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Insights into Professional Standards of Informing: Media Legislation and Protection of EU Values in Republic of North Macedonia

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Abstract. At no time before has the focus on the role of the media and its impact on political decision making and social construction been more necessary than during this era of ‘fake news’. Competent, thoughtful, verifiable, and unbiased news reporting is the hallmark of a well-functioning news media. This paper describes the necessary and fundamental requirements for professional journalism as well as the legal obligations to guarantee a proficient media. Using EU regulations and those of the Republic of North Macedonia, the authors illustrate the importance of media regulation to assure that the rights of individuals, social, political, and religious groups are protected from the abuses that can result from unprofessional journalistic practices. Furthermore, the authors also stress the importance of media regulations to safeguard minors from content that could be considered abusive and/or detrimental to their development.

Keywords. Non-discrimination, hate speech, right of reply, protection of minors.

1. Introduction

The functioning of the media in the journalistic profession is based on certain professional standards that must be observed consistently. If this is not the case, problems and disruptions of the overall democratic environment in a society may arise to the detriment of objective information of citizens. The most important professional standards of the media and the

journalistic profession are the following: freedom of criticism, truth, accuracy, honesty, impartiality, preservation of the source of information, preservation of the privacy of the person, non-discrimination, rejection of hate speech, respect of copyright, knowledge and expertise, and responsibility.

Freedom of expression and of other democratic principles and values is most closely related to the standards that must be met by news and daily news programs, as well as programs of broadcasters being broadcast during elections. By virtue of their professional scrutiny and gatekeeping functions media can provide citizens with impartial and reliable information, thereby enabling them to form and exchange their views and engage in critical reflection – activities crucial to the vitality of democratic society (Carlsson & Weibull, 2018, p. 14).

Freedom of criticism is an important aspect of freedom of expression. Sometimes governments have hidden agendas and do not perceive social problems in a rational way. The result of this is making mistakes that can sometimes have unforeseeable and unfortunate consequences. The journalist is the one who can freely criticize and expose the government's omissions and possible abuses through exercising its critical freedom. With critical and public disclosure of facts, the journalist contributes to the government's correcting of its behavior, and to preventing major negative consequences for the society and its citizens. Criticism is a constructive warning, advice, rational confrontation, perception of reality, opinions, and analytical perception of a problem, aiming to solve it in a democratic and argumentative way. Every government should consider criticism supported by arguments an ally, not an opponent. Criticism allows authorities to perceive their own weaknesses in governance, and to take appropriate measures and actions to remedy the mistakes.

Freedom of expression and criticism enable professional independence and integrity. Independence is gained through non-acceptance of any privileges (material, financial), and removal of external influences on the journalistic profession. Integrity requires intellectual capacity, competence, professionalism and moral culture. Only capable and competent journalists, supported by moral work and behavior, can gain integrity in their profession. It is not enough to have only expertise and competence, but morality as well.

The truth is the foundation of every profession, especially journalism. The truth is an essential principle of journalism and "journalism's first obligation is to the truth" (Kovach & Rosenstiel, 2014, p. 30). Semi-truth (incomplete information) is equal to speculation. The information is true when it is comprehensive, verifiable and complete. A journalist has a professional obligation to convey accurate information about the event. According to Kovach and Rosenstiel, journalistic truth means more than mere accuracy, a process that begins with the professional discipline of gathering and verifying facts:

"It is a sorting-out process that takes place between the initial story and the interaction among the public, newsmakers, and journalists (...) This is what our journalism must be after—a practical or functional form of truth. It is not truth in the absolute or philosophical sense. It is not the truth of a chemical equation. Journalism can—and must—pursue the truths by which we can operate on a day-to-day basis" (ibid, 2014, pp. 90-91).

