

# Macedonia

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*Capital:* Skopje  
*Population:* 2.1 million  
*GNI/capita, PPP:* US\$11,370

Source: The data above are drawn from the World Bank's *World Development Indicators 2013*.

## Nations in Transit Ratings and Averaged Scores

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Electoral Process	3.50	3.00	3.25	3.25	3.25	3.50	3.25	3.25	3.25	3.25
Civil Society	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25
Independent Media Governance*	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.50	4.75	4.75
National Democratic Governance	n/a	4.00	3.75	3.75	4.00	4.00	4.00	4.00	4.25	4.25
Local Democratic Governance	n/a	4.00	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75
Judicial Framework and Independence	4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.00	4.00	4.25
Corruption	5.00	5.00	4.75	4.75	4.50	4.25	4.00	4.00	4.00	4.00
<b>Democracy Score</b>	<b>4.00</b>	<b>3.89</b>	<b>3.82</b>	<b>3.82</b>	<b>3.86</b>	<b>3.86</b>	<b>3.79</b>	<b>3.82</b>	<b>3.89</b>	<b>3.93</b>

\* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

## EXECUTIVE SUMMARY

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Delays in European Union (EU) and North Atlantic Treaty Organization (NATO) integration and the strain of the global economic crisis have significantly stalled nearly every area of democratic development in Macedonia. The governing coalition, comprised of the Internal Macedonian Revolutionary Organization–Democratic Party for Macedonian National Unity (VMRO-DPMNE) and the Democratic Union for Integration (DUI), has been challenged more by its own internal squabbles than by the actions of opposition parties. The largest opposition party, the Social Democratic Union of Macedonia (SDSM), struggles to gain traction with the public and to challenge Prime Minister Nikola Gruevski. At the end of the year, SDSM staged a boycott of the National Assembly to protest the government’s budget proposal.

The independence of the judiciary came into question in 2012 amid allegations that the government and the health minister had exerted influence on the courts to stop a strike organized by doctors. On another judicial matter, interethnic tensions were fueled when five men were shot dead at close range while fishing at a lake near Skopje, an act the government hastily blamed on Islamic terrorists.

The lack of robust, independent media and civil society continues to leave Macedonia without strong watchdogs that can monitor legislation and hold the government accountable. The government faced criticism for launching tax investigations of a nationally broadcast television station (A1 TV) and three newspapers (*Vreme*, *Spic* and *Koha e Re*) considered critical of the administration, leading to their closure. In March 2012 the owner of these media was convicted of tax evasion, money laundering and defrauding creditors and sentenced to 13 years in prison. In addition, government spending on media campaigns and its strong influence on the overall media market drew criticism from human rights and press freedom organizations.

Despite the negative developments, there were positive steps: defamation was decriminalized and the Broadcasting Council moved to enforce conflict-of-interest laws designed to prevent political interests from controlling the media. Although the council’s new approach toward enforcing conflict-of-interest laws marked a step forward in addressing this decade-old issue, it does not necessarily guarantee of the independence of the body since the government continues to interfere in its decision-making, especially with regard to the appointment of council members.

**National Democratic Governance.** In the middle of April, five Macedonian fishermen were killed near the capital of Skopje, leading to the arrests of several Muslim suspects. Officials called the killings a terrorist act, invoking memories of the 2001 ethnic conflict. Tensions grew again when, on the 11<sup>th</sup> anniversary of

the signing of the Ohrid Framework Agreement, the ethnic Albanian minister of defense dressed in a military uniform and laid flowers on the grave of Albanian fighters who died in the 2001 intercommunal conflict. *Macedonia's National Democratic Governance rating remains unchanged at 4.25.*

**Electoral Process.** Months ahead of local elections set for March 2013, political parties were already getting a running start on campaigning. By early November, the parliament had voted to revise the electoral code and reviewed several proposed changes, including a legal framework for dealing with campaign finance violations and increased transparency in the State Electoral Commission. The Council of Europe Group of States against Corruption (GRECO) published its annual report on transparency in party and electoral campaign financing, providing recommendations for Macedonia's electoral code. Of the 13 recommendations made by GRECO, three were fully implemented and four others partially implemented. *Macedonia's electoral process rating remains unchanged at 3.25.*

**Civil Society.** Nongovernmental organizations and other civil society actors remain politicized and polarized in 2012, undermining their advocacy and oversight roles. Likeminded organizations supported completely different measures depending on their relationship with the key parties in the country. Although the Law for Civil Organizations and Foundations prohibits NGOs from financing or organizing political activities for political parties, there are no sanctions for those that bend the law. Representatives from the civil sector contend the law must be amended to better define what direct political involvement really means. *Macedonia's civil society rating remains unchanged at 3.25.*

