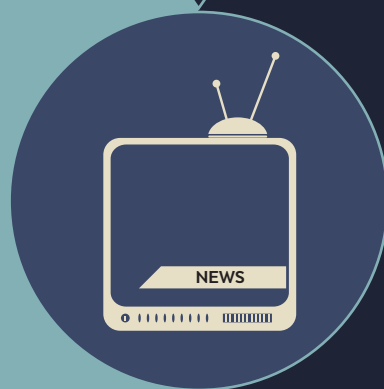


HANDBOOK

▶ **GUIDELINES FOR PREVENTING CORRUPTION AND PROMOTING ETHICS IN THE MEDIA**



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ACRONYMS

AMSD - Audio-visual Media Services Directive

EU - European Union

AJM - Association of Journalists of Macedonia

ICANN - Internet Corporation for Assigning Names and Numbers

IRL - Investigative Reporting Lab

ITU - International Telecommunication Union

BPPO POCC - Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption

RNM - Republic of North Macedonia

USA - United States of America

CMEM - Council for Media Ethics in Macedonia

FATF - Financial Action Task Forces

W3C - World Wide Web Consortium

▷ INTRODUCTION

Media is oftentimes referred to as the fourth pillar of democracy. They play a key role in monitoring and researching the work of public institutions and timely informing the public. Still, the media and journalists are not immune to corruption. Although there is only limited research and awareness of media corruption, there is a broad consensus that the development of an independent, legally protected, professionally managed and economically viable news media is essential to ensuring accountable, responsible and ethical media.¹

In developing countries, media are frequently faced with a combination of factors that create fertile ground for corruption, such as:

- ▶ **Lack of training and technical skills;**
- ▶ **Low professional standards;**
- ▶ **Limited financial resources;**
- ▶ **Complex ownership structures where usually government officials or people close to them are involved, and**
- ▶ **Inadequate and undemocratic legal frameworks.²**

Corruption in the media landscape can take many forms, such as:

- ▶ ***Bribery;***
- ▶ ***Receiving gifts and posting ads and fake news;***
- ▶ ***Nepotism, and***
- ▶ ***Captured media (for private or political interest).***

The fight against corruption in the media can include various approaches that will ensure the implementation of appropriate legal frameworks to guarantee the independence and freedom of the media, the transparency in the ownership structure and the accountability for the performed work, to raise awareness about the ethical standards and to promote media responsibility and accountability, as well as to support investigative journalism through technical training.³

Appropriate **legal frameworks** have been established and implemented, as important preconditions for the fight against corruption in the media, in order to guarantee the right

1 Wasil Schauseil (2019), *Overview of corruption in the Media*, U4 Anti-Corruption Resource Center and Transparency International, see more at: <https://knowledgehub.transparency.org/helpdesk/overview-of-corruption-in-the-media>;

2 Ibid.

3 Mara Mendes (2013), *Overview of corruption in the media in developing countries*, Anti-corruption Resource Center and Transparency International, see more at: <https://www.u4.no/publications/overview-of-corruption-in-the-media-in-developing-countries>;

to information and freedom of the media. At the same time, legal frameworks should allow for continuous revision of the rules and regulations that limit the scope of the right to information, such as some restrictive defamation laws or expensive and bureaucratic processes and registration and licensing procedures. This will contribute to protecting journalists from political arbitrariness, legal punishment or violence.⁴

Independence, i.e. the freedom of the informative, print and broadcast, media should be in the same correlation as with the independence of the judiciary. Since the achieved degree of independence in both systems is a key indicator of the achieved level of the rule of law and democracy in a country.

Basically, free media should not be held accountable to politicians, since they serve as a counterweight to corruption in public life. Hence, the media must receive special protection in order to professionally and impartially perform their regular duties. Otherwise, favourable conditions would be created practically for the mutilation of the civil society, not only due to the lack of information and the creation of a media blackout, but also due to the spread of fake news and disinformation, as well as the inability to provoke public debate, which is one of the assessment components of a free and open society.

Ownership with respect to private media carries with it the danger of a conglomerate of mass media. Concentration of media ownership is a serious threat to media pluralism, which in turn is one of the basic conditions for the development of democracy and the realization of the basic human rights - the right to freedom of expression. On the other hand, concentration of media ownership in the hands of a few can silence the voices of dissent and pose a threat to democracy through its ability to manipulate the opinion of the electorate. This is a threat that imposes the need for strong and fair regulation so as to limit mergers and acquisitions. Countries need to ensure that there is always competition in the media market. On the other hand, the transparency of the media in terms of ownership structure as well as the availability and publication of financial statements should be an exceptional and fair approach of any media in the fight against corruption. However, it should not be forgotten that we live in a globalized world, in which the satellite age and the Internet are constantly evolving, the emergence of online media that are not legally regulated, undermine the foundations of the principles of transparency and accountability.⁵

According to the results of a survey on the perception of corruption for online media conducted by the external consulting company DESO for the needs of the Council for Media Ethics in Macedonia (CMEM), it was determined that due to unregulated media, but also due to financial instability, the online media sector is subject to corruption mostly by the

4 Association of Accredited Public Policy Advocates to the European Union, *Fighting corruption in the media*, (2016), see more at: <http://www.aalep.eu/fighting-corruption-media>

5 Association of Accredited Public Policy Advocates to the European Union, *Fighting corruption in the media*, (2016), see more at: <http://www.aalep.eu/fighting-corruption-media>

business sector, but also by political parties and state institutions. The respondents specified that the owners of the information portals and the editors are the most vulnerable, and the journalists are the least.⁶

In order to provide a guiding principle for the effective performance of their profession, the **professional standards of journalists** should be established by providing appropriate technical training for professional information and detection of corrupt activities, as well as the establishment of a **Code of Ethics** where their functions, rights and duties will be publicly defined, thus preventing the emergence and penetration of corrupt elements in the functioning of the media. From that aspect, the international community, civil society and governments should intensify their efforts to build professional standards and appropriate capacities in the journalistic field that will smoothly and impartially prevent the occurrence of corrupt activities within their functioning and at the same time contribute to the timely disclosure of manifestations of corruption in the society and timely informing of the public and the competent institutions about the afore-stated. In other words, journalists that often appear in the role of whistle-blowers, publicly presenting corrupt activities of individual politicians, political parties or powerful interest groups, for whom the competent investigative bodies have not taken any appropriate actions for prosecution, need to be protected by the state through legally provided solutions.

Media oversight and accountability is also an effective tool and approach for combating media corruption. Here, regulatory bodies play an important role in monitoring the media and ensuring that journalists meet ethical standards. These bodies must be independent and free from any external influence and interference and must establish systems of accountability for the media and journalists in order to ensure that both the media and journalists respect the ethical rules.⁷

On the other hand, the role of the media in the fight against corruption through the implementation of **investigative journalism** is extremely important. Investigative journalism is one of the key weapons that the public can use to timely detect criminal activities, including corrupt activities and corrupt typologies, contributing to the responsible and accountable governance, promoting the public interest.

More and more attention is paid to the spending of public money in the media, including online media, (mostly during elections when public money flows into online media without an impressum (editor, ownership and editorial office), without respecting certain norms and standards for ethical reporting of elections and observance of the Code of Journalists)

6 Gabriela Andreevska and Risto Karjakov (2022), Attitudes towards Corruption in the Online Media in North Macedonia, DeSo Development Solution.

7 Association of Accredited Public Policy Advocates to the European Union, Fighting corruption in the media, (2016), see more at: <http://www.aalep.eu/fighting-corruption-media>

all of which is done with the blessing of the political parties. From that aspect, in order to prevent possible corrupt activities, the media and online media should be registered in registers of professional media that will have credibility including all of the above-mentioned components, all in the direction of achieving increased professionalism, transparency and accountability, impartiality in informing, with one and only purpose, prevention of corruption. In addition, in the registration process, the media must meet the minimum standards which will be part of the recommendations from this Handbook.

The purpose of this Handbook, first and foremost, intended for media workers and journalists, is to raise awareness of the risks of corruption in the media (print and electronic) as well as giving appropriate recommendations for their reduction, as well as recommendations for strengthening the role of the media in the fight against corruption.



CHAPTER I: CORRUPTION IN THE MEDIA

Corruption is a metastasis that affects all the vital organs of a society. The journalistic profession is an honest and virtuous profession in its essence. Of course, journalists and the media are not spared at all, as evidenced by a series of bad practices that have occurred in recent years where corruption in the media was often manifested through paid government campaigns or paid political advertisements with state money. The media have the potential to be an effective tool in the fight against corruption, but at the same time they themselves are at risk of corruption.

As the most important source of information for the public, the media can represent an important channel for manipulating the public opinion for their own benefit and for the interests of certain political or powerful business groups. Various media channels can be used to cover up cases of **fraud, clientelism and embezzlement** for which they receive direct donations in kind, extortion or money for journalists and editors (not) to cover a story.⁸ Capturing the media can also take indirect forms through administrative and legislative regulations (for example: licensing laws), which favour certain political or business interests.