Any fact that is publicly announced should be checked. If the facts are contentious and questionable, then the public should know this. The veracity and accuracy of every statement needs to be checked. Statements should never be fabricated but published in their original

form. The truth is not only a professional standard but also an ethical norm, a moral duty and responsibility. The truth has a legal framework, that is, it is legally protected and guaranteed. A journalist who adheres to the truth is protected from possible lawsuits and trials. Publication of a half-truth or incomplete truth is unacceptable for the journalistic profession. In their race for exclusivity, glory and success many journalists publish information that has not been completely verified and which later appear to be superficial and incomplete. Therefore, journalists should be very careful in publishing information and they should consult multiple sources in order to complete the information about one event.

Accuracy is the next standard of good performance of the profession. There is no truth without accuracy. Accuracy is shown through actual data. In journalism accuracy is often called into question by giving inaccurate data on the time of the event, the name and surname of the participant, the function, the facts, the measures or context. Most often, the name and surname to which the information is related are wrong. Sometimes in-accuracy can cause inconvenience to individuals, institutions, enterprises, etc.

Honesty (impartiality) is a feature of a journalist that is shown through openness and proper action in relation to others and the public. Honesty in journalism presupposes objectivity, personal impartiality, use of facts, good argumentation and complete approach to processing an event, that is, emphasizing important facts in relation to unimportant ones, and not vice versa, honesty towards the public without misleading or manipulating it. Honesty of a journalist is reflected in the refusal of various sponsorships, donations, gifts, trips, treats and other forms of personal gain. Co-operation and familiarity of journalists with sponsors represents a dangerous threat to the professional standards of the journalistic profession.

Impartiality is a professional standard of a journalist according to which he/she should be neutral, that is, she/he should not hold and represent one party related to the event that he/she informs the public about. The event should be presented in the same way as it occurred, holding on to the facts and arguments. Impartiality implies balance in informing, i.e. providing equal space to the parties in the event.

Keeping the source of information secret is one of the professional standards of the journalistic profession and it falls within the domain of professional secrecy. This is also suggested by the Munich Declaration according to which one of the essential duties of a journalist is "to keep professional secrecy and do not divulge the source of information obtained in confidence"¹. The source should remain a secret even when the journalist appears as a witness. The obligation not to disclose the secret of the source of information is a moral obligation and constitutes a kind of a moral agreement between the journalist and the secret source of information (Чупић, 2007, p. 22). The protection of journalistic sources is a very important component of freedom of expression.

Respect of the privacy of individuals also represents an important professional standard of the journalistic profession. This standard stems from two principles: respect for private life and protection against harm to honor. This professional standard stems from the Munich Declarations of the Rights and Duties of Journalists, which obliges journalists to "respect the privacy of individuals"². Privacy is the right of the individual, and if it is compromised without authorization, this violates the right to respect for privacy or intimacy of the individual. Broadcasters are required not to disregard human dignity, which is associated with respect for good taste and decency. Although a single and comprehensive

¹ See art. 5 of the Declaration of the Duties and Rights of Journalists, Munich, 1971

² Ibid. 1971

definition of what the protection of human dignity comprises cannot be found, there is a consensus that it involves a respect for privacy or exploitation of physical and mental suffering and treating a person as an object.

From ancient Greece and ancient Rome, to this day, there is a distinction between what is public and what is private. Ancient Greeks and Romans connected what is public to politics, that is, political decision-making and legal decisions (as publically argued by free people in the agora or forum). The private or intimate is assigned to an individual's life in the family. Theoretically and legally this distinction is clear, but in concrete situations it turns out to be very delicate and complex. This stems from the decision of an individual who is a public figure (actor, sportsman) who allows writing about their private and intimate life in order to maintain his/her popularity. The same applies to politicians. As holders of public functions they are part of the public sphere. It is questionable whether holders of functions can have two separate lives: public and private. How much does their private life affect their public action? How much of their negative behavior in private life can be accepted?

Non-discrimination, i.e. rejection of discrimination on any ground: racial, religious, gender, age, national, social, and political, also constitutes an important professional standard of the journalistic profession, which is related to respect for a person and her/his dignity. Differences between people on any ground should be accepted, but not judged.