**Independent Media.** Lengthy negotiations in 2012 between the government and the Association of Journalists finally ended in September with the much-anticipated decision to decriminalize defamation. Critics of the draft law on the import and distribution of foreign print materials, movies and information services succeeded in removing language from the amendment that allowed for what critics said amounted to government censorship. The Broadcasting Council compelled three national media owners with direct political ties to either sell their enterprises or leave politics. Though these represented positive developments, it remains to be seen how these will affect press freedom and media market development in the future. *Therefore, Macedonia's independent media rating remains unchanged at 4.75.*

**Local Democratic Governance.** Some hurdles noted at the beginning of the decentralization process remained for many municipalities in 2012, such as the lack of financial independence; frequent lack of coordination between municipalities and the central government; and administrative inefficiency. In the buildup to local elections in 2013, it became evident there were big differences between the VMRO-DPMNE and DUI that form the governing coalition. This was especially evident when local mayors on their own renamed schools and streets after ethnic

heroes and religious figures, often without respecting formal procedures and despite objections from central government institutions. *Macedonia's democratic governance rating remains unchanged at 3.75.*

**Judicial Framework and Independence.** Several incidents in 2012 called into question the independence and professionalism of judicial and law-enforcement bodies. In one case, trade unionists accused Health Minister Nikola Todorov of pressuring a Skopje court to ban a general strike by doctors. In another instance, the Criminal Court, the State Public Prosecutor's Office, the Ministry of Interior and the Security and Intelligence Department came under scrutiny for their handling of the mid-April shooting deaths of five men at a lake near Skopje. At one point in the investigation, the testimony of a protected witness in the murder case was leaked to the public. Five suspects were charged with terrorism in October and their trial, scheduled to begin in December, was postponed. Also in 2012, the Constitutional Court applied a 2002 amnesty law to the four cases returned from the International Criminal Tribunal for the Former Yugoslavia in The Hague. Some legal experts contended amnesty could not be applied to cases involving crimes against humanity. *Macedonia's rating for judicial framework and independence declines from 4.00 to 4.25.*

**Corruption.** Macedonia's efforts to combat corruption in 2012 remained ad hoc and largely ineffective, even though almost every government since the country's independence in 1991 has claimed to prioritize the fight against graft. A number of large corruption cases that originated with the privatization of state companies in the 1990s led to back-and-forth accusations between the ruling VMRO-DPMNE and the SDSM as each side tried to discredit the other. *Macedonia's corruption rating remains unchanged at 4.00.*

**Outlook for 2013.** The lack of independent media and a strong civil society will hamper democratic development in Macedonia and leave it vulnerable to political heavy-handedness and official corruption. Macedonia's local elections in 2013 will indicate whether the current government will keep its cozy position or face a stronger and more effective opposition. Significant overall changes should be expected if the long-running name dispute with Greece is resolved or alternatively, if Macedonia manages to pursue EU and NATO integration while continuing to seek a resolution with Greece.

# MAIN REPORT

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## National Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	4.00	3.75	3.75	4.00	4.00	4.00	4.00	4.25	4.25

The internationally backed Ohrid Framework Agreement, which ended fighting between Albanian separatists and Macedonian security forces in 2001, grants Albanian-majority areas the right to education in their native tongue provides guarantees of multiethnic participation in government. Other legacies of interethnic conflict have gone unaddressed. These issues include financial support for the families of the members of the army and police who were killed during the fighting; the status of former members of the so-called Albanian National Liberation Army (NLA); the renaming of schools and streets inspired by ethnic differences; and the building of religious monuments and memorials.

A 2011 survey showed Macedonian citizens were primarily concerned about poverty and unemployment, with ethnic issues ranking 10<sup>th</sup> on their list of concerns.<sup>1</sup> However, the fatal shooting of five men at a lake near Skopje at Smilkovo Lake in April brought tensions between ethnic Macedonians (who are predominantly Christian) and the country's primarily Muslim ethnic Albanian population—back into the spotlight in 2012. Internal affairs Minister Gordana Jankulovska announced that evidence showed that the killers were most probably Islamic fundamentalists, without stating their ethnic or national origin. Some 20 people were initially suspected.<sup>2</sup> Interethnic tensions intensified to the point that police forces were engaged to prevent riots from breaking out in several locations throughout Skopje from the Macedonian and Albanian communities. Groups of young people organized protests demanding that the killers of the five men be brought to justice.<sup>3</sup> Some two weeks after the murders, Prime Minister Nikola Gruevski stated in a public address that the country's peaceful interethnic relations had not been jeopardized. Attempting to calm the public, he assured listeners that the investigation would focus on the crimes of the perpetrators, not their ethnicity.