Placing covert advertising is another way of influencing media coverage, which often results from the widespread collusion between journalists, public relations and advertising

8 Mendes, Maria. 2013. Overview of Corruption in the Media in Developing Countries, Transparency International U4 Expert Answer.

agencies. **Asking for an “advertisement” for not publishing a news story**, or asking for a “reward” for publishing information is one of the most common forms of corruption techniques used in the world of media and journalism. Equally dangerous is accepting bribes as a form of corruption or the appearance of nepotism in the employment or dismissal of staff only for not showing obedience when following certain editorial policies, which is contrary to the ethical standards in journalism.

From the above-stated, we can conclude that corruption in the media landscape can occur in different types such as:

- ▶ ***Bribery***
- ▶ ***Receiving gifts and posting ads and fake news;***
- ▶ ***Nepotism, and***
- ▶ ***Captured media (of private or political interests).***

One of the purposes of this Handbook will be to explain the listed forms of corruption and their manifestation in the media world, as well as to highlight the key drivers (main reasons) that provide conditions for their occurrence.



1. TYPES OF CORRUPTION IN THE MEDIA

1.1. BLACKMAIL, BRIBE AND EXTORTION

The first aspect of media corruption is the susceptibility of media and journalists to corrupt behaviour. Although we can say that journalism is an honest and virtuous profession, still some of them are not immune, nor excluded from involvement in corrupt activities. Having the power of words in the media, journalists have in front of them a huge social and political power that they often know how to misuse and even abuse for their own self-interest by accepting bribes or kickbacks. On the other hand, it is in the interest of corporations in search of a positive spin to seek out inexperienced or unethical journalists.⁹

There are many examples of journalists, editors and media outlets receiving bribes or paid material disguised as news, or attempts or actual money extortions for publishing good stories or not publishing harmful stories in which the main actors are certain political structures or powerful business groups.

Research by the Center for International Media Ethics (CIMA)¹⁰ emphasizes that taking bribes through various forms (mostly cash) for editorial and unethical media activities are common practices for underdeveloped and developing countries, including the countries of South Europe, including the countries of the Western Balkans:

Namely, the media and journalists can give bribes when they:

- 1. aim to get more information about the story, and**
- 2. report content with false data and information.**

But, the media outlet or journalist can take bribes and be bribed when they:

- 1. want to cover a particular story, or**
- 2. change the coverage of an event in favour or disadvantage to a third party.**

Of course, such practices significantly undermine the integrity and impartiality of media reporting, which in practice results in the publication of the so-called “fake” news or fictional news, biased news or news for sale.¹¹

9 Marcela Kunova (2021), *Who pays when a Journalist is bribed?*, Објавено: 13 April 2021, accessed on 22.06.2022, see more at: <https://www.journalism.co.uk/news/who-pays-when-a-journalist-is-bribed-/s2/a813127/>

10 Mara Mendes (2013), *Overview of corruption in the media in developing countries*, Anti-corruption Resource Center and Transparency International, see more at: <https://www.u4.no/publications/overview-of-corruption-in-the-media-in-developing-countries>;

11 Association of Accredited Public Policy Advocates to the European Union, *Fighting corruption in the media*, (2016), see more at: <http://www.aalep.eu/fighting-corruption-media>

In order to raise public and professional awareness, especially among journalists and the media, they should know that bribery in the media can occur at the following three levels:

Level	(I) Interpersonal level	(II) Intrarorganizational	(III) Interorganizational level
Shape	The journalist takes the cash directly from the source of the news	Direct influence from the editor on the journalist giving them specific orders and directions on what to write or not to write	Direct relationship through a formal legal agreement between a company and a media outlet, where the company pays an amount of funds in exchange for publishing a number of positive articles about a particular company, news that attack their competition or fake news.

1.2. RECEIVING GIFTS AND PUBLISHING ADVERTISING AND FAKE NEWS

Political structures and powerful business groups can exert their influence on the media and media coverage through alternative means such as bribery and advertising. In underdeveloped as well as developing countries, the effect of a journalist's low salary is the key driver. Namely, in such environments, journalists tend to be particularly vulnerable to this form of corruption. This type of media corruption is often the result of a widespread collusion between journalists and public relations and advertising organizations.¹²

Although the media and journalists need to be protected and independent of foreign political, corporate and other influences in order not to jeopardize their editorial policy, there is still the possibility that they may be involved by receiving different types of gifts and rewards from those they are reporting about. An example of this is the official visit of the delegation from the Government of the RNM to Rome, marking the 2th of May, the day of the Slavic Enlighteners Ss. Cyril and Methodius, where only some of the private media

12 Bosnjakovski M., Shopar V., Bojarovski Z (2005), *Ethics in the Media in Southeast Europe*, Macedonian Institute of Media, 2005, p. 6.

outlets got the opportunity to attend, and all that without publicly announcing the criteria for the selection of journalists by the Government of the RNM in the process of selection of journalists. This selective approach of the Government, without publishing any criteria, can be interpreted as favouring specific media.¹³

On the other hand, placing an ad in the media, especially in those that are not declared as such, is another way to influence the positive coverage of certain news, data or information concerning an issue, distorting the editorial policy and process in that manner. Here are some examples, among which the most common would be the following:

- ▶ Reporting by media organizations on the growing trend of public relations companies that use pseudo-independent and objective news to promote their customers' products;
- ▶ The practice of taking cash for a particular news or comment involves displaying a paid advertisement as an editorial comment or opinion;
- ▶ Publishing hidden advertisements that may appear for political reasons, but only in cases when a certain political party or candidate manages to gain influence over a certain media outlet.¹⁴

1.3. NEPOTISM

Nepotism most often occurs in the employment procedures of journalists and other media workers who are close and have some connections and relations with the management or the owner of the media. This practice aims to create so-called “puppet” journalists who, under the direct guidance and command, carry out the editor's orders, publishing false or selected news, information and data, contrary to the journalist's integrity and code of ethics. This practice can occur in the event that a particular political party, government official or powerful business group or corporation registers a media outlet, employing journalists or persons without any journalistic practice, in order to create and publish news so as to praise their success and the success of their businesses.

The same happens with the dismissal of employed professional journalists who, guided by the principles of integrity and ethics, openly oppose certain editorial policies and practices that are contrary to media norms and principles which in turn leads to their replacement

13 Tahiri Sefer (2022), Integrity of journalists, condition for the independent editorial policy, published on 08.06.2022, see more in: <https://kdpolitik.com/mk/2022/06/08/интегритетот-на-новинарите-услов-за-н/>

14 Association of Accredited Public Policy Advocates to the European Union, *Fighting corruption in the media*, (2016), see more at: <http://www.aalep.eu/fighting-corruption-media>

with the so-called “obedient” journalists who will silently implement the guidelines of the editorial policy.

1.4. MEDIA CAPTURE

Since mass media are often the most important source of information on citizens’ public affairs, they are also an important means of manipulating public opinion for private or political interests.

Media capture is a form of management failure by media owners that occurs when they promote the commercial or political concerns of state and/or non-state special interest groups that control the media industry instead of holding those groups accountable and responsible for reporting in the interest of the public. It is a systemic problem of governance where political leaders and media owners work together in a symbiotic, but a mutually corrupt relationship: media owners provide full coverage of the news of the political leaders in replacement for a favourable government treatment of their business and political interest or the owner of a certain media outlet can push for a more subtle and indirect influence on the administrative decisions or legal interventions that influence the media regulations to their benefit.¹⁵

The result of this phenomenon could be the creation of a hybrid regime, halfway between a democracy and a totalitarian state. Guriev and Treisman called the “information autocrats” the new typology of political elites, whose main strategy for maintaining power is to ensure the control of the flow of information through a series of mechanisms without directly attacking journalists.¹⁶

1.4.1. MEDIA CAPTURE BY THE REGULATORS

One of the most worrying aspects of the phenomenon of media capture refers to the functionality of the regulatory bodies in charge of monitoring and sanctioning the actions that the media violate when it comes to the laws governing the media sphere. When they are not independent, we encounter the so-called regulatory captivity, a term that indicates the tendency of the regulator to be controlled by political elites, thus advancing their agenda to the detriment of professional standards.¹⁷

15 See more at: <https://www.cima.ned.org/themes/media-capture/>

16 Sergei Guriev and Daniel Treisman (2019), *Informational Autocrats*, Journal of Economic Perspectives—Volume 33, Number 4—Fall 2019—Pages 100–127

17 Resource Centre on Media Freedom in Europe (2019), *Media capture: Toolkit for 21st century autocrats*, see more at: <https://www.rcmediafreedom.eu/Dossiers/Media-capture-Toolkit-for-21st-century-autocrats>

According to international best practices, regulators should be functionally and financially independent of state authorities. However, interference often hinders the proper functioning of these institutions. Among other things, interference can take the form of a politicized composition of the managing board, failure to respond in numerous cases of violations of the law, political party licensing and inadequate sanctioning of broadcasters for violating existing regulations.

The independence of regulatory institutions is as important to the media environment as are the independent central banks to the monetary system. However, countries face difficulties in establishing and maintaining independent media regulators because politicians see independent regulators as an obstacle in their ability to use state resources to influence media coverage.

