

Pursuant to Article 20, Paragraph 1, Line Items 1 and 15, related to Article 18, Paragraph 1, Line Item 20 of the Law on Audio and Audiovisual Media Services (“Official Gazette of the Republic of Macedonia” no. 184/13, 13/14, 44/14, 101/14, 132/14, 142/16, and 132/17), Article 39, Paragraph 1, Line Items 1 and 15, and Article 15, Paragraph 1, Line Item 19 of the Rules of Procedure of the Agency for Audio and Audiovisual Media Services No. 01-4351/1 dated 29.08.2014, in view of the inconsistency between the Law on Referendum and Other Forms of Direct Expression of Citizens’ Will (“Official Gazette of the Republic of Macedonia” no. 81/05) with the Electoral Code (“Official Gazette of the Republic of Macedonia” Nos 40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 54/11, 142/12, 31/13, 34/13, 14/14, 30/14, 32/14, 196/15, 35/16, 97/16, 99/16, 136/16, 142/16, 67/17, 35/18, 98/18 and 140/18), relating to Article 12 and Article 45, Paragraph 1 of the Law on Referendum and Other Forms of Direct Expression of Citizens’ Will, and Article 192 of the Electoral Code, and the Conclusion of the Agency Council No. 02-3725/2 dated 17.08.2018, at its 34<sup>th</sup> session held on 17.08.2018, the Council of the Agency enacted the following

## **GUIDELINES**

### **FOR MEDIA COVERAGE DURING REFERENDUM**

#### **I. GENERAL PROVISIONS**

1. These Guidelines establish the rules for public propaganda for the referendum and the pre-referendum silence deriving from the Law on Referendum and Other Forms of Direct Expression of Citizens’ Will, the Electoral Code, the Law on Audio and Audiovisual Media Services (LAAVMS) and the Law on Media.
2. The programme and business engagements of all broadcasters that will be covering the referendum should be based on the principles of fair, balanced and impartial media representation of the stakeholders of the referendum and should provide an opportunity for citizens’ access to as diverse legal, politicological, political and other standpoints as possible.
3. Stakeholders in the referendum shall be the authorized proponent of the initiative – in this case, the Parliament of the Republic of Macedonia – and other entities engaging in public propaganda relating to the referendum.

4. The coverage of the referendum shall be based on: a high degree of editorial independence, media independence, professional ethics and integrity of the journalists.
5. The manager and/or the editor-in-chief in each of the broadcasters should acquaint all persons involved in the preparation and realization of programmes related to the referendum with the contents of these Guidelines.
6. Broadcasters' programmes intended for the referendum must not favour any of the stakeholders in the referendum, while broadcasters themselves must provide equal conditions for access to their programmes.
7. Broadcasters must not publish information or messages that may jeopardize national security, instigate violent destruction of the constitutional order of the Republic of Macedonia, call for military aggression or armed conflict, incite or spread discrimination, intolerance or hatred on any grounds prohibited by law.
8. The editors, journalists, programme hosts and presenters engaged in the preparation of broadcasters' programmes must not participate in public propaganda related to the referendum. Should they choose to participate in such activities, their engagement in the broadcasters' programmes should be suspended until the referendum ends.

## **II. THE REFERENDUM IN DIFFERENT TYPES OF PROGRAMMES**

### **Daily information shows (newscasts, journals)**

9. Coverage of the referendum in daily-information programmes must be correct (true), timely and understandable.
10. Broadcasters are obligated to do reporting on the activities related to the public propaganda conducted by the stakeholders of the referendum in a fair, balanced and impartial manner.
11. Reporting should not be intrusive or suggestive. The listeners and the viewers should be offered an extensive and professionally designed informative content that will provide them with tools to build their own opinions and conduct.
12. Commentaries published in the daily-information programmes should be signed by an author/journalist or an editorial board, even when they are taken from an independent commentator or journalist or an editorial office of another media outlet.