Other politicians took the opposite approach, adopting radical stances towards the case and invoking the memory of the 2001 conflict. Former foreign affairs minister Antonio Miloshoski posted a statement on the Twitter networking site demanding that the murderers receive the death penalty, even though Macedonia does not practice capital punishment.<sup>4</sup> Experts claim that the authorities' imperfect handling of the situation reflects the irregular nature of relations within the ruling coalition—the Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE) and the Democratic Union for Integration (DUI)—as well as relations between its leaders, Prime Minister Gruevski (VMRO-DPMNE) and Ali Ahmeti (DUI).<sup>5</sup>

On the 11<sup>th</sup> anniversary of the signing of the Ohrid Framework Agreement, Defense Minister Fatmir Besimi (DUI), shocked many observers by appearing five other representatives of the Ministry of Defense dressed in Macedonian military uniforms placed flowers on the grave of Albanian fighters who fought and died in the 2001 conflict. Critics said the minister's action glorified opposition fighters while government officials from the ruling VMRO-DPMNE and the army command publicly distanced themselves. Besimi called his actions a gesture of reconciliation that was intended to close a painful chapter in history.<sup>6</sup>

A public poll conducted by the Macedonian Center for International Research (MCMS) and the Institute for Democracy showed that the majority of the ethnic Macedonians thought that Besimi's act was not an act of reconciliation, while most ethnic Albanians disagreed.<sup>7</sup> At the request of President George Ivanov, the army began an investigation—ongoing at year's end—to determine whether the civilian defense personnel who accompanied Minister Besimi to the monument of the Albanian fighters had breached the army's discipline code by wearing military uniforms.

The name dispute with Greece—which dates back to Macedonia's independence from Yugoslavia in 1991—continues to stall progress towards joining the North Atlantic Treaty Organization (NATO) and the European Union (EU). Greece believes the use of "Macedonia" should refer solely to its own province of the same name and has pushed Macedonia to adopt "the Former Yugoslav Republic of Macedonia" as its international moniker. Macedonia still does not have a start date for accession negotiations with the EU, but a European Commission progress report due in early 2013 is expected to focus on the country's relations with neighboring EU states Greece and Bulgaria.

Macedonia is under pressure from several EU states over the number of asylum-seekers, mostly Roma, it produces. Many of these seek asylum based on economic reasons. In response to EU pressure, Macedonia's government changed its Criminal Code<sup>8</sup> and the law governing border surveillance in 2011, introducing harsh penalties for those abuse the asylum principle.<sup>9</sup> In 2012, the European Roma and Travellers Forum in Strasbourg, France, claimed that customs officers at Macedonia's borders were practicing racial profiling, refusing to allow many Roma to exit the country on the assumption that they would seek asylum in Western European states.<sup>10</sup> Macedonia's Ministry for Internal Affairs has acknowledged that border controls have become more rigorous due to the threats from the EU in November 2011 to reinstate a visa regime with Macedonia as well as Serbia, another EU candidate and major source of asylum-seekers in Western Europe.

Many citizens have questioned the reliability of Macedonia's last population census, conducted a decade ago. Ethnic Albanians, in particular, contend that it did not accurately reflect minority populations working outside the country during the summer season. Albanians are the second largest ethnic group in the country, comprising about one-quarter of the population. The government's seeming inability to conduct a new census reflects the depth of the country's governance challenges and lack of national unity.

The year closed with an unsettling political drama when the largest opposition party, the Social Democratic Union of Macedonia (SDSM), sought reductions in the 2013 budget to prevent a rise in the national debt. The governing majority denied the request. On 24 December 2012 the MPs of the SDSM tried to boycott the vote on the 2013 budget but were removed from the National Assembly by security guards. Journalists covering the event were removed as well. The budget was approved by MPs from the ruling VMRO-DPMNE and its coalition allies, including the Albanian DUI. The next day, two separate groups, one supporting the boycotting SDSM and the other group supporting VMRO-DPMNE, divided by a police cordon, protested in front of the Assembly. SDSM leaders announced that they would hold daily protests in Skopje and block the capital's main streets and boulevards. Meanwhile, the Association of Journalists asked the government to investigate the events of 24 December, including the forced removal of reporters from the Assembly.

#### Electoral Process

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
3.50	3.00	3.25	3.25	3.25	3.50	3.25	3.25	3.25	3.25

Parliamentary elections in June 2011 gave Nikola Gruevski and the ruling VMRO-DPMNE a renewed mandate. The DUI party, which represents parties from the country's Albanian minority, is as a coalition partner, though the parties appear to disagree on some key issues, including EU and NATO integration and the name dispute with Greece. Elections put a dent in the VMRO-DPMNE's parliamentary majority, though it still held 56 seats in the 123-member National Assembly while DUI won 15 seats. The opposition SDSM took 42 seats by winning some of VMRO-DPMNE's former spots. Nevertheless, the elections marked the party's fifth consecutive electoral loss to VMRO-DPMNE (three parliamentary elections, the 2009 local elections, and the 2009 presidential contest).