2. MANIFESTATION OF CORRUPTION IN THE MEDIA

Taking into consideration the afore-stated forms of corruption in the media, they can be manifested as follows:

2.1. ENFORCEMENT OF ORDERS THAT GO AGAINST THE JOURNALISTIC INTEGRITY AND ETHICS

One of the most common ways of corruption manifestation in the media is the ordered publishing, i.e. absence of publishing certain news, data and information on certain social conditions, political activities and abuses. Most often, captured media carry out orders by writing and publishing articles emphasizing the success of a certain political elite or government, or spreading fake news and propaganda, as well as creating false perceptions about certain social phenomena or events, promoting certain goods and products, etc. Such orders usually come from certain political structures, powerful business groups and companies, or from certain criminal or terrorist organizations, which are affected by the quality of the news, that is, the data and information that the media and journalists have about them, and at the same time they are directly affected by their publishing, thus they are endangered. Such orders are accompanied particularly by two mechanisms:

- ▶ **Giving bribes** - where stakeholders caught up in the situation offer cash or other types of services in exchange for publishing or not publishing certain news, data or information.
- ▶ **Direct threats and aggressions** - where stakeholders, especially used by criminal or terrorist organizations, pose a direct threat to the media and journalists. (An example of this is the terrorist attack on the media organization Charlie Hebdo in 2015, after publishing a story mocking certain religious groups, followed by a terrorist attack on the journalists).

For the most part, respecting the vertical position in the hierarchy, the journalist, guided by the circumstances and material existentialism, must follow the order issued by the editor.

2.2. APPEARANCE OF MEDIA WITH NON-TRANSPARENT OWNERSHIP STRUCTURE

In the registration of media, including online media where the ownership structure is not known and is not transparent, there is a possibility of misuse, abuse and corruption because often enough certain political parties or powerful business groups are hiding behind such media.

This is especially true of online media that are not legally regulated and that serve as a media platform for what the online media owner wants. And, most often they are the screen for certain political parties that use this unregulated space to announce the successes of their implemented policies or to produce and publish fake news about their political opponents. Since they are not regulated, there is a possibility of collision of interest between the online media owners and the political party. Such online media usually appear before the start of the election process and serve first and foremost to manipulate the public opinion by publishing fake news and untrue content about their political opponents. This practice has been observed in the Republic of North Macedonia where online media are registered just before the start of the election process and they are registered in the register of the State Election Commission, in order to receive a certain budget reimbursement that the online media are entitled to in order to ensure smooth information flow during the election process, while at the same time avoiding the register of professional media (promedia.mk).

2.3. SELECTIVE INFORMATION

In the existential struggle for survival, the approach of small and large media is different. Especially those at the local level where the population is increasingly declining and companies are closing down due to lack of adequate manpower. In such conditions, media outlets are financed by publishing advertisements by these companies. In an attempt to keep them as their clients, media outlets resort to selective or non-objective informing and publishing information, especially if such a company, which is a client of a particular media outlet, carries out illegal activities. In such a case, in order to meet the financial needs, the journalists and the media outlets do not publish stories and news that will endanger the reputation of the companies.

▶ 3. TRANSPARENCY IN THE MEDIA

Transparency is often treated as a remedy in the political process. As long as the resources, revenues, investments, ownership, and the like of public and private companies are transparent, the argument goes, state regulatory policy can be avoided because in such a constellation it is unnecessary. This applies to both the industrial and service sectors of the economy and politics - for example, the pharmaceutical, agricultural, arms or raw materials industries, as well as political parties and lobbying organizations.

The media is particularly affected by this ideal, as news and information are considered important to the well-being of democracy and democratic decision-making.

Carolyn Ball (2009) developed three main meanings of transparency

- ▶ **Generally recognized norm.** Transparency is understood as a norm generally recognized by society aimed at combating corruption at all levels in various state and private institutions and organizations. Transparency here advocates open decision-making by governments and overall good governance. In this context, transparency is related to accountability and it should have both direct and indirect effects - on the one hand, through transparent behaviour of all state, public, commercial and non-profit institutions and organizations, and on the other, through mutual controls on an institutional level. This includes media companies, which have an important role to play in ensuring the transparency of politics, business and civil society. Transparency is not

only seen as an antidote to corruption, it also contributes to the balancing of democratic deficits in the powerful institutions, enforcing their legitimacy in the eyes of the public.¹⁸

- ▶ **Openness.** Transparency as a norm encourages openness, while at the same time reinforcing concerns about secrecy and privacy. Openness means not only open decision-making, but also easy access and use of information for the involved and affected persons and organizations in the context of the processes of participation and emancipation. Here, too, media companies and journalism play an ambivalent role when it comes to transparency, secrecy and privacy.
- ▶ **Complexity.** Transparency can in principle signify complexity, as it includes who is making the decisions, what decisions are being made and what information was available in the decision-making process. According to Ball, political and economic decision-makers create transparency along with accountability, trust, efficiency and effectiveness.¹⁹

3.1. TRANSPARENCY OF THE OWNERSHIP STRUCTURE

Different types of companies - such as companies, trusts, foundations, partnerships and other types of legal entities (including the media) - carry out a wide range of commercial and entrepreneurial activities. However, despite the essential and legitimate role they play in the global economy, under certain conditions, they are abused for illegal purposes, including money laundering, bribery and corruption, insider deals, tax fraud and other illegal activities. This is because, for criminals trying to circumvent anti-money laundering and anti-terrorist financing measures, companies, including the media, are an attractive way to conceal and convert criminal proceeds before they are introduced into the financial system.

Media abuse could be significantly reduced if information on the legal owner and the rightful owner, the source of the media funds and its activities are readily available to the authorities and publicly available, thus showing accountability and transparency.

Legal information and useful property information can assist law enforcement and other competent authorities in identifying those individuals who may be responsible for the underlying activity in question or who may have relevant information for further investigation.

18 Ball, C. (2009). *What is transparency?* *Public Integrity*, 11(4), 293–307. <https://doi.org/10.2753/PIN1099-9922110400>

19 Ibid;

This allows the authorities to “track the money” in financial investigations involving questionable accounts/assets held by legal entities, i.e. media outlets. However, countries face significant challenges in implementing measures to ensure the timely availability of accurate information to the rightful owners. This is especially challenging when involving a legal entity (media outlet) that has a complex structure that includes a mix of individuals, legal entities and legal arrangements spread across multiple jurisdictions.

The purpose of the Financial Action Task Forces (FATF) standards for transparency and usufruct is to prevent the misuse of corporate vehicles for money laundering or terrorist financing. However, these FATF standards are recognized as supporting efforts in the prevention and detection of other specific categories of offenses such as tax offenses and corruption. In this regard, measures implemented by countries to improve transparency in line with the FATF recommendations can provide a platform for more effective solutions to serious problems such as corruption, as well as meeting other international standards.

So far, Article 5 of the Audio-visual Media Services Directive (AMSD) in the codified version of Directive 2010/13/EU²⁰ only stipulated that audio-visual media service providers should make available a minimum of information about the service they provide in the form of:

- ▶ Name of provider,
- ▶ Address,
- ▶ Contact details, and
- ▶ Details of the competent regulatory or supervisory bodies (where applicable).

This general obligation for transparency of the ownership structure was introduced on the grounds that, due to the specific nature of audio-visual media services, especially in terms of the impact of these services on the way people form their opinions, it is essential that users know exactly who is responsible for the content and how and in what manner they could be contacted.²¹

Transparency and disclosure of information on the ownership structure of media companies, however, was not covered by this and therefore, the existing relevant rules at the level of Member States are not set out in the secondary legislation of the European Union (EU).²²

20 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, OJ L 95, 15.4.2010, pp. 1–24.

21 Recital 45 of Directive 2010/13/EU.

22 See the European Commission's 2020 Rule of Law Report (COM(2020) 580 final), p. 22, and the accompanying country reports, https://ec.europa.eu/info/publications/2020-rule-law-report-communication-and-country-chapters_en; see also Smith C. and Stolte Y., “The Transparency of Media Ownership in the European Union and Neighbouring States”, 2014, https://www.access-info.org/wp-content/uploads/Transparency_of_Media_Ownership_in_the_EU-09-26-2014.pdf.

However, when AMSD was amended under Directive (EU) 2018/1808, the provision was extended, with a very similar explanation regarding the need for available content liability information, including information on the ownership structures. Article 5(2) now provides that Member States may adopt legal measures requiring media service providers under their jurisdiction, in addition to the above-stated information, to make the details of their ownership structure available.

The new Article 5(2) and items 15 and 16 were included in the amended Directive on the proposal of the Council. In its initial proposal, the Council proposed that the transparency obligation include information not only on the ownership structures, but also on the politically exposed individuals who own media service providers. Although this wording was not eventually adopted, the final version of Article 5(2) is largely in line with the Council proposal, although it was supplemented during the trialogue negotiations with an explicit reference to the fundamental rights of the rightful owners of private and family property, i.e. a wording that was less restrictive for media service providers was chosen.

The open wording of Article 5(2) ensures that existing national provisions setting out transparency obligations for media ownership can remain in force.

Transparency, regardless of the context in which it is achieved, can lead to a strengthening of trust in the conditions and processes that the medium itself delivers. At the same time, it provides oversight and monitoring, whether for consumers, authorities or researchers, and creates a form of accountability for the companies concerned. Transparency regulations, including general disclosure obligations and specific information requirements, are often used in the secondary legislation to take public interests into account. This is especially true in the media sector, where the issue of transparency refers to the transparency of the content, i.e. the information that is important for the democratic process of forming an opinion, which in turn has a direct impact on the fundamental freedoms of expression and information.