In 2008, the Committee of Ministers of the Council of Europe adopted the White Paper on Intercultural Dialogue underlining that "every form of stigmatization of persons belonging to minority and disadvantaged groups in public discourse needs to be ruled out". In this context, the Council of Europe places special emphasis on the role of media:

"The media can make a positive contribution to the fight against intolerance, especially where they foster a culture of understanding between members of different ethnic, cultural, linguistic and religious communities. Media professionals should reflect on the problem of intolerance in the increasingly multicultural and multi-ethnic environment of the member states and on the measures which they might take to promote tolerance, mutual understanding and respect"³.

The principle of avoiding *hate speech* in the journalistic profession is closely related to the principle of non-discrimination. The journalistic profession is based on unbiased information by applying a balanced and positive terminology that will not create tensions on any basis. Hate speech introduces negative emotions into the public, it causes conflicts, deepens mistrust, divides people on various grounds, and eventually can incite violence. Therefore, contamination of the public with hatred, envy, contempt, and malice should not be allowed. Words of hatred spoken or written in the media encourage violence and other forms of unsocial behavior. Every hatred is destructive and revengeful. Those who practice hate speech do not have a chance for future, because hate speech produces avengers who will eventually try to retaliate. Hatred "is fluid by its very nature and thus hard to maintain in only one bed - it always shows a tendency to grow and spill out from the boundaries that we would like to set" (Milošević, 1983, p.155). Hate speech is characteristic of divided societies (on national, religious, racial or social basis). It is a reflection of the situation in society and politics. If the society is divided, then hate speech is not excluded, especially in deeply

³ White Paper on Intercultural Dialogue "Living Together As Equals in Dignity", Strasbourg, Council of Europe, May 2008

divided societies that are transitioning to democracy where “the problem becomes all the more pressing and salient” (Gagliardone, Patel & Pohjonen, 2014, p.5).

In addition to the above-mentioned professional standards, a good journalist should possess *knowledge, ability and conscience*. These characteristics complement the above stated standards of the profession. In order to reach the stated standards, modern journalism necessitates continuous education and advancement of journalists. Today, journalists are required to possess higher vocational education, to have extensive and in-depth knowledge of all social spheres, broad cultural understanding, to know how to conduct a dialogue and have a tolerant approach to reality, and to respect diversity.

Among journalists there are professionals who do not have higher education, expertise, or broad cultural knowledge. The consequence of such a situation is easy manipulation of such journalists, by the owners of the media, their sources of information and by the authorities. By using such journalists, media owners protect their own interests that are often contrary to the public interest. Through such journalists the government launches messages that suit its interest. The citizens and the general public are the greatest losers in such situations. Therefore, citizens look at the journalistic profession and the media with great distrust.

Media and journalists have a multidimensional role:

1. to transmit information relevant to public life,
2. to mediate between the government and the citizens, i.e. between the state and the civil society,
3. to criticize and to exercise control of the government,
4. raising the level of general culture of citizens (and of democratic political culture),
5. socialization of a person and political socialization,
6. transfer of universal, especially of human values,
7. influence on the formation and dissemination of values and value systems.

Apart from their positive role, the media and journalists can also play a negative role: the spread of aggression, destruction, defeatism, and negative emotions. Namely, they can be transformed into a means for spreading lies, inciting, deception, creating bad feelings (hatred, envy, malice) and states (panic, fear, demoralization), as well as for creating a mental state in certain groups and individuals that can easily transform into aggression, even organizing crimes. For example, most of the civil wars begin as verbal wars, which journalists support and flare up with their journalistic articles, and they later transform into real wars.

From the above said, we can conclude that the media and journalists have a dual role: positive and negative. The positive role should be supported, and the negative one should be eliminated. The development of professional standards of journalism is a painstaking job. (Чупић, 2007, p. 14).