Several surprising political alliances formed in 2012 ahead of the 2013 municipal elections. Early in the year, VMRO-DPMNE consolidated with some splinter parties on the right, including VMRO-Narodna (Internal Macedonian Revolutionary Organization-People's Party), United for Macedonia, VMRO United (Internal Macedonian Revolutionary Organization United), and VMRO-Makedonska (Internal Macedonian Revolutionary Organization-Macedonian). The merger was facilitated by the fact that all the leaders of these parties were previously members of VMRO-DPMNE. In October, SDSM formed an opposition bloc with smaller groups that included Dostoinstvo, a right-leaning party of army veterans from the 2001 conflict.

A total of 1,878,029 voters were registered in Macedonia as of 31 October 2012, but only citizens with new biometric documents can vote. A media report published in mid-November predicted that biometric document requirements would prevent 130,000 people from voting in the March 2013 local elections.

The State Electoral Commission appealed to citizens to update their documents in time for the next elections. Procedures for processing biometric documents take only two weeks. Authorities have even set up an emergency processing option for updating passports to biometric standards within 24 hours.

The SDSM challenged the number of registered voters listed by State Electoral Commission, pointing out that the Ministry for Internal Affairs' list counted 24,000 more voters.<sup>11</sup> The ministry responded that its figure included a projected number of people who would turn 18, the legal age to vote, by Election Day. Still, this explanation did not satisfy the SDSM since it believed that demographically it would be close to impossible for as many as 24,000 people to turn 18 in just five months. The discrepancy in voter lists remained unresolved at the end of the year.

By early November, the parliament had voted to revise the electoral code and reviewed several proposed changes. Based on recommendations from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the National Assembly adopted measures requiring parties to campaign on the basis of their own programs and proposals, rather than promoting the accomplishments of state institutions. New legislation also sought to ensure the transparent functioning of the State Electoral Commission, penalized illegal campaign financing, and set deadlines for filing court decisions on complaints to the Broadcasting Council over the relationship between the media and the political parties. In previous elections, media were often the biggest donors to political parties, giving huge advertising discounts to favored parties and denying equal ad space to others.

The 2012 compliance report by the Council of Europe Group of States against Corruption (GRECO) describes a number of problems contributing to nontransparency of campaign finance in Macedonia.<sup>12</sup> The report notes that the State Audit Office lacks the capacity to effectively supervise, investigate, and implement political financing regulations, as required by law. GRECO also advised civil society organizations, civil associations, and think tanks against active non-financial support of political parties, such as organizing campaign activities, protests, and counter-protests. The National Assembly accepted some, but not all of the recommendations from GRECO, in its electoral revisions. Out of 13 recommendations, three were implemented and four were partially implemented.

The changes to Macedonia's electoral legislation were carried with the support of the governing coalition, but the opposition SDSM voted against them, claiming that not all of the recommendations for holding fair and democratic elections had been included.

Notwithstanding several years of efforts, the elections monitoring organization MOST, the Institute for Parliamentary Democracy, and the National Democratic Institute have been unable to convince decision-makers to replace the party-list system with open-list voting, which would allow citizens to vote for individual candidates rather than political parties.

Although local elections were not scheduled until March 2013, by the beginning of 2012 political parties had already started campaigning. Pre-election activities in 2012 focused on negative political rhetoric, with each side making accusations

against the other, instead of offering concrete solutions to local problems.

Political activities had an ethnic dimension, particularly in Kicevo, which is set to merge with the surrounding municipalities of Vraneshnica, Drugovo, Zajas and Oslomej. The merger will increase the ethnic Albanian population in a town that historically votes for Macedonian parties.<sup>13</sup> DUI leader Ali Ahmeti toured Switzerland, Germany, Italy and Austria, where many Albanians from Macedonia have emigrated, to lobby the diaspora from the Kicevo region to vote for an Albanian mayor.<sup>14</sup> Media reported that the Albanian opposition party DPA (Democratic Party of Albanians) threw its support behind the DUI candidate in order to prevent the election of a non-Albanian mayor.

In response, there was short-lived speculation that VMRO-DPMNE and SDSM might overcome their bitter rivalry to support an ethnic Macedonia for mayor of Kicevo.<sup>15</sup> But any hint of cooperation seemed to fade when the governing coalition in the National Assembly voted to set the date for the local elections for 24 March 24 2013 without the participation of either SDSM or smaller opposition parties, which were still boycotting the legislature. SDSM leader Branko Crvenkovski responded by threatening to sit out the local elections as well, further underscoring the dearth of political consensus in the country.

#### Civil Society

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25

Like the government, Macedonia's civil society sector remained highly polarized in 2012. Parallel civil movements with similar goals but different political loyalties organized protests and counter-protests throughout the year. Some protested against the government, others against the opposition. When medical specialists, represented by the Independent Union of Doctors, announced that they would stage a general strike to protest the introduction of a new performance- and efficiency-based salary model, a new health union was formed to demonstrate against the protestors and to seek solutions through negotiations.