In this regard, below we will summarize some of the rules for transparency in the EU secondary legislation, as well as the self-regulation initiatives, in order to show the importance of transparency as a comprehensive principle, especially in the EU law, and how it relates on the transparency of media ownership.

As the Republic of North Macedonia (RNM) has committed itself to transpose the European legislation into the national legislative framework, it needs to be harmonized and applicable.

3.2. MISUSE AND ABUSE OF LEGAL ENTITIES - MEDIA OUTLETS

In general, the lack of adequate, accurate and timely information on media ownership facilitates corruption and money laundering by concealing:

- ▶ The identity of known or suspected criminals or politically exposed persons who may be part of the ownership structure;
- ▶ The actual purpose of the account or property held by the media outlet;
- ▶ The source or use of assets or property related to the media outlet.

Practice has identified several examples of how media ownership information can be concealed through the use of:

- a **Shell companies** (which can be established with different forms of ownership structures), especially in cases where there is foreign property that is distributed throughout jurisdictions;
- b **Complex ownership and control structures** that include many layers of shares registered in the name of other legal entities;
- c **Bearer shares** and bearer guarantees;
- d **Unlimited use of legal entities** as directors;
- e **Formally appointed shareholders and directors** where the identity of the proposer is not disclosed;
- f **Informally nominated shareholders and directors**, such as close associates and family members;
- g **Trusts and other legal arrangements** enabling the separation of legal ownership and actual ownership of assets; and
- h **Use of intermediaries in establishing legal entities**, including professional intermediaries.

These problems are greatly exacerbated when different aspects of legal entities implicate several countries. Politically exposed individuals, as well as criminals, can create, administer, control, own and financially manage legal entities registered in different countries, thus preventing the competent authorities in any jurisdiction from obtaining all relevant information about the legal entity subject to the money laundering investigation, or other predicate offense such as corruption or tax evasion.

Multi-jurisdictional structures (structures consisting of a series of corporate entities and trusts created in different countries) can be particularly difficult to track when transactions between related entities that appear to be legitimate are used to launder proceeds of crime, including corruption. In such cases, delays in obtaining the international cooperation needed to track the money may ultimately frustrate or undermine the investigation.

Legal entities with similar features to the above-mentioned may pose a higher risk of illegal financing by means of proceeds of crime. Most often, such companies promote complexity in the ownership structure and increase the difficulty for authorities to obtain accurate information about the real property (e.g., shell companies and bearer shares) when conducting investigations involving legal entities (media outlets) suspected of abuse.

According to Simonovski & Evgo (2022),²³ in order to hide the true identity of the real owner of a legal entity – media outlet, they can use the following complex ownership structures:

Figure 1: Complex ownership structure

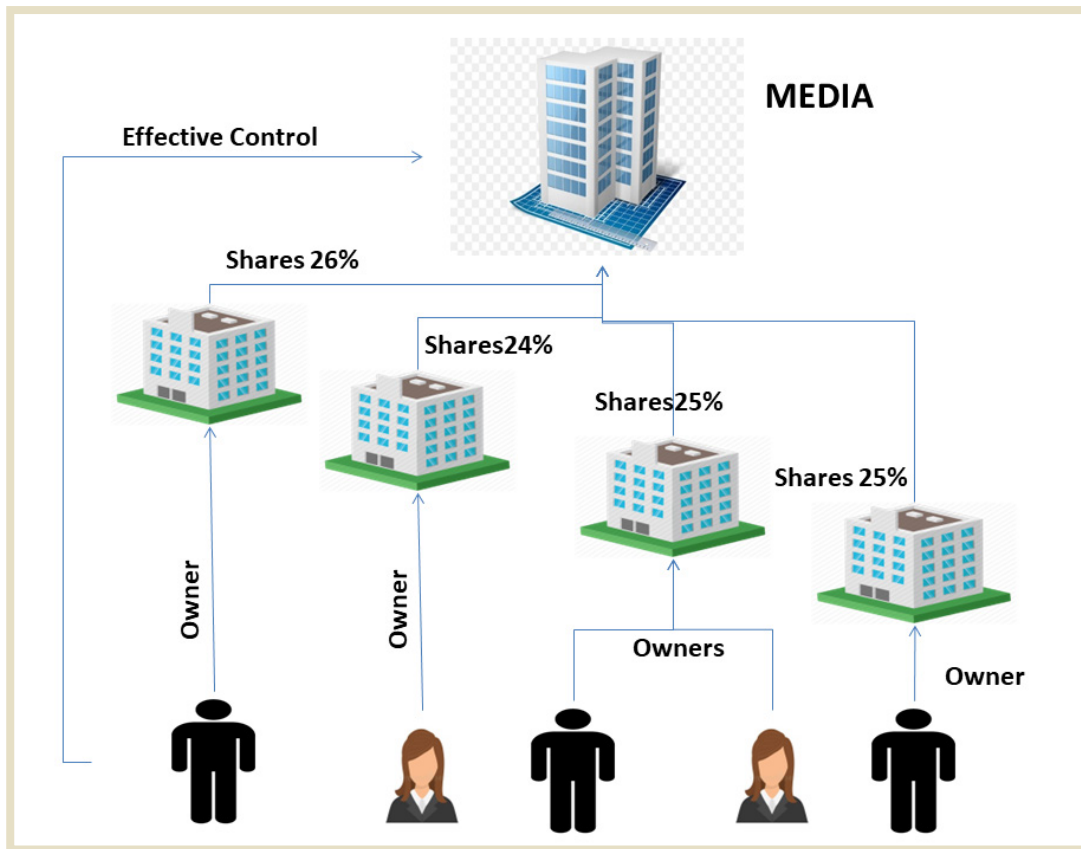


Figure 2: Ultimate owner with effective control over a legal entity

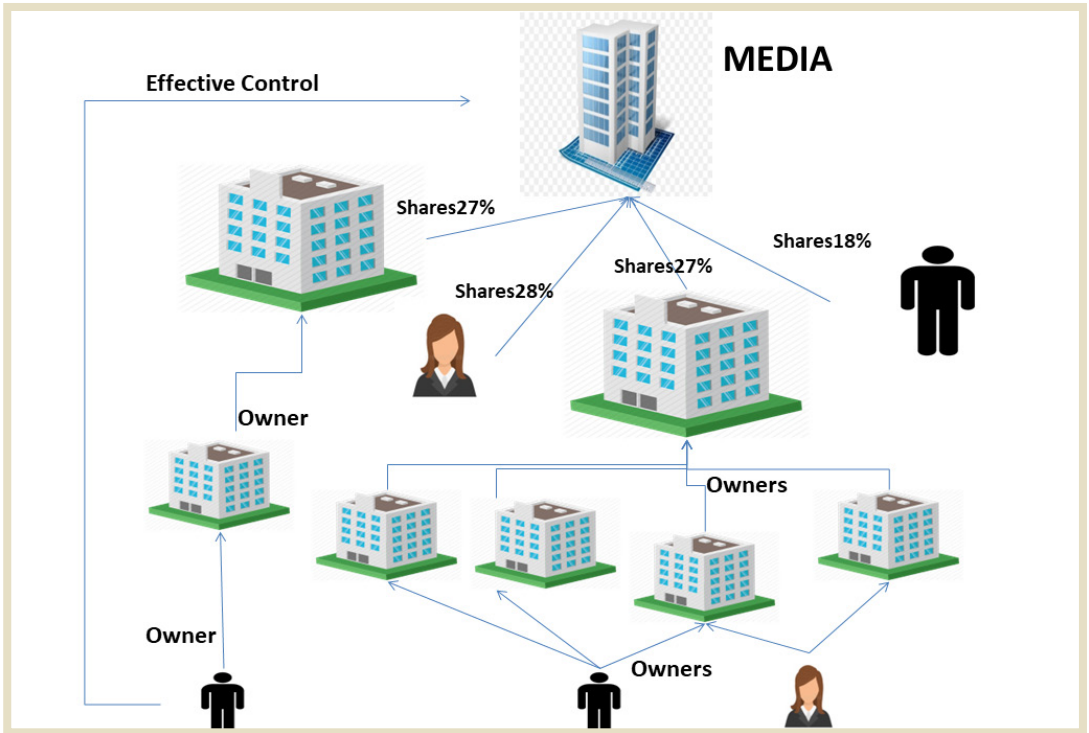
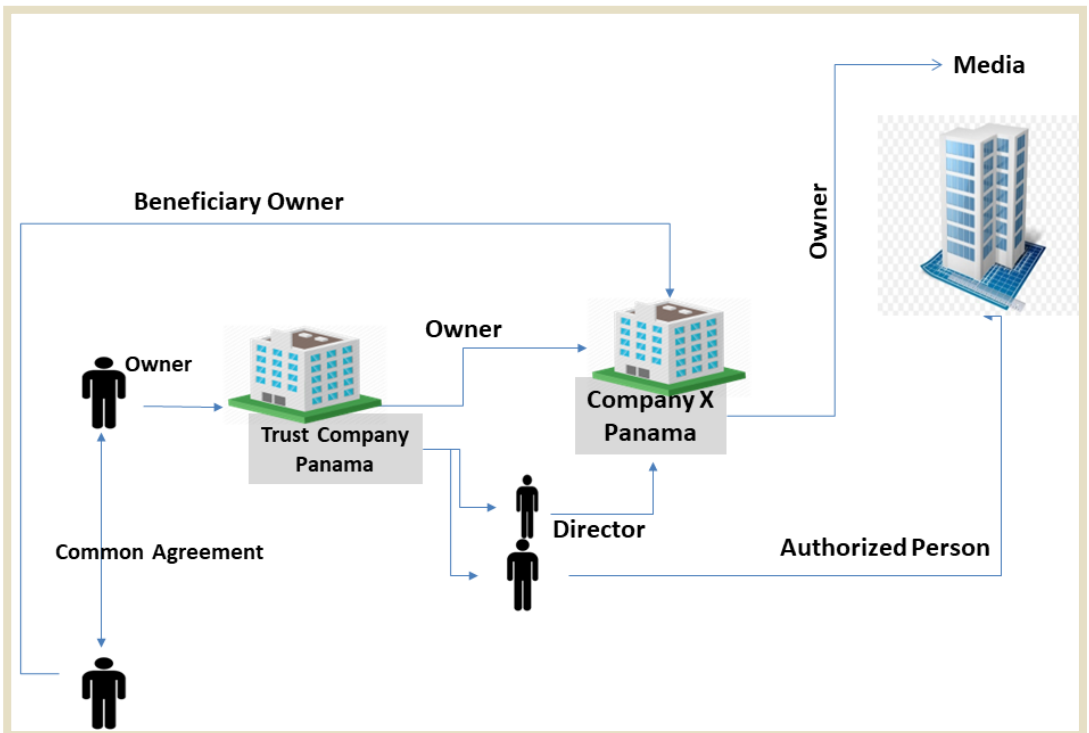