Moral informing and the maturing of journalists is a long and unfinished process. A good journalist should always be guided by the power of knowledge and the power of conscience. In the journalistic consciousness, conscience should always be a professional guide and an internal law. A person who possesses the power of knowledge, but not the power of conscience, is an expert without conscience. Thus, journalists should always keep in mind never to separate these two kinds of power they have.

2. Right of reply and correction

There are mistakes in every profession, including journalism. In fact, no one is flawless, and mistakes inevitably occur. That is why the right of reply and correction is one of the most fundamental rights. The right of reply and correction is one of the professional standards and ethical issues of the journalistic profession, but also an effective legal remedy for correcting the mistakes made by the media in the reporting process. Very often the media intentionally or unintentionally publish informational content that is untrue and affects certain individuals. The persons affected by any published information in the media have the right of reply or correction of the content that the media must publish. The right of reply and correction enables the person concerned to compensate to some extent for the harm caused by the medium and not to seek legal protection in a long, expensive and uncertain court procedure. The right of reply and correction is a preventive and effective way of correcting the mistakes of the media.

The right of correction and the right of reply are different ways of compensating for the harm caused by media mistakes.

The right of correction implies an opportunity to correct mistakes in the medium in relation to the wrong facts presented. Fast exercise of this right in most cases allows the person concerned an effective means of compensating for unintended harm. This right does not constitute any threat to the independence of the media.

The right of reply to a person whose honor or reputation have been harmed gives him access to the medium in order to communicate his views on a particular issue. Therefore, the right of reply is more susceptible to abuse than the right of correction.

The Committee of Ministers of the Council of Europe in 1974 adopted Resolution (74) 26⁴ which emphasizes the significance of the right of reply, laying down specific rules for its implementation. The Resolution states that the media have the right to refuse to publish a reply or correction if: the reply or correction is not submitted to the medium within reasonable time; the length of the reply or correction exceeds the length of the published content; the reply or correction is not limited to the contested facts and opinions; the content of the reply or correction is a legal violation or is contrary to the interests of a third party protected by law and if the person concerned cannot demonstrate the existence of a legitimate interest.

Also, the right of reply or correction is one of the fundamental rights set out in the European audiovisual regulation. Thus, in Art. 23 of the Audiovisual Media Services Directive the right of reply and correction is regulated as follows:

“...any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television program must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.”

It is usual that instead of the person's appearance in the program, the broadcaster will broadcast his/her statement with the reply or correction.

⁴ Council of Europe, Committee of Ministers, 1974, Resolution (74) 26

In the Republic of North Macedonia, the exercise of the right of correction and reply is determined by the Law on Media (Official Gazette of the Republic of Macedonia, No. 78/13).

3. Right of Correction

The right of correction of published information is regulated by Articles 17 to 25 of the Law on Media. In the mentioned articles, the legal procedure for exercising the right of correction of published information has been specified and this right is exercised by every natural or legal person that has the right to request, without charge, from a medium publisher or a responsible editor of a media publisher to publish a correction of the published information stating inaccurate facts published in the information that violated his/her rights or interests⁵.

“The request for publication of the correction shall be submitted to the editor-in-chief of the issuer of the medium publisher in a written form within 30 days from the day of publishing the information to which the correction refers, i.e. the reply. The request must be reasoned and signed by the submitter of the correction and contain all the necessary data about the submitter of the correction⁶. (...) If the medium publisher has already made a correction by the day of submitting the request for correction, then the damaged party cannot ask for correction⁷. (...) The request shall state the information to which the correction relates, as well as the date and time of its publication or broadcasting”⁸.

3. 1. Announcement of correction

The correction shall be published, without modifications and additions, at the same or appropriate place in the content of the medium and in the same or appropriate manner used to publish the original information. In doing so, the correction must not be disproportionately longer than the information to which the correction refers.

In the programs of broadcasters (radio and television), the correction shall be published by reading it in the same program and the time in which the information to which the correction refers was published.