In August, a civil movement called AMAN was formed to protest the steadily growing price of central heating, electricity, and fuel. The movement mobilized citizens to hold demonstrations every day in front of the Skopje-based Energy Regulatory Commission, accusing regulators of unfairly drawing up the rules for setting energy prices. It led a petition drive for legislation that would protect consumers from what organizers saw as unfair pricing imposed by energy monopolies. Another movement, Izgor Privatization, protested against what it considered to be the unnecessary privatization of the previously state-owned electricity distribution company, now owned by the Austrian energy company EVN.

The number of protests and counter-protests in 2012 elicited public ridicule, especially in social media. These events received much attention, especially by media, analysts and experts, who argued that the popular protests and fragmented

civil society were a mark of a weak democracy and highly politicized society.<sup>16</sup> The political parties sought to capitalize on the populism. It became common for representatives of opposition parties (especially SDSM) to support protests against government actions. On the other side, there were institutes and civil organizations, funded formally or informally by the government, that publish analyses, organized polls, and appeared at events in support of the government.

Under the Law for Civil Organizations and Foundations, NGOs are prohibited from organizing political party activities and directly or indirectly financing political parties.<sup>17</sup> Despite these declarative principles of impartiality, there are no sanctions for NGOs that bend these laws. Civil society representatives believe that a concrete definition for direct political involvement must be added to the law.

Based on statistics from the government's strategy for cooperation with the civil sector, as of March 2012 there were approximately 3,700 NGOs in the country.<sup>18</sup> Between €5 million and €10 million from the EU, the United Nations Development Program (UNDP), United States Agency for International Development (USAID), the Swiss Agency for Development and other organizations is available each year to support these NGOs.<sup>19</sup> Since 2004, a special department for increased inclusion of nongovernmental organizations has operated within the central government's general secretariat. The government prepared a strategy for cooperation with the civil sector in 2012, with activities planned for the 2012–17 period.<sup>20</sup>

One of the year's positive examples of civil society engagement was the "Green Force" movement, from the town of Veles, which unified against restarting the Topilnica smelting facility based on environmental and health concerns. Politicians and activists from across the political spectrum joined forces, including politicians from the SDSM opposition and the mayor of Veles, a member of the governing VMRO-DPMNE party. In the end, the Ministry for Environment and Physical Planning denied the permit to restart the smelter.

According to the NGO Sustainability Index (NGOSI) for Central and Eastern Europe and Eurasia, released by USAID in July 2012, the sustainability of NGOs declined slightly in Macedonia in 2011.<sup>21</sup> The index examines the overall enabling environment for civil society, focusing on the legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure and public image. The report notes the government's continued wariness of diverse policies and constructive criticism. It points out that ideas that are not in accordance with the "taste and views" of the ruling political party come under heavy criticism by governmental bodies, institutions and experts who support the ruling coalition (in this case, mostly the VMRO-DPMNE). In some cases, the government has accused NGOs of being enemies of the state by labeling them as close allies of the opposition. Additionally, the report found that the government supports government-organized NGOs (GONGOs) in order to provide the appearance of civil support for its initiatives.

The organizational capacity of NGOs remains low, marked by a lack of ideas, weak relationships with constituents, poor governance, and high turnover. In many cases NGOs stick to old campaigns rather than coming up with new and more

relevant projects, further undermining their outreach and the public's faith in them. A high percentage of Macedonian citizens do not believe in civil organizations and as many as 69 percent of those surveyed said they were not interested in joining civic associations. Public skepticism in the myriad of protests and counter-protests carried out by NGOs, plus the blurred lines of independence between organizations and political parties, did little to cement their image as vital independent institutions. This assessment is consistent with earlier reports, including a 2011 report by the World Alliance of Citizen Participation and a 2011 study conducted by the Macedonian Center for International Cooperation, showing a general lack of public interest in nongovernmental organizations.

As the European economic crisis continues, access to international funding is tightening, indicating that NGOs should be more proactive in seeking out new funding opportunities at home and abroad. The 2010 Law on Associations and Foundations allows all civil organizations to generate income through activities, such as the sale and marketing of goods. But few have capitalized on this opportunity.

NGOs face another constraint: they get little attention from the news media. There are exceptions, of course, but usually only when the NGOs hold an organized debate, call a news conference, or tackle controversial topics like LGBT rights, homophobia, sexual activities among young people, and interethnic relations. More generally, though, journalists rarely seek out civil society actors to provide balance in their political coverage or to tap independent expertise. This also weighs on the ability of NGOs to build credibility with the public and to raise money.

### Independent Media

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.50	4.75	4.75

With an the abundance of local, national and especially internet outlets, media are increasingly dependent on political and interest groups for their economic survival, which compromises their impartiality. Lack of unity among media professionals continues to hamper the ability to challenge the influence of politicians or those close to the political elite.

