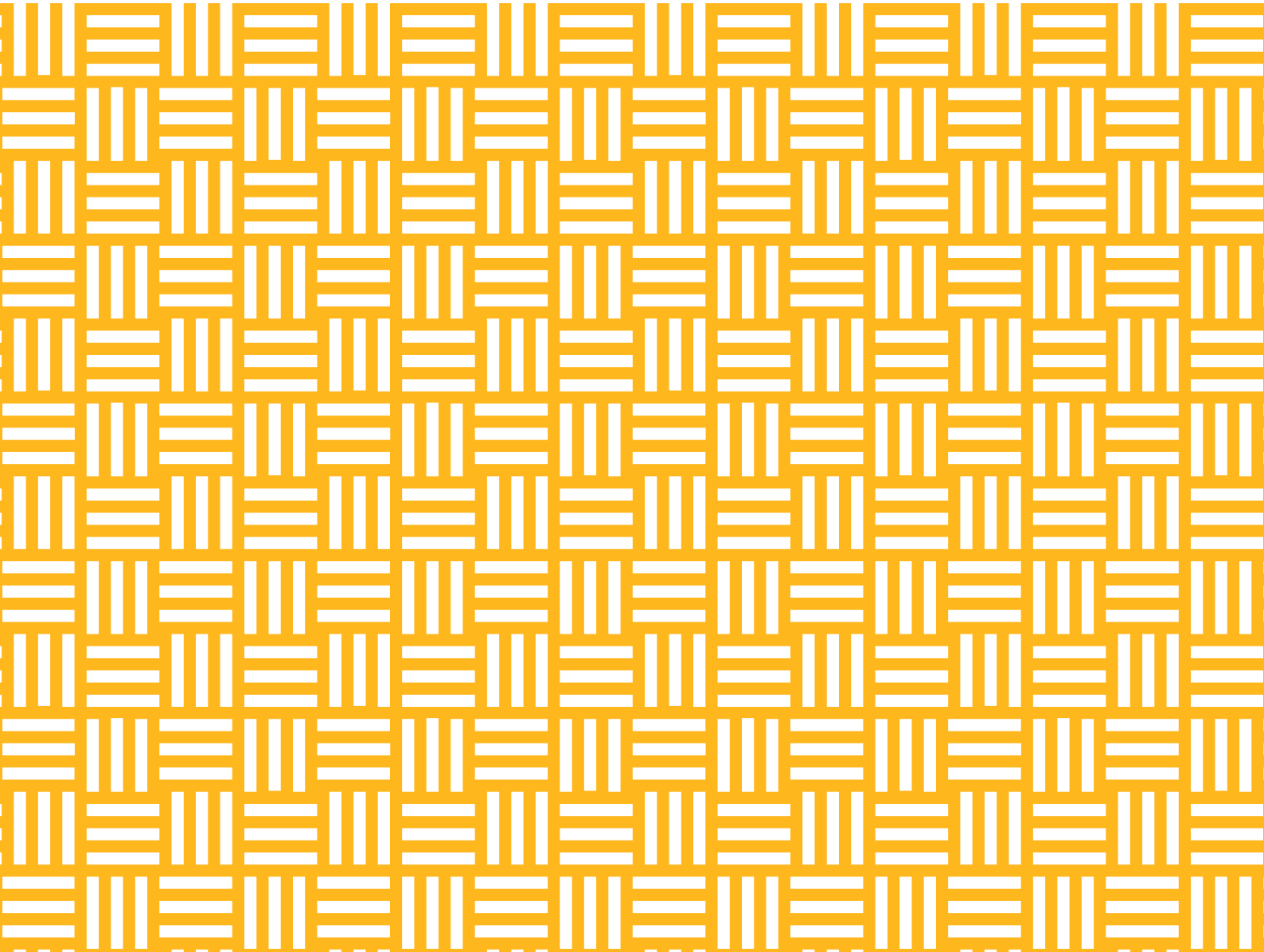




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# **ALBANIA** **Indicators on the** **Level of Media** **Freedom and** **Journalists' Safety** **in Albania 2020.**





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**Author**  
**Blerjana Bino**

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**Author**

Blerjana Bino

**Reviewers**

Aleksandër Çipa  
Besar Likmeta  
Blerina Fani

**Translation**

Durim Tabaku

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# PROJECT OVERVIEW AND SCOPE

It is the fifth year in a row that journalists' associations from the Western Balkan countries (Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo, and Serbia), with the support of the European Commission<sup>1</sup>, monitored the development of media freedom and journalists' safety in their countries. In 2020, two more countries worked on such assessments – Albania and Croatia. The research methodology developed in 2016<sup>2</sup> was finetuned over the years to standardize the data collection and analysis and to adjust the research focus to the developments in both traditional and online media environment in the Western Balkan countries. Based on these standardized research tool, journalists' associations assessed the newest developments in their countries and engaged in various advocacy activities to advance the political, legislative, and institutional environment in which the journalists and media work.

