequent and intense campaigns towards citizens to promote ethical principles and standards in journalism, to promote the concept of self-regulation as a way to improve professionalism in the media and the protection of citizens against irresponsible media. CMEM still needs to work on increasing its visibility, but also on organizing various events to increase its membership.

Educational activities involving the public and journalists, such as holding public and open sessions of the Press Complaints Committee could help CMEM to gain visibility and understanding of the most violated professional and ethical standards.

CMEM is expected to show faster response in cases of blatant violations of the Code of journalistic ethics. "In such cases, the Council must not rely only on complaints from the public, but it should react voluntarily. Reactions should be shorter, more direct and louder to reach the public."[23]

In regards to the issue of the visibility of the decisions of CMEM, it has been recommended to organize activities to promote the decisions of the Press Complaints Committee. A suggestion was to publish a monthly (or quarterly) report summarizing the conclusions of the decisions of CMEM and sent to all interested parties.

Furthermore, other recommendations suggest the use of electronic newsletters that would be sent to the media and civil society organizations. There is a recommendation for a creation of so-called "unpopular or black list" of media that often violate ethical standards. Additionally, great emphasis was placed on the need for action to increase media literacy or citizens' awareness to recognize unprofessional media reporting, which would increase the responsibility of the media.

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[23]Quote from N.S. journalist and media expert, participant in focus group realized on June 1, 2016

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Another measure being proposed is the cancelation of the membership of a media to CMEM when it refuses to publish the decisions from the Complaints Committee. There is another recommendation to CMEM to exercise a greater pressure on its members to publish decisions when convinced that they have violated the Code of Journalists. "It is necessary to have a deeper relationship between publishers and founders of CMEM with the bodies of CMEM and there should be observance of the decisions of the Press Complaints Committee."[24] It is also recommended to publish the names of the media that have repeatedly failed to publish the decisions of the Council.

Furthermore, it is recommended that CMEM should create a strategy to ensure the financial sustainability of the organization, in cooperation with some members and experts. The recommendation is to explore the existing models in other countries. In addition, as part of the next strategic plan of the organization, it is recommended to develop a detailed plan that would identify all internal and external risks.

Moreover, CMEM should maintain good relationship with its partners not only in local, but also in the international context. It is especially important to follow the opportunities to finance the work of CMEM by the donor community and to adequately respond to these opportunities.

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[24]Quote from T.B. journalist and media expert, participant in focus group realized on June 1, 2016

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