Criminal penalties for defamation had long been regarded one of the key obstacles to press freedom, with journalists facing heavy monetary fines and even jail time if prosecuted for libel or slander. A proposal for decriminalizing defamation came from a Liberal party member in the National Assembly, Ivon Velichkovski, but was turned aside at the beginning of the year. However, due to significant pressure from international organizations and especially from the European Commission, the Associations of Journalists and the government established a dialogue with the goal of introducing legislative changes. The European Commission cited the dialogue as a progressive step toward fulfilling Macedonia's aspirations for becoming a member of the EU.<sup>22</sup>

Reaching a legislative deal was not so easy. In May, public statements from Association of Journalists President Naser Selmani expressing disappointment with the dialogue's progress caused many to doubt that it could succeed. On 10 June, the Association of Journalists organized a protest to show their dissatisfaction with court decisions against journalists, accused of defamation or offensive reporting.<sup>23</sup> Finally in September, an agreement was reached although many were unsatisfied with the cap on civil penalties included in the legislation, which allows fines of up to €2,000 for journalists, €10,000 for editors, and up to €15,000 for media companies. However, the legislation were regarded as a significant step towards strengthening freedom of speech in the country.

Journalists also rallied behind an effort to stop the Ministry of Justice seeking legislation that would require foreign correspondents and media to obtain accreditation from the Ministry of Foreign Affairs if they are to report from within Macedonia. At first glance, the requirement was quite straightforward, but for many the problem was that it was perceived as an attempt to censor foreign media operating inside Macedonia.<sup>24</sup> One of the most controversial segments of the proposal were measures aimed at restricting journalists from conducting “vox pops,” or interviews with a cross-section of people on the street. The proposal was dropped in the face of opposition from journalism organizations.

The Association of Journalists, the Independent Union of Journalists and the Macedonian Institute for Media urged the National Assembly in October to change election laws to prohibit media from providing in-kind donations to political parties in the form of advertising discounts during the elections.<sup>25</sup> This has been a major problem during the past few elections, as media became the main “donors” to both the governing and opposition parties, thus undermining their independence. The initiative was still under consideration at the end of the year.

Another important step forward came in 2012 when the Broadcasting Council determined that people who are active in politics cannot also be owners of media and demanded that they either sell their media or leave politics. At the end of March, the owners of the Sitel and Kanal 5 television stations, and the Kanal 77 Radio station were determined to have direct political ties and ordered to resolve this conflict of interest within six months.<sup>26</sup> Kanal 5 and Kanal 77 changed ownership, while Ljubisav Ivanov Dzingo, whose son owns TV Sitel, decided to give up his seat in the Assembly.

Other events in 2012 did not augur well for the news media, at least in the short term. In early 2012, a change of ownership in the largest newspaper group, Media Print Macedonia—which publishes three national newspapers (*Dnevnik*, *Vest*, and *Utrinski Vesnik*)—upset the political opposition. *Westdeutsche Allgemeine Zeitung* (WAZ), the German newspaper company that owned Media Print and was in the process of shedding several media properties in the Balkans, sold its Macedonian affiliate to Orka Holding, a company owned by Orce Kamcev, whom the opposition believes has close ties to VMRO-DPMNE.<sup>27</sup> Opposition parties considered the deal another attempt by the government to control media in the country, although to some extent the papers already leaned towards the ruling party.

USAID announced a new \$1.5 million program to support independent media. According to the agency, Macedonia has too many news media for such a small market, affecting their ability to be profitable and independent. USAID believes the situation emerged as a result of the Broadcasting Council's overly liberal licensing policies and the "political and corporative sponsorships that keeps unprofitable media alive, while manipulating the editorial policy."<sup>28</sup> The country has 76 television stations, 12 newspapers, eight weekly magazines, and over 160 radio stations, plus numerous internet media.

The Broadcasting Council came under fire from the Association of Journalists, the Macedonian Institute for Media and the US Embassy for deciding to revoke the license of the A2 TV station in June on the grounds that it had violated licensing rules by not providing enough locally produced programming and informative programs in general. The station was the last functioning news outlet connected to Velija Ramkovski, who was convicted of tax evasion in 2011 and saw several of his other news properties shut down. The US Embassy released a statement urging the council not to single out A2 TV and apply the same strict interpretation of the rules to other media.

Although there were several notable achievements in 2012—including the decriminalization of defamation and efforts to create a firewall between media ownership and politics—it remains to be seen whether these will encourage the development of more independent and self-sustaining news media.

#### Local Democratic Governance

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
n/a	4.00	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75

Though much emphasis has been given to the importance of the decentralization process called for under the Ohrid Framework Agreement in 2001, Macedonia's local self-government is still controlled by both the central government and the national leadership of the political parties of municipal mayors. There are 84 municipalities in Macedonia, plus the city of Skopje, a self-governing area which consists of 10 other municipalities.