13. When conducting public opinion polls about the referendum, it is necessary to provide a correct approach and professional criteria, and make sure to present the diverse opinions of the respondents.
14. Results of non-scientific and non-representative public opinion polls, such as viewers or listeners' voting via telephone (televoting), surveys conducted via Internet, polls conducted on a non-representative sample, containing suggestive questions, must not be published.
15. When publishing the results of public opinion polls in daily-information programmes, the broadcasters are obligated to observe the rules and deadlines laid down in Chapter III of these Guidelines.

### **Special information programmes**

*(debates and face-offs, interviews, current affairs programmes, current affairs programmes with documentary approach, special information programmes dedicated to a specific theme, programmes intended to inform the citizens about the manner and techniques of voting at the referendum)*

16. Broadcasters are required to respect the rules for balance, equity and impartiality in the special information programmes as well, and provide equal conditions for access to their programmes for the stakeholders of the referendum.
17. In the debate shows, journalists must provide fair conditions in which the dignity of the participants in the debate and the debate itself shall not be compromised.
18. Special information programmes must not be used as forms of paid public propaganda.
19. When publishing the results of public opinion polls in the special information programmes, broadcasters are obligated to observe the rules and deadlines laid down in the Chapter III of these Guidelines.

### **Other types of programmes**

*(shows made for entertaining and educational purposes, covered by the "Guidelines for Classifying Types of Audiovisual and Audio Programmes", as well as the shows with children and/or youth as their primary target group)*

20. If holders of public office or representatives of any of the stakeholders appear in other types of programmes, then their participation must not be done in a way that serves as public propaganda related to the referendum.
21. If public personalities involved in the public propaganda related to the referendum are guests or direct participants in the production of other types of programmes, then such participation must not serve as public propaganda related to the referendum.

### **III. PUBLISHING THE RESULTS OF PUBLIC OPINION POLLS**

22. When publishing the results of public opinion polls relating to the referendum, broadcasters should state the following data:
  - name of the entity that commissioned the poll;
  - name of the institution that conducted the poll;
  - the period during which the poll was conducted;
  - the methodology applied, and
  - the size of the sample that was covered by the poll.
23. The results of public opinion polls regarding the referendum may be published no later than five days before the referendum date.

### **IV. SPECIFIC OBLIGATIONS OF THE PUBLIC BROADCASTING SERVICE**

24. In addition to the general principles and obligations under these Recommendations that apply to all broadcasters, the Public Broadcasting Service shall also abide by the following additional obligations:
  - In the information programmes intended for informing the voters, the Public Broadcasting Service should provide comprehensive, detailed and practical education for the public concerning legislation related to the referendum, the contents of the referendum question and the manner and technique of voting;

- At least one daily-information show, aired at prime time, should be broadcast in a format accessible for people with hearing impairments;
- Some of the special information programmes dedicated to the referendum should be made accessible to people with hearing impairments, and
- It must not broadcast paid public propaganda.

## **V. RIGHT TO REPLY OR CORRECTION**

25. Each of the stakeholders of the referendum has the right to ask from a broadcaster to publish a correction or a response to a published information stating inaccurate data whereby their rights or interests have violated, in accordance with the procedure stipulated in the Law on Media.

## **VI. PAID PUBLIC PROPAGANDA**

26. Broadcasters should create conditions for equal access for the stakeholders of the referendum to the forms of paid public propaganda (advertising spots, announcements, advertisements, music videos that act as anthems of the stakeholders of the referendum, footages of rallies, meetings and other appearances of the stakeholders of the referendum that are broadcast for monetary compensation).
27. Radio and television stations may dedicate a total of 9 minutes per real hour for public propaganda for the referendum, broadcast as additional time. The allotted 12 minutes for advertising pursuant to the Law on Audio and Audiovisual Media Services must not be used for broadcasting public propaganda for the referendum.
28. The total of 9 minutes for paid public propaganda should be divided into two equal halves (4 minutes and 30 seconds each), one for entities agitating in favor of the referendum question, and the other – for entities agitating against the referendum question or advocating boycott of the referendum. In this, any interested stakeholder may purchase maximum one half of the total time allocated for paid public propaganda, i.e. 4 minutes and 30 seconds.