Figure 3: Ultimate owner with effective control over a legal entity



▶ 4. MAIN REASONS (DRIVES) FOR CORRUPTION IN THE MEDIA

The reasons for corruption in the media can be different, but in general we can systematically divide them into:

- ▶ **Low economic standard** – as the main condition for corruption in the media. Journalism in many countries is a low paid profession, so journalists are often tempted and exposed to bribery and corruption. The poor material, existential and social position of journalists and their families puts journalists in a situation to abuse their profession, i.e. to put themselves in the service of someone else's interests (political, business, financial), which requires better trade union organization through which they will exercise their rights.
- ▶ **Political pressures** – for consistency and continuous representation in the media space creates conditions for corruption, so that the media through direct contact with the authorities can receive certain benefits, absence of implementation of controls, benefits in regulating and receiving subsidies in return.
- ▶ **Intimidation and blackmail in the workplace** – as mentioned above, the manifestation of nepotism is present in the media from the aspect that journalists, in order to maintain their professional integrity and ethical norms, do not resort to blackmail and threats from the editorial management for publishing or not publishing a certain article, news or other. This driver or cause of corruption is directly related to the low economic standard of journalists in terms of the fact that they, in order not to lose their jobs, are constantly pressured and blackmailed.
- ▶ **Media-Power Connection** – or so-called clientelism in which the government and the media are in direct contact, where the government through budget funds will finance a certain media outlet at the expense of favourable news and data on the success of the government.
- ▶ **Inadequate legal framework for media regulation and self-regulation** – although it should be the first reason or driver, still the need to regulate the work of the media, to conduct supervision over their work without endangering the freedom of the media is important. At the same time, the lack of a self-regulatory process can also lead to the

emergence of corruptive elements, such as: if a certain online media outlet is registered in the eve of the elections without having adequate experience, code of ethics, lack of transparency with respect to the ownership structure and financial operations, lack of an impressum, lack of an editor/author/journalist for the news they publish, in order to obtain certain legal funds from the budget intended for professional reporting or receiving subsidies from the government, in that case we can actively talk of potential corruption.



CHAPTER II: THE POWER OF THE MEDIA IN THE FIGHT AGAINST CORRUPTION - RISK AND CONTEXT

The power of the media in the fight against corruption can be viewed from two perspectives:

- 1 They can play a major role in exposing corruption;
- 2 They can initiate legal, political and punitive measures against corruption, and
- 3 The media can work on the self-regulation aspect by raising the integrity and ethical standards, strengthening the independence of the media through appropriate media policies, promoting accountability through strengthened and increased oversight and controls by independent regulatory bodies, accountability and transparency, and supporting investigative journalism by strengthening the human and technical capacities.

In terms of the fight against corruption, the media is a key driver that provides information to the public on government, administrative and business activities that society needs to be aware of, thus providing the general public with a critical capacity to hold those in power accountable. By timely detecting, exposing, informing and educating about the

1. PROFESSIONAL STANDARDS IN THE MEDIA

Those who need to unite in their efforts to raise professional standards are precisely the media and thus they are the ones who need to strengthen the positions of journalism in society. Cooperation among journalists in the field of ethics is also an excellent training ground for their co-operation in seeking legitimate rights from governments. However, quality should never be a prerequisite for freedom.

Only completely free media can be fully responsible. Without free media, civil society is crippled, not just because of scarcity of information, but also because of the inability to spark public debate.

Indicators of the number and type of complaints addressed to the CMEM Complaints Commission during the last (2021) show that the **ethical and professional standards of journalism are mostly violated by online media (76.5%)**, followed by television (17.6%), and from print newspapers and weeklies (4.4%). Out of a total of 68 complaints submitted to the Commission in the course of the previous year most are from citizens (33.8%), followed by media and journalists (25%), by organizations and associations from the civil sector (22.1%), and by holders of public office, institutions and political parties (19.1%). Out of 68 decisions, the Commission found a violation of the Code of Journalists and imposed a moral sanction in 38 cases, and 16 complaints were unfounded or outside the competence of the Commission.²⁵

For CMEM, the most worrying fact is that most of the violations relate to the basic rules of ethical journalism: publishing accurate, verified and comprehensive information (in 60.5% of cases) and the differentiation of facts from the opinion of the journalist (in 34.2% of cases). In 31.5% of the registered cases, the journalists did not cultivate the culture of speech and did not respect the principle of exemplary communication with the public.

Of particular concern is the fact that 23.7% of the total number of complaints referred to media that spread hate speech, used discriminatory statements or incited stereotypes in the public, thus causing serious harm to members of certain groups.²⁶

The public, which is informed mainly by online portals or other media that do not follow the rules of ethical journalism, becomes an easy object of manipulation due to the large amount of fabricated or half-true information. Given the enormous manipulative power of disinformation

25 [Ethical and professional standards of journalism are mostly violated by online media \(semm.mk\)](#)

26 [Infographic - Statistical review of the decisions of the Appeals Commission for 2021 \(semm.mk\)](#)

and fabricated or fake news that spread under the guise of “serious journalism”, in order to further affirm self-regulation, there is an appeal to respect the rules of Internet portals.²⁷

However, despite the introduction of these rules, the media should work with professional integrity and strive for consistent application of the basic principles of ethical journalism.

Accordingly, the media should:

- ▶ Inform, educate and entertain;
- ▶ Encourage debate on important issues of public interest;
- ▶ Play a key role in building a democratic society;
- ▶ Represent objectively and truthfully the different communities in the society and encourage the respect of the differences between them.

Meanwhile, journalists should:

- ▶ Hold accountable the holders of state and other public office;
- ▶ Research and shed light on topics of public interest;
- ▶ Work freely, independently, in a safe environment and with legal and social protection.

If the media and journalists are exposed to pressure from different centers of power, there is a constellation of relations that reflect an insufficiently mature democratic state; they have entered into clientelistic “schemes” or are in function of fulfilling political agendas – in that case what suffers are the professional standards!

Public interest journalism is the journalism that covers topics and is in the function of the interest or benefit of the majority of citizens in society. That is when journalists SERVE THE TRUTH!

The basic task of journalists is to respect the truth and the right of the public to be informed.

27 <http://semm.mk/sovet-za-etika-4/pravila-za-chlenstvo>

1.2. ETHICAL NORMS

The basic media ethics principle states: “Journalists will defend human rights and freedoms, respect the pluralism of ideas and attitudes, and contribute to strengthening the rule of law and control of the government and other subjects of public life”.

Codes of ethics provide journalists with guiding principles on how to apply their profession. The names of these codes differ: ethical standards, ethical charters, codes of conduct, codes of work, code of ethics, etc. However, they all have similar goals: protecting the autonomy of the profession and serving the public interest. The term “Code of Ethics” is accepted in our country.

The **Code of Ethics** of journalists in Macedonia was created by journalists in November 2001. The Code of Ethics is in accordance with the ethical standards of the International Federation of Journalists and is a result of world experience and the needs for professional work of journalists in the Republic of North Macedonia.

It is based on the following ethical principles:

- ▶ Freedom of the media is an inalienable right in North Macedonia guaranteed by Art. 16 of the Constitution;
- ▶ Journalists have a role to convey information, ideas and opinions and the right to comment in an honest, objective and accurate manner;
- ▶ It is the right and duty of journalists to strive to prevent censorship and distortion of the news.