In 2012, the second phase of the decentralization process was nearly finished, with only one municipality, Plasnica, the only one left without increased financial autonomy.<sup>29</sup> One of the outcomes of the 2001 Ohrid Framework Agreement, the decentralization scheme calls for the gradual increase in the financial autonomy of municipalities, both for the money that they receive as a lump sum from the state and the revenue that they generate themselves through taxes.

However, some hurdles noticed at the beginning of the decentralization process still remain for many municipalities, such as the lack of financial independence; frequent lack of coordination with other municipalities and the central government; and inefficient administration. The EU's progress report on Macedonia points out that rural and small municipalities are at a particular disadvantage and need

additional support to transform into effective local self-government units with the expertise to manage resources and raise operating revenue.<sup>30</sup>

With local elections coming up in 2013 and the country heavily polarized, electioneering was already under way at the beginning of 2012, significantly increasing political party activities from both ruling and opposition parties at the local level. Campaigning in advance of the local elections exposed big differences of opinion within the governing coalition, especially between VMRO-DPMNE and DUI.

This was especially evident in the seemingly unprovoked renaming of streets and schools by the newly empowered local governments, events that appeared to dominate developments at the local level in 2012. The project seems to have started as a continuation of the capital's ambitious public works project called Skopje 2014, which included new buildings, statues and landmarks to highlight the country's history but which critics saw as an overt play on nationalism that also led to ethnic disputes within governing coalition. Outside Skopje, local mayors began renaming schools and streets, often without respect for formal procedures and despite the objections and annulment of such actions by central government institutions.

The situation escalated further due to the decision to rename some schools and streets after Albanians who died in the 2001 conflict in the municipalities where the majority of the population is ethnic Albanian. Adding to the controversy, the ruling VMRO-DPMNE proposed a law to provide some financial support to the families of ethnic Macedonians killed in the conflict, rattling the coalition partner DUI, whose leaders vowed to block the law by any means necessary unless the Albanian fighters who lost their lives were also included in the draft law. The proposed legislation was still pending by the end of 2012.

Beyond the controversial renaming of streets and schools, one of the smaller political parties, Democratic Renewal of Macedonia (DOM), proposed amendments to the Law for Local Self-Government and the Law for Skopje calling for the revival of the city architect and the architectural council to improve coordination and oversight of urban planning and design. Proponents say the proposal is an attempt to bring order to the chaos of construction that has been occurring throughout the country, including the epic rebuilding of Skopje's center and numerous different styles of architecture that have appeared in recent years. The proposal was introduced in July 2012, but it is yet to be seen if it will attract support from the majority.<sup>31</sup>

There was a huge gender disparity at the local government level in 2012 that could continue beyond the 2013 elections. There were no female municipal leaders and few women were chosen to run for mayor. The EU report on Macedonia noted the absence of a strategy to diversify the gender representation in both public offices and the labor force in general.<sup>32</sup>

## Judicial Framework and Independence

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
4.00	3.75	3.75	3.75	4.00	4.00	4.00	4.00	4.00	4.25

A report published by the Council of Europe in September 2012 actually notes some positive developments in the structure and efficiency of Macedonia's judiciary.<sup>33</sup> Based on statistical data presented in the report, Macedonia is now a middle performer compared to other countries in the region. The average time for solving one case is 259 days, a median rate compared with other European countries, and the country has a relatively high number of judges per 100,000 inhabitants. Judicial independence, however, remains a serious concern, and the high level of political pressure on the court system was in evidence throughout 2012.

For the first time since independence in 1991, the government sought a court order to bar a strike by doctors who opposed a new performance- and efficiency-based remuneration plan introduced by Health Minister Nikola Todorov. The minister sought an injunction from the Primary Court to stop the labor action on the grounds that the Independent Union of the Clinical Center did not follow the rules for organizing a strike. The next day, the court banned the strike in a ruling that was perceived as having been influenced by the government, especially since it was made in such a short time. The Independent Union of the Clinical Center claimed that the court's decision violated labor laws<sup>34</sup> as well as the constitution, as it guarantees the right to strike.<sup>35</sup> In the end, the strike took place anyway. Negotiations continued regarding the enforcement of the remuneration plan.