29. The prices of paid public propaganda services should be the same for all stakeholders in the referendum and should not be changed after the date of the pricelists' adoption until the referendum ends.
30. Paid public propaganda should be clearly separated from the broadcasters' programmes and from other advertising messages, and should be visibly marked as paid public propaganda, while the entity that has ordered the same must be clearly indicated throughout the entire duration of the paid public propaganda.
31. The entities that shall be considered responsible for the contents of the broadcasted forms of paid public propaganda are the ones that have ordered the same.
32. Minors are not allowed to participate in paid public propaganda.
33. Broadcasters should refuse to air paid public propaganda if it endangers national security, instigates violent destruction of the constitutional order of the Republic of Macedonia, calls to military aggression or an armed conflict, encourages or spreads discrimination, intolerance or hatred on any grounds prohibited by law, or if the paid public propaganda involves abuse of children for political purposes.
34. Paid public propaganda must not be broadcast in: daily-information programmes, special information programmes, or during live broadcasts of religious, sports, cultural, entertainment and other events.
35. Paid public propaganda must not be broadcast during, immediately before or after shows that have children and/or youth as their primary target group.

## **VII. PRE-REFERENDUM SILENCE**

36. Pre-referendum silence begins 48 hours before the voting day and ends with the closing of the polling stations at 19:00 hrs on the day of the referendum.
37. During the blackout, broadcasters shall continue to report on the events in social life, including the referendum as the most important political event.
38. All forms of public propaganda related to the referendum should end 48 hours before the voting day at the latest.

39. When reporting during the days of pre-referendum silence, media shall be considered to have violated the silence should they broadcast, i.e. publish, any information, photographs, audio or audiovisual materials related to or involving representatives of the stakeholders; any forms of media coverage that openly or covertly serve one's public propaganda and may influence the voters' decision; data revealing the identity of representatives of the stakeholders involved in incidents or other irregularities on the day of voting, or statements by representatives of the stakeholders of the referendum or by government office holders.
40. During the blackout, in order to avoid any influence whatsoever on the citizens' independent decisions, broadcasters are obligated to pay particular attention to the following:
- news, reports, statements, press releases, interviews and commentaries, as well as the sub-types of this genre – as forms of informational and analytical elaboration of the topics, events and developments related to the referendum – must not point out the sources of information either from the side of the authorized proposers or from the ranks of any other stakeholder of the referendum;
  - on the voting day, broadcasters may air official press-releases or pre-recorded statements by the authorized proposers or by any stakeholders of the referendum only after the closure of the polling stations, i.e. after 19:00 hrs;
  - In order to prevent the editors and journalists from being used – deliberately or unintentionally – for conducting public propaganda related to the referendum, special attention should be paid against possible abuses of the sources of information, primarily in terms of reporting on staged incidents, i.e. reporting on the referendum should be based on official sources of information, as defined by the "Law on Referendum and Other Forms of Direct Expression of Citizens' Will", such as "Bodies Authorized for Conducting Referenda" (the State Election Commission, Municipal Election Commissions and Election Boards).
41. The accredited domestic and foreign observers who are not affiliated with the stakeholders of the referendum shall also be considered as official sources of information.

42. In the event of reporting on certain forms of voting obstruction (physical, verbal incidents and similar violations), in addition to the above, the Ministry of Interior shall also be considered as an official source. Reporting on such cases on the voting day should abide by the ethical nature of the presumption of innocence, i.e. the journalistic reports published before 19:00 hrs should not reveal the identity of the perpetrator of the potentially punishable act.

#### **VIII. FINAL PROVISIONS**

43. Broadcasters' failure to act or failure to implement the rules laid down in these Guidelines may constitute grounds for undertaking appropriate measures prescribed by law for such cases.
44. These Guidelines shall enter into force on the day of their enactment, and shall be published on the web page of the Agency for Audio and Audiovisual Media Services.

No. 01-3764/1  
17.08.2018  
Skopje

AGENCY FOR AUDIO AND AUDIOVISUAL MEDIA SERVICES

President of the Council

[signature and seal]

Lazo PETRUSHEVSKI