Necessary prerequisites for professionalism in the media are:

- ▶ Security of journalists, media workers and protection of their personal integrity;
- ▶ Economic and social independence of journalists and media workers;
- ▶ Separation of the editorial office from the management of the media and the owner;
- ▶ Transparent institutions and open cooperation with them;
- ▶ Editorial schools;
- ▶ Media literacy of journalists;
- ▶ Editorial offices must not be under pressure from political and business centers of power;
- ▶ Autonomy and independence in their work, distinction between information and a commentary, political balance and pluralism of views.

1.2.1. WAYS IN WHICH MEDIA THAT DO NOT SERVE THE PUBLIC INTEREST ARE CORRUPTED

In order to understand the detrimental impact of current forms of relations between politics/politicians and the media, we must address the issue of corruption.

If we observe the international organized crime networks we will easily see that they have been successfully infiltrated in all segments of human life, including the economy and that they have spread throughout the world. At the heart of it all is corruption: governments have allowed systems and their most important elements to run wild, and they have equally turned a blind eye to such systems falling apart, so financiers and businessmen have continued to amass wealth²⁸. Corruption is a strong indicator of a weak democracy because it points to a political class that has become cynical, immoral, out of control and out of the public eye.

Evidence of media corruption must be sought at multiple levels. First, that the media do not always serve the public interest, even though it forms the framework of the work of journalism. Then, that the dominant source of revenue for the media (advertising) is what prevents the media industry from conducting “democratization from within”. In this context, we should also talk about the situation of journalists, their dominant practices and their (in)ability to think critically about their own behaviour. Finally, the problem of lost trust in government institutions (distrust as a consequence of society’s higher expectations of democratic standards) must be taken into account, hence the demands for radical transparency of institutional work must be accompanied by the mechanisms of a pragmatic democracy, that is, a democracy oriented towards joint problem-solving. In this process, the primary role of the media is to define and interpret meta-concepts that extend beyond existing interpretations of social processes.²⁹

If we put all this in a broader context, we will see how corruption has contributed to democracy equating itself with the capitalist production system and stigmatizing the state in its role of an active protector of the public interest in the face of alleged market management, which has created a situation where the question of privatization of collective and state property has become a purely political issue, not an economic one.³⁰ As a result, we have a privatization that led to the replacement of state ownership with apparent private ownership of politically motivated clientelistic groups. The current ownership relations in the media sector clearly show how the turndoor between politics and the media works. To understand how corruption works, we need to understand its basic principle, that is,

28 Schneider, L. (2014). Media freedom indices: What they tell us — and what they do not. Retrieved from <http://www.dw.com/popups/pdf/37157168/01-2014-media-freedom-indices-pdf.pdf>

29 The Law on Broadcasting Activity of 2005 was written by several working groups established within the Center for Media Development, and the entire process was led and coordinated by Roberto Belichanec, one of the most prominent activists for media freedom and human rights in the country.

30 Anonymous interview with the owner of a national broadcasting media, Skopje, July 26, 2013

how corruption affects governance, or, to be more precise, how bad governance destroys democracy.

Democracy requires those in power to rule for the benefit (not in the interest) of all. **Democracy lies in the freedom of expression, freedom of speech and freedom of the media. Corrupt media mark the death of democracy.** They are deeply undemocratic institutions that turn the state into a private company. However, democracy is neither a noun nor an adjective. It is a verb that means constantly checking how much the people in power at a given moment are working for the benefit of all.³¹

Consequently, corruption has no national prefix, nor can it be located geographically - it is a global problem. The crisis surrounding the media industry and journalism is primarily a crisis of existing media management models. Paul Starr points to a direct link between the decline of the print media industry and the rise of new forms of corruption: **“Journalistic articles are not the only thing newspapers have left us with. They have given the public a powerful way to control the state, and such control is now at risk. If we take seriously the idea that newspapers are the fourth order or the fourth branch of government, the end of the age of newspapers implies a change in our own political system.** Newspapers helped control corruption trends both in the government and the economy. If we want to avoid a new era of corruption, we will have to invoke that power in another way. **Our new techniques do not abolish our old responsibilities”**.³²

The fight against corruption in the media, as well as against exposure to non-transparent ownership relations and methods of financing and criticism of the decline of journalism as a practice of public control over the work of government institutions is also a struggle for democracy. It is important not only to identify negative practices in the work of the media, but also to establish new forms of media work in which the battle for media integrity would be just one of the key political demands. Effective media policy is a policy that establishes dialogue between the media (journalists) and the public and creates an environment for media work that would allow the media to break free from the yoke of dependence on private centers of power and become dependent on the public. To achieve this goal, we need to counter the existing managerial, financial and ownership models in the media sector.³³

31 West, D. M. (2005). *Digital government: Technology and public sector performance*. Princeton, NJ: Princeton University Press.

32 Starr Paul (2009), *Goodbye to the Age of Newspapers (Hello to a New Era of Corruption)*, The New Republic, објавено на 04.03.2009, see more at: <https://newrepublic.com/article/64252/goodbye-the-age-newspapers-hello-new-era-corruption>

33 [MediaObservatory](#)

▶ 2.3. INTERNAL INTEGRITY SYSTEM

2.1. SELF-REGULATION OF THE MEDIA

Media self-regulation is a joint commitment of media professionals to establish voluntary editorial guidelines and adhere to them in a learning process that is open to the public. Thus, the independent media accept their share of responsibility for the quality of public discourse in the country, while fully preserving their editorial independence in shaping that discourse.

At the same time, self-regulation protects the right of journalists to be independent and to be judged for professional misconduct by their colleagues, not by those in power. When it comes to correcting factual errors or violating the personal rights of the media, satisfaction with the decisions of self-regulatory bodies reduces the pressure on the judicial system to sanction journalists.

Self-regulation is neither about censorship nor self-censorship. It is about establishing minimum principles of ethics, accuracy, personal rights and the like, while at the same time fully protecting the editorial freedom in terms of the things to be reported and the opinions to be expressed.³⁴

That means that:

- ▶ Journalists will accept the “judgement” in relation to the profession only from their colleagues and will be out of any political or any other influence.

Self-regulation is the commitment of media professionals who are aware of the need for quality in maintaining dialogue with the public. An established grievance mechanism to deal with justified concerns in a rational and autonomous manner. **Obviously, only those journalists, editors and owners who strive to create responsible media will engage in this kind of dialogue.** Self-regulation can be established both within the industry and within the newsrooms. Outside the media, the main complainants are usually political institutions and public figures, as reporting and commenting on their activities is an important matter for the serious media. Equally interested partners, however, could be the protagonists of civil society, such as business organizations, labour organizations, religious and minority organizations, traditional and newly established interest groups, and, of course, individual representatives of the audience.

In the Republic of North Macedonia there are two bodies for self-regulation in the media:

34 OSCE Mission in Skopje (2017), *The Media Self-regulation Guidebook: All Questions and Answers*, <https://www.osce.org/files/f/documents/5/3/316171.pdf>

- ▶ Council of Honour in the Association of Journalists of Macedonia (AJM)
- ▶ Appeals Committee of the Council of Media Ethics in Macedonia (CMEM)

The 2021-2025 National Strategy for Prevention of Corruption and Conflict of Interest, recognize the absence of (self)regulation of online media that needs to be established, as well as the need to upgrade the register of professional media outlets as the top priority issues that generate high corruption risk along with the identified measures for overcoming them. The absence of regulation results in their uncontrolled action in the media sphere, both with respect to meeting the professional and ethnical journalistic standards, and with respect to their ownership and financing.³⁵

2.1.1. CODES OF CONDUCT OF JOURNALISTS

Self-regulation has long been considered the professional responsibility of journalists, and we have witnessed various attempts to codify the responsibility of journalists, often through the media of their professional associations. Although existing codes somewhat differ, most contain common elements including the principles of truthfulness, accuracy, objectivity, impartiality, and fairness.

Codes of conduct are limited and difficult to maintain. Basically, they are professional codes adopted voluntarily by journalists, but without sanctions if they are violated. If a journalist association fires its member or employee who knowingly violated such a code, this does not imply a further ban on him/her working as a journalist. But they say, the mistake repeated twice becomes a habit. Hence, the media should establish a practice that will require references from the last two to three employers when hiring. Such access will be aimed at profiling the candidate journalist who wants to be employed in a new media house.

In addition, it is well known that journalists often have little power within their organizations. Decisions about which stories will be processed, what budget will be allocated to each story, and what priority will be given are usually made by editors or senior managers. Media owners use their power to influence how events are reported and published, but also to shape the priorities of the media organization whenever they can. In such circumstances, the journalists' code of ethics would be relatively powerless.

This practice requires the creation of a mechanism that will allow the current journalists to play the role of the so-called "whistle-blowers" through which mechanism they will have the opportunity to inform the relevant authorities about the working processes in the media. On the other hand, the state should establish a mechanism to adequately protect these whistle-blowers from further repercussions. In RNM, the Assembly adopted the Law

35 State Commission for Prevention of Corruption, 2021-2025 National Strategy for Prevention of Corruption and Conflict of Interest <https://dksk.mk/wp-content/uploads/2021/01/Nacionalna-strategija-DKSK-KONECNA.pdf>

on Whistle-blower Protection, but distrust in the judicial system throws this mechanism on its knees. However, as a recommendation, each media outlet should develop internal working procedures in which it will incorporate the mechanisms for reporting irregularities in the work of the media outlet, as well as the information channels.