The correction must be published within two days of submission of the request in the first following issue (if it is a printed medium-newspaper). Due to the sensibility of the moment, during elections correction has an emergency character. Namely, during the election process, the correction must be published in the first following edition, i.e. in the first following program of the same type immediately after receiving the correction⁹. Thereby the law is decisive stating that it is not allowed to publish a comment on that correction or response to the correction together with the correction in the same issue. The law also explicitly lists the cases when the editor-in-chief is not obliged to publish the correction. These cases are when: the correction is not related to the information invoked by the person

⁵ Art. 17 paragraph 1 of the Law on Audio and Audiovisual Media Services (Off. Gazette of RM, no. 184/13)

⁶ Ibid, art 17, paragraph 2.

⁷ Ibid, art 17, paragraph 5.

⁸ Ibid, art 17, paragraph 7.

⁹ Law on Media, art. 19 paragraph 1

concerned; the correction does not contain data regarding the allegations in the information; the request for publication of correction is not signed by the applicant or by the authorized person of the legal entity; the correction is disproportionately larger than the information to which it relates; the correction is written in a language that is not identical to the language in which the disputed information is published; the publisher of the media in question has already published the correction of the published information¹⁰.

In addition, the Law makes it possible for the interested party to get a copy of the published information from the media publisher within three days from the day of receipt of the written request.

If the editor-in-chief of a media publisher does not publish the correction in accordance with the provisions of the Law on Media (Article 19), then the interested person has the right to file a lawsuit against the editor-in-chief within 30 days from the expiration of the deadline for publication of the correction. Court disputes concerning the publication of the correction are of urgent nature, i.e. they are settled in an urgent procedure¹¹.

3.2. Right of reply to the published information

Apart from the right of correction to the published information, the Law on Media also provides the right of reply to the published information (Articles 26-28). Any legal entity or natural person mentioned in a certain content of the medium has the right of reply. Namely, a natural person or a legal entity has the right to submit a request to a media publisher, without charge, to publish the reply to the published information, if the natural person or legal entity is connected with the stated facts published in the information or if there is a legitimate interest. The reply should include a text or message of the same nature and of the same length as the published information which denies or substantially complements the disputed allegations of facts and data in the published information¹². The reply to the published information must be published in its authentic submitted form, i.e. without any changes or additions, with the exception of corrections of spelling mistakes. If the reply to the published information is longer, the editor-in-chief has the right to ask the applicant to shorten the reply. The editor-in-chief may refuse to publish the reply when the published information is part of a credible report of public sessions of state bodies and courts, as well as in the case when the reply states obvious inaccurate data or allegations, or other allegations that are certainly unsuitable for proving. If the editor-in-chief of a media publisher does not publish the reply to the published information, the interested person (natural or legal) has the right to file a lawsuit against the editor-in-chief before the relevant court within 30 days from the expiration of the deadline for submitting a reply to the published information, and the court disputes regarding the right of reply are resolved in an urgent procedure.

4. Protection of minors

The protection of minors is among the primary goals of the regulation of program content in democratic countries around the world. The intention is for children to be protected from

¹⁰ Ibid, art. 19 paragraph 3

¹¹ Ibid, art. 23 paragraph 2

¹² Law on Media, art. 26 paragraph 1 and 2

contents that can harm their moral, psychological or physical development. One of the basic goals of the media regulation (either printed or electronic) is of course ensuring the *protection of minors*. The protection of minors from content that can harmfully affect their moral, mental and physical development is a particularly important issue. Regulation mainly refers to content with excessive violence, pornography and vulgar language. In many countries, warning and signaling systems for content not suitable for children or minors have been introduced and the obligation for broadcasters to categorize them. A number of countries have introduced the so-called time limits for television during which it is not allowed to broadcast harmful content that would be viewed by children or minors.

In many European countries, nudity on television is allowed at any time of the day, except for nudity in a sexual context, which is enabled only for adults. In many Muslim countries, display of nudity is not allowed throughout the day.