Public scrutiny focused on the Criminal Court, the State Public Prosecutor's Office, the Ministry of Interior, as well as on the Security and Intelligence Department, after state officials announced that the mid-April shooting deaths of five ethnic Macedonian fishermen at Smilkovo Lake had been carried out by Muslim terrorists, stoking tensions between the country's two largest ethnic communities and sparking thousands of Macedonia's Albanian to protest the government's handling of the investigation. In October 2012, five suspects were charged with terrorism for trying to incite fear and to undermine national security, and their trial began in December but was postponed. During the pre-trial investigation, the leaking of the testimony of a witness, who was under protection, triggered an avalanche of criticism of the courts and raised questions about both the motivation of the leak and the credibility of the judicial system. Judges involved in the case feared revenge, and the Criminal Court and the State Prosecutor's Office launched an investigation into the origin of the disclosure. Skopje's branch of the Helsinki Committee, a human rights organization, noted many irregularities during the arrests and throughout the case, including violations of the presumption of innocence and interrogation procedures.<sup>36</sup>

Right after the killings, State Prosecutor Ljupcho Shvrgovski stated that he would ask for the maximum penalty—life in prison. During the several months of investigation, interrogation, and witness testimony that followed, Shvrgovski

claimed that the State Prosecutor's Office had physical proof for pressing charges against the suspects. Media pressure on the Prosecutor's Office to solve the case was tremendous. The Prosecutor's Office urged news media to stop speculating about when the suspects would be charged. On 26 October, six months after the killings and on the last day before the deadline to press charges, the government filed charges against the suspects.

The Constitutional Court surprised many when it decided to apply the 2002 Amnesty Law to the four cases returned from the International Criminal Tribunal for the Former Yugoslavia in The Hague.<sup>37</sup> The Amnesty Law was created to relieve those involved in the conflict of 2001, excluding those found guilty of crimes against humanity, from prosecution. According to some legal experts, as crimes against humanity, the cases returned from the tribunal did not qualify for the amnesty scheme and should be processed in local Macedonian courts.<sup>38</sup> The four cases included charges of crimes against humanity against the leadership of the National Liberation Army (NLA)—headed by Ali Ahmeti, now leader of DUI and the Albanian partner in the government; charges that the NLA was involved in the disappearance and deaths 12 Macedonians in the Tetovo region; and accusations that the NLA blocked water supplies for villages in the Lipkovo region and Kumanovo city during the conflict in 2001, leaving more than 100,000 people without fresh drinking water for 40 days during the summer. A humanitarian crisis was narrowly avoided in the region.

#### Corruption

2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
5.00	5.00	4.75	4.75	4.50	4.25	4.00	4.00	4.00	4.00

Macedonia's efforts to combat corruption continue to be vague and predominantly ineffective, even though nearly every government since the country's independence has prioritized the fight against corruption. A number of large corruption cases that originated during the 1990s privatization of state assets, triggering tit-for-tat accusations between the ruling VMRO-DPMNE and the opposition SDSM, dominated public attention in 2012. Some investigations of these cases were started and never finished, or never prosecuted.

One such long-running case, concerning the alleged bribery of high government officials in Macedonia connected to the sale of public assets to Hungary's Magyar Telekom, was revived following a related investigation by securities regulators in the United States.<sup>39</sup>

Following a number of accusations between VMRO-DPMNE and SDSM about who was responsible and who accepted bribes—which according to some sources totaled as much as €4.8 million in 2005–2006—in October 2012 the opposition SDSM decided to file a criminal complaint against an unnamed perpetrator involved in the Telekom case.<sup>40</sup> Under Macedonian law, a complaint

can be filed against an unknown perpetrator, leaving it to prosecutors to determine who could be charged with a crime.

Despite governmental promises to combat corruption, 65 percent of business leaders surveyed indicated that they have either offered or accepted to pay a bribe. The results of the poll, conducted by the Business Alliance of Slovakia and the Business Confederation of Macedonia, is not surprising.<sup>41</sup> The U.S. Department of State recognized corruption as one of the Macedonia's main problems in its annual country report on human rights published in May 2012. "The most important human rights problem was the government's failure to fully respect the rule of law, which was reflected in its interference in the judiciary and the media, selective prosecution of political opponents of the country's leaders, and significant levels of government corruption and police impunity," the report states.<sup>42</sup> Following the publication of the State Department report, Transparency International Macedonia said the fight against corruption in 2012 had deteriorated compared to a decade earlier, with little action taken to combat graft.

A new investigation of one case did little to help the image of the State Commission for the Prevention of Corruption (SCPC). Under the Law for the Prevention and Repression of Corruption, all government officials must declare the property they own as well as its value. The former director of the state Film Fund, Darko Bashevski, did not report his property when he was appointed to his position in 2009. However, it took two years for the SCPC to locate his address and his personal identity number in order to file charges against him.<sup>43</sup> To make matters worse, in 2012 some members of the commission failed to declare their own property. The SCPC has been accused by some media reports of favoring the opposition in its investigations.<sup>44</sup>

Access to public information is guaranteed by the law, but few measures were taken in 2012 to ensure that public institutions complied with the release of information requested by journalists. This was especially evident in cases of questionable public spending, mostly connected to the controversial Skopje 2014 urban renewal project. On very few occasions, persistent journalists received a response to their public information requests, but often they were given little detailed information. One of the weaknesses of the law is that public institutions are obliged to provide an answer when a request is made, but not necessarily the information requested.

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