2.1.2. EDITORIAL INDEPENDENCE

In parallel with the codes of ethics of journalists, it is useful to have **guarantees of editorial independence**, so that the journalist can work without direct control from the commercial interests of the media owners. Editorial independence means the right of journalists to decide what to do (what story to cover), as well as where to publish it – in a newspaper, magazine or electronic media, regardless of the views of the owners. This should be regulated by the internal rules for the work of media workers, including journalists, in every media house or media outlet. In most countries, editorial independence is not defined, which means there are relatively few formal codes that would explain what it means. An exception, notably, is the agreement between the National Association of Norwegian Newspapers (now the Norwegian Media Business Association) and the Norwegian Editors' Association, which in 1953 adopted the Declaration of the Rights and Duties of Editors, known in Norway as the "Redaktørplakaten" or Code of Editors.³⁶

This code includes the following:

"The editor will promote freedom of opinion and will do his or her best to advocate for what he/she feels that serves (is useful for) the society. Through his/her work, the editor will promote an impartial and free exchange of information and opinions."

This code also implies that the editor is legally responsible for the content of the media he or she edits. Although this has been a voluntary agreement in recent years, attempts have been made to make it legally binding.

2.1.3. PROFESSIONAL INSTRUCTIONS

A third element of professional self-regulation is the professional guidelines adopted by media organizations as a matter of editorial policy. Perhaps the best example of this are the various guidelines adopted by the BBC, which should govern its purpose/mission. The general framework of the BBC guidelines is the statement of its value³⁷:

There is a conscious balance between freedom and responsibility, that is, recognition that media freedom (to operate independently of government control) must stand side by side with certain responsibilities in exercising that freedom.

There are detailed guidelines covering issues such as accuracy, fairness, impartiality, privacy,

36 <http://www.informaworld.com/smpp/content~db=all~content=a788048456~frm=titlelink>

37 <http://www.bbc.co.uk/guidelines/editorialguidelines/page/guidelines-editorial-values-introduction>

harm avoidance, media responsibilities during elections, conflict of interest, and covering sensitive issues such as conflicts, young people, religion, crime, and sexuality.

2.1.4. IMPLEMENTATION STANDARDS

There are three intertwined aspects of professional self-regulation that are mutually reinforcing and that form a comprehensive approach to professional self-regulation:

- ▶ Codes of ethics for journalists;
- ▶ Standards that ensure editorial independence;
- ▶ Media organizations that have guidelines for covering events;

Inevitably this raises questions about the process, i.e. how are these self-adopted codes supported? Do they rely solely on the power of moral impulse, or is there a way to empower them?!

In many areas of commercial life, self-regulation is entrusted to the management of a body of industry professionals. A classic approach in a media organization is to establish an independent media ombudsman - an employee in every media company who will receive and investigate complaints from readers, listeners or viewers about the accuracy, fairness, balance and good taste in covering events. They may recommend appropriate corrections or responses to correct or clarify news reports. For example, the ombudsman of the Guardian newspaper in the United Kingdom publishes a regular list of corrections and clarifications in response to complaints in newspaper articles, and also has the authority to decide on more serious complaints and to change the newspaper's editorial policy.

▶ 3. THE ROLE OF THE INTERNET AS A DIGITAL PLATFORM AND THE IMPLICATIONS OF SELF-REGULATION

The communication environment has been transformed by the ability to convert different types of information (voice, sound, image or text) into digital code, which has become available through a number of electronic devices - from personal computers to mobile phones. With the advent of the Internet, the communication capacity has been transformed, from something essentially local (be it a region or a country) to a medium that is truly global. In their first incarnation, the Internet and the web attracted attention by offering a new global and boundless space capable of avoiding traditional censorship. John Gilmore, a liberal activist and founder of the *Electronic Frontier Foundation* (whose name suggests his perspective), was quoted in Time magazine saying, **“The Net interprets censorship as damage and routes around it”**³⁸.

Today, of course, the net has become an increasingly controversial, closed, and nationalized space, but liberal opportunities and new forms of domination and control have renamed the challenge of freedom of expression in the modern era. What are the features of this space that affect freedom of expression?

As a mother of all networks, the Internet is an international platform that does not have comprehensive jurisdiction. No entity governs the entire Internet: governance is provided by different components and institutions operating in completely different jurisdictions. For example, a program can be created in Ukraine, set up on a server in America, and downloaded in Ghana.

If there is a need for any state intervention, it is not clear how such powers would be properly exercised, as there are no ways to regulate content internationally, nor is there a consensus on the norms to be applied. As a result, great emphasis is placed on the importance of self-regulation on the Internet. However, there are dangers in this approach. There are no accepted self-regulatory standards developed for the Internet environment. Consequently, self-regulation, mainly by companies, takes place in a vacuum shaped by commercial ties or private pressure from governments.

In RNM, although there is no legal framework to regulate online media, still, through a self-regulatory system established by the CMEM rules for the reception of online media (Internet

38 First quoted by Philip Elmer-DeWitt “First Nation in Cyberspace”, Time Magazine, 6 December 1993.

portals) in the Register of Professional Online Media³⁹, principles of conduct of each online media and guidelines for ethical reporting in online media⁴⁰ and Guidelines for ethnical reporting of the online media⁴¹ have been established.

Regarding the obligatory criteria for admission of online media in the Register, **it is necessary to supplement them with the following proposed criteria:**

- ▶ Statement by the media owner and journalists that they will not publish hate speech, inciting speech, nationalism and discrimination.
- ▶ List of completed trainings in the field of professional journalism conducted by the CMEM, as guarantee of the continuous process of capacity building for respecting the ethnical framework.

39 <https://promedia.mk/page2.php?lang=mk>

40 <https://promedia.mk/page3.php?lang=mk>

41 <https://semm.mk/etichki-nasoki/888-misijata-na-obse-vo-skopje-i-sovetot-za-etika-vo-mediumite-gi-objavi-ja-prvite-nasoki-za-etichko-izvestuvanje-na-onlajn-mediumite-vo-severna-makedonija-2>

CONCLUSION

In short, it is very important to recognize the dual nature of the media and their implications. First, it is a place where the free exchange of ideas and opinions necessary in a democracy is allowed and which is why it deserves the highest protection and freedom from state interference. Second, the media is in itself a social actor, who chooses whether, and/or how to cover events and whose editorial position can shape events. In that way (s)he should be asked to act in a socially responsible way. It is this dual character that makes the effective form of self-regulation so essential.

However, self-regulation is not a simple matter; it sets requirements at all levels, the media organizations, the journalists, their editors and managers, the media organization's approach to content production and the overall behaviour of the media house. The rapidly evolving nature of online media and the complex legal issues posed by the global environment place self-regulation at the heart of the evolving media landscape.

If we accept that self-regulation is a necessary alternative to state control of the media, there are two comprehensive principles. First, all media actors, professional or business, have an obligation to abide by the rights and obligations arising from the freedom of non-interference of the state. These commitments should focus on the need to protect and promote freedom of expression. Second, all such obligations should be explicit and transparent and subject to regular reporting in the public sphere. Both conditions are essential if self-regulation is to protect freedom of expression, not just the interests of the companies.



5. GUIDELINES FOR PREVENTING CORRUPTION IN THE MEDIA

Based on the above-stated, it is necessary to adopt a series of measures and guidelines for journalists and the media in order to successfully prevent corruption in the media.

▶ 1. GUIDELINES FOR PREVENTING THE JOURNALIST TO GET INVOLVED IN CORRUPTION

In performing their main activity, the journalist should pay attention in order not to get himself/herself in a situation to be involved in corruptive activities by accepting rewards such as:

- ▶ Using a vehicle for promoting an automotive company;
- ▶ Reward trips for promoting and recording video material for a certain travel company;
- ▶ Trips for journalists paid from the state budget organized by government institutions for targeted information;
- ▶ Trips organized by the executive government;
- ▶ Attending certain seminars and counselling;
- ▶ Offers for lunches or dinners;
- ▶ Use of free telephone or computer services;
- ▶ Use of free mobile phones;
- ▶ Services for the immediate family of the journalist or editor through employment procedures, schooling and education, awarding scholarships;
- ▶ Awarding subsidies to selected media and journalists;
- ▶ Awarding state awards to selected media and journalists, etc.

▶ 2. MEDIA TRANSPARENCY

It is necessary to adopt measures that would promote the transparency of the owners and ownership structures of the media, but also to prevent the concentration of ownership and to promote media pluralism, regulating the shares of foreign owners in the ownership structure of the media. This also aims to achieve prevention of collision of interests and increased insight into the hidden political and financial interests that can influence the media content, thus compromising the weak and dubious business relations, thereby endangering the integrity of the media system.