Similar content exist regarding the display of content with violence. For example, in the United States, violent content is permitted in the morning, while in most countries of Western Europe such content can be displayed only late at night.

The issue of the protection of minors is regulated by the "Television without Frontiers" (TVWF) Directive:

“Programmes involving pornography or extreme violence are prohibited. This ban applies to all other programmes which are likely to harm minors, unless they are broadcast at a time when they will not normally be seen by minors or protective technical measures are in place. (...) The revised Directive places greater emphasis on the protection of minors. It specifies, for example, that Member States must ensure that programmes which are likely to impair the development of minors and are broadcast in unencoded form are to be preceded by an acoustic warning or identified by a visual symbol”¹³.

EU's Audiovisual Media Services Directive (AVMSD) states that:

“Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence” (Article 27)¹⁴.

Different approaches are used the regulatory practices in different countries, but the most commonly used one is certainly introducing time limits that refer to the periods of the day when adult content must not be broadcast. The time limit for broadcasting adult programs in a number of countries is 10.00 p.m. In our media legislation, significant space is dedicated to the protection of minors. The Media Law of the Republic of North Macedonia establishes that if a printed medium with pornographic content is published, it must have a clear warning that it contains pornography, as well as a warning that its distribution or sale is prohibited for minors and it should be packed in transparent nylon foil.

¹³ "Television without Frontiers" (TVWF) Directive

¹⁴ Official Journal of the European Union (L 95/1): 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 (Audiovisual Media Services Directive)

Furthermore, a publisher of an electronic publication is obliged to take appropriate measures with the help of technical means or with adequate protection using restriction to prevent minors from accessing electronic publications with pornographic content.

The protection of minors during broadcasting radio or television programs is provided in a manner determined by the Law on Audio and Audiovisual Media Services. According to the provisions of this Law, program contents that can endanger physical, psychological and moral development of children and youth can be broadcast only in the period from 24.00 to 05.00 hours, and programs should be marked before their broadcast, with an acoustic or visual warning (Article 71, paragraphs 1 and 2).

5. Contents that encourage crime and disorder, incite racial or ethnic hatred and intolerance

We mentioned earlier that restriction of freedom of expression is allowed for protection from content that incites crime and disorder (Article 10, paragraph 2 of the ECHR). This implies that if national regulatory authorities determine that there is such content in broadcasters' programs, they can immediately order them to stop broadcasting and impose appropriate measures. Most often, regulation prohibits content that incites crime and disorder, and such acts are treated as criminal offenses.

In the Republic of North Macedonia, the Law on Audio and Audiovisual Media Services states that:

"In programs of broadcasters, as well as in programs that are re-transmitted through public communication networks, programs that are aimed at violating the constitutional order of the Republic of North Macedonia or inciting or calling for military aggression or inciting national, racial, gender or religious hatred and intolerance are not allowed"(Article 69 of the LAAVMS).

One of the most dangerous issues faced by regulatory authorities in countries is hate speech. Broadcasting of programs that incite racial or ethnic hatred is a serious reason for restricting the freedom of expression. European regulation in the audiovisual area contains provisions that allow national regulators to stop cross-border transmission of any audiovisual services if they determine that racial, ethnic, national or religious hatred and intolerance are incited by some content. Therefore, it is of utmost importance that each state's regulation formulates strict rules that prohibit the broadcasting of any content that may incite hatred on racial, national, ethnic, religious or gender affiliation. Such negative phenomena are particularly apparent during conflicts when irresponsible broadcasters deliberately publish information and messages that further create tensions that may adversely affect the public.

Hate speech is a highly sensitive issue in post-conflict societies, where the media have a huge responsibility in creating trust among different ethnic and religious groups, and regulatory bodies must sanction all broadcasts or publications of any kind of hate speech.

6. Religious programs

Religion is often misused as a source of tension between different religious communities in a society, so national legislation of a number of democratic countries prohibits the publication of articles that incite religious hatred and intolerance.

In accordance with the social and cultural specifics, the needs and interests of the audience and the availability of the frequency spectrum, each country determines whether it will grant permits to stations broadcasting religious programs. In Germany, for example, where larger religious communities have the status of formal parts of civil society, each religious community is allowed to own one television channel. In the UK, where the analogue television spectrum has a limited number of frequencies and the number of religious groups is very large, religious groups were forbidden to have broadcast licenses. However, in other areas where the spectrum is not limited, such as the radio spectrum or the satellite television, religious communities may have broadcasting licenses (Salomon, 2008: 50).

Another sensitive issue is whether it is necessary to prohibit the content that negatively speaks of a particular religion or deliberately makes abusive comments? In many countries, it is considered that religion should be openly discussed as any other social issue, and that free expression of views and opinions as in a political debate should be allowed. In other countries, especially those with state religion, debates or critical commentaries would be unacceptable and would offend the feelings of the majority of the population. Therefore, when the rules in the regulation are determined, one must keep in mind that freedom of expression should be in balance with the feelings that can be caused in the audience (Trpevska, p. 92).

7. Promotion of cultural diversity

The regulation of broadcasting, i.e. of the audiovisual field in the European media policy, is characterized by two other specifics and interwoven goals – promotion of cultural diversity and competitiveness of the European audiovisual industry. Pursuant to Art. 4 of the "*Television without Frontiers*" Directive, all EU Member States must ensure that broadcasters reserve for European works a majority proportion of their transmission time, where practicable through appropriate means. In addition, Art. 4 establishes that **European works** do not include news, sports events, games, and advertising, teleshopping and teletext services.

Art. 6 of the "Television without Frontiers" Directive and in the new Directive on Audiovisual Media Services Article 1 (n) says that European works are all programs produced on the basis of bilateral co-production agreements concluded between EU Member States and third countries, provided that co-producers from the EU participate with a greater share in production costs and have control over production. Further, Art. 5 of the "Television without Frontiers" and the new Directive on Audiovisual Media Services state that, Member States shall ensure, where practicable and by appropriate means, that broadcasters (at national level) reserve at least 10% of their transmission time, (excluding the time appointed to news, sports events, games, advertising and teletext services and teleshopping) or at least 10% of their programming budget, for European works created by independent producers. Once included in national regulations, this obligation should be achieved by broadcasters gradually, and at the latest five years after its entry into force. The purpose of this measure is to stimulate the creation of new and original European works produced outside editorial control of broadcasters and to stimulate the development of small and medium-sized production companies.

In addition to strengthening European audiovisual production, the general goal is also to promote the cultural diversity and cultural heritage of peoples and communities living in Europe.

8. Conclusion

With the adoption of appropriate legislation (directives, declarations, conventions, recommendations), the European Union has paid great attention to the regulation of the media profession and the professional standards of the journalistic profession and program contents that protect the audience (public), especially the minor audience from various adverse effects such as: the right of reply and correction, hate speech, pornography, content that raises racial or ethnic hatred and intolerance, provoking religious hatred and intolerance, content that promotes crime and disorder etc.

In addition, the media are obliged to broadcast programs in their program content that will affirm the European values, cultural diversity and competitiveness of the European audiovisual industry.

From the aspect of national regulation, EU member states and EU candidate countries have an obligation to transpose all standards into their own national media legislation related to program standards and content, and the affirmation of cultural diversity and competitiveness.

When it comes to the national media legislation in the Republic of North Macedonia, we can conclude that these are almost fully implemented and incorporated in the national legislation. The only problem is that the media do not fully comply with the national regulation, and therefore the control and supervision over the application of the regulation in this area should be strengthened, that is, the independence of the Agency for Audio and Audiovisual and Media Services in relation to political influences should be strengthened. In order to eliminate such influences, a radical reform of the structure of the Council of the Agency and the election of a director of this institution is needed, and the choice should be left to the media associations themselves and the media workers, without political interference in this process.

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