For that purpose, the following is necessary:

Adoption of legal solutions for transparency of the media ownership structure. The following are specific guidelines that the norms for transparency of media ownership should define:

- ▶ **Defining the media sectors to which the request for transparency refers** – A comprehensive system of transparency can be achieved only if the legal solutions cover all media sectors (print, electronic and online media), but also preferably all types of companies that are in any way related to the media (advertising agencies, companies that provide information on viewership/listenership/readership, attendance, distribution, etc.). In order to fully cover online platforms, the application should not be limited to media outlets registered as legal entities, but also to platforms in which a large number of authors participate and over whose content there is editorial control.
- ▶ **Constantly updating the data (at least 1 year) for changes in the ownership structure (owners and shareholders) and submitting the data to the Central Registry.** Thereby, any abuse of this system of ownership transparency for covert control and surveillance of the media should be prevented by strictly limiting the competence of the competent body to collect information pertaining to the ownership.
- ▶ **Minimum basic data on the ownership structure from which the real owner can be determined, such as:**
 - Name and contact details of the media;
 - Founding documents;
 - Number of shareholders whose share is greater than 5%;
 - Name and contact of the direct owners with more than 5% of the shares;
 - Identity of those with indirect control or significant interest, above the 5% threshold;
 - Citizenship/residence status of shareholders with over 5% share;
 - Country of headquarters of the company which has over 5% shares;
 - Identity of the true owners where the shares are held on behalf of another (e.g. through brokerage or silent ownership).
- ▶ **Availability and free access to data:**
 - Ownership information should be clearly signed and easily accessible on the media website and/or central government portal.
 - Access to ownership information in electronic format should be free. The fee for accessing printed copies of information should only cover actual shipping costs (e.g. copying and postage costs) and should never be so high as to deter those wishing to obtain the information.

- Information published under media-specific law should in itself be sufficient to identify ownership in a centralized database, without the need to cross-reference with other registers.
 - If original documents are attached, they should be scanned (for example in PDF format), linked to the database, and also available for download.
- ▶ **Increasing transparency through** public disclosure of information on owners who have shares greater than 5%:
- Shares of those owners in other media;
 - Shares of those owners in other non-media companies;
 - Positions held by every politician or public servant in the media;
 - Family ties (including the definition of “affiliation”) between any owners.
- ▶ **Transparency of the impact in the media:** In order to understand in more detail not only who owns, but also who controls the media, the following information is needed:
- Senior management, for example directors (of a company), key executives, managing editor;
 - Details of relative voting weights where they are not evenly distributed among shareholders, and minutes of annual general meetings, including voting records.
- ▶ **Clear and precise legal framework:** Whether the provisions on disclosure of media ownership are contained in a single law covering print, broadcast and comparable online media or in multiple laws, the reporting processes should not be overly burdensome for the media and the content of reporting requirements laid down in different laws should be absolutely clear and not in conflict with each other.
- ▶ **Supervision by an independent body:** An independent oversight body should have a mandate and adequate resources to monitor and ensure compliance with relevant laws.
- Sanctioning media companies for any non-fulfilment of reporting obligations, as well as for reporting false information.
 - Non-compliance sanctions should be proportionate to the size of the medium.
 - Appointment, mandate, function and powers of the oversight body should be designed to ensure its independence from government. Laws governing the application of sanctions should ensure that they cannot be abused for political purposes and that they provide the media with effective and prompt grievance mechanisms.⁴²

42 Access info Europe (2013), *TEN RECOMMENDATIONS ON TRANSPARENCY OF MEDIA OWNERSHIP*, see more at: <https://www.access-info.org/media-ownership-transparency/>.

- ▶ **Preventing media ownership concentration:** In doing so, the above range of information on indirect ownership and impacts should make it possible to limit not only the concentration of nominal ownership, but also the concentration of influence through indirect, real ownership, as well as the ownership of the related parties. It is important to note that in addition to these restrictions, on the other hand, positive measures should be developed to promote media pluralism through certain state incentives.⁴³

▶ 3. RECOMMENDATIONS FOR LEGAL INTERVENTIONS AND IMPROVEMENT OF IMPLEMENTATION OF THE LAWS

- ▶ **Improving the financial situation of the private media and introducing mechanisms for tax relief and similar benefits for the media.** An analysis of the provisions of the Law on Audio and Audio-visual Media Services and other relevant laws is needed, the implementation of which will contribute to the improvement of the financial situation.
- ▶ **Establishment of a fund for financial support and independence of the media.** It is necessary to open a debate on the possible establishment of a fund for the media, especially on the goals and criteria for financial support (encouraging program diversity, improving the status of journalists, etc.), the manner of distribution of funds, independence and objectivity in conducting the procedure.
- ▶ **Amendments to the Electoral Code.** The changes should simplify the rules for the media campaign in order to reduce the possibility of misuse of paid political advertising in the private media and institutionalized acceptance of the Register of Professional Media Outlets in the election process, instead of introducing a new register through the SEC.
- ▶ **Initiating an amendment to the Code of Ethics for Journalists** in the public service aimed at strengthening the internal self-regulation in this medium.
- ▶ **Improving the cooperation with the Ombudsman,** in the direction of greater engagement of this institution in the protection of the rights of journalists.⁴⁴

43 Hodzic Sanela, *In search of greater regulation, transparency, influence and financing media from the public budget*, See more at: <https://bhnovinari.ba/wp-content/uploads/2019/10/U-potrazi-za-boljom-regulacijom-transparentnosti-medijskog-vlasni%C5%Altva-i-finansiranja-medija-iz-javnih-bud%C5%BEta.pdf>

44 Milan Spirovski and Verce Todorovska-Kostovska (2020), *Indicators of the degree of media freedom and safety of journalists in North Macedonia in 2020*, Association of Journalists of Macedonia, See more at: <https://znm.org.mk/wp-content/uploads/2021/06/MK-MK-2020.pdf>

4. INCREASING AWARENESS ABOUT THE RISKS OF CORRUPTION IN THE MEDIA AND JOURNALISTS

In order to recognize corrupt activities in a timely manner, the media and journalists need to:

- ▶ **Conduct continuous campaigns and trainings**, through which, journalists and the media would learn more about the risks of corruption in the media that were elaborated at the beginning of this Handbook.
- ▶ **Protection of journalists and media from various forms of pressure**, threats, attacks and violence, in cases where they want to publish and disclose relations, cases and actors in clientelism, corruption and crime in politics and business, including the media.
- ▶ **Journalists should not assume the role of clients of political and business sponsors** in exchange for receiving various goods or privileges.
- ▶ **Stopping nepotism in the media** through the independent appointment of editors guided by their professional competencies and integrity, and not on the basis of their political affiliation, loyalty and links to the specific political business interests of the media owners.
- ▶ **Increasing the professionalism of journalists** through their non-polarization which in turn enables them to act as informal spokespersons of opposing political blocs.
- ▶ **Organizing journalists in associations and trade unions** locally, regionally and internationally through which they will be provided with protection of their rights and promotion of values.⁴⁵
- ▶ **Wage increase** of journalists and other media workers and payment of additional fees for carrying out activities in dangerous zones.
- ▶ **Following moral norms** explained in the code of conduct in situations where the journalist is offered a bribe.
- ▶ **Adoption of rules prohibiting inappropriate interference in the work of journalists and the media by governments and state institutions** and the establishment of principles for full and transparent disclosure of contacts and transactions between the media and government officials.
- ▶ **Providing employment contracts and conditions** for a journalist or other media staff who meets international labour standards and who entitles them, without retaliation, to refuse any form of work that violates their professional codes and conscience.
- ▶ **Agreement on internal rules and procedures in the media** to ensure full disclosure of all paid content and to clearly distinguish it from editorial and journalistic work.⁴⁶

45 Petkovikj Brankica (2015), *WHY IS THE INTEGRITY OF THE MEDIA IMPORTANT FOR A BETTER UNDERSTANDING OF THE MEANING AND RISKS OF MEDIA INTEGRITY*, Peace Institute, Institute for Contemporary Sociological and Political Studies, <http://www.mediaobservatory.net/>

46 The European Federation of Journalists (EFJ) (2015), *Untold Stories – How Corruption and Conflicts of Interests Stalk the Newsroom*, Ethical Journalism Network, See more at: <https://europeanjournalists.org/blog/2015/03/16/corruption-in-the-media-is-killing-ethical-journalism-says-ejn/>

▶ 5. CMEM GUIDELINES FOR IMPROVED MEDIA REGULATION

The Council of Media Ethnic in Macedonia can improve the self-regulation of the media through:

- ▶ **Organizing trainings and educational workshops** on the risks of corruption in the media and the manner in which media and journalists can protect themselves through self-regulation.
- ▶ **Strengthening the importance of the Registry of Professional Media Outlets via:**
 - Continuous monitoring and sifting of the media that do not comply with the membership criteria.
 - Using the Registry as a tool for which media can enter the register of the State Election Commission for monitoring the election campaigns and election processes, in order to obtain adequate financial compensation through the possibility of paid political advertising with public money.⁴⁷
- ▶ Conducting campaigns that will raise the awareness of the business community about their advertising in online media. This will practically solve the problem of financial stability and uncertainty in the local media that face problems in securing continuous funding.

⁴⁷ Blazevski, Teofil (2021), *Monitoring the European Integration Process: Reforms in the Media Sector: Halfway Reforms - Political Will, here today, gone the next*, Metamorphosis Foundation, 2021, p.13.



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