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- 1 In December 2019, the European Commission approved the three-year project [Safejournalists.net](https://www.safejournalists.net), which aims at empowering national journalists' associations in the Western Balkan countries to become effective and accountable independent actors in advocating the application of EU standards in the field of media freedoms, with a long-term goal of advancing citizens' right to informed choice. This action represents an upscaling of the previous project (Western Balkan's Regional Platform for Advocating Media Freedom and Journalists' Safety), based on the knowledge and experience built in the period 2016-2018. The Civil Society Facility and Media Programme 2018-2019 Support to regional thematic networks of civil society organizations, support to a regional network for women's rights and gender equality and support to small scale projects promoting cooperation between communities and citizens from Serbia and Kosovo.*
  - 2 The fifth adapted edition of the research methodology for this advocacy research project was developed by Snezana Trpevska and by Igor Micevski, research fellows of the Research Institute on Social Development RESIS from North Macedonia ([www.resis.mk](http://www.resis.mk)).*

# A NOTE ON THE METHODOLOGY

The research methodology is composed of three groups of indicators developed based on a systemic analysis of various guidelines produced by relevant international organizations<sup>3</sup>. In the course of the previous years, the originally developed indicators have been tested and refined to address the distinctive socio-political context of this region and to reflect the specific needs and interests of the journalists in the seven countries.

A set of various research methods were applied to collect and analyze the data in order to answer indicative questions related to each specific indicator:

- Review of studies, analyses, research reports, policy papers, strategies, and other documents;
- Qualitative analysis of legal documents;
- Retrieval and analysis of information published on the websites of public institutions and other organizations and bodies;
- Retrieval and analysis of press releases, statements and other information produced by professional organizations;
- Secondary data collected by journalists' associations;
- In-depth interviews with experts, journalists, policy makers, etc.;
- Focus groups with journalists; and,
- Surveys with journalists (in some of the countries).

In Albania, a national researcher carried out the data collection and drafted the narrative report, which was then reviewed by nominated national experts and by the lead researcher. In this Western Balkan country, Safe Journalist Network engaged Blerjana Bino as national researcher to write the report. Legal expert Blerina Fani and media experts Aleksandër Çipa and Besar Likmeta were engaged to review the report.

The three groups of indicators used in the assessment of the level of media freedom and journalists' safety in the Western Balkans are presented in the table below.

*Table 1: Indicators on the level of media freedom and journalists' safety*

<b>A. Legal protection</b>	<b>B. Journalists' position in the newsrooms</b>	<b>C. Journalists' safety</b>
A.1 Legal guarantees for media and journalists' freedom and their application in practice	B.1 Economic restrictions on journalists' freedom	C.1 Safety and impunity statistics
A.2 The effects of Defamation Law on journalists	B.2 Editorial independence in the private media	C.2 State institutions and political actors' behavior concerning journalists' protection
A.3 Legal protection of political pluralism in the media	B.3 Editorial independence in the public service broadcaster	C.3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists
A.4 Freedom of journalists' work and association –legal guarantees and practice	B.4 Editorial independence in the not-for-profit	
A.5 Legal protection of journalists' sources	B.5 Freedom of journalists in the news production process	
A.6 Protection of the right to access of information	B.6 Economic position of women journalists	

<sup>3</sup> The following documents were taken into consideration while developing the specific research approach for the Western Balkan countries: Council of Europe: Indicators for Media in a Democracy; UNESCO: Media Development Indicators (MDI) and Journalists' Safety Indicators: National level; USAID – IREX: Media Sustainability Index; Freedom House: Freedom of the Press Survey; BBC World Service Trust: African Media Development Initiative; Committee to Protect Journalists: Violence against Journalists; Reporters without Borders: World Press Freedom Index.





Albania has made considerable progress towards democratization in the past thirty years following the fall of the communist regime. Albania is a European Union (EU) candidate country since 2014 and opened EU accession negotiations in March 2020.<sup>4</sup> It is a parliamentary republic with a unicameral assembly and its constitution was adopted in 1998 with changes in 2008 and 2020. It has a proportional electoral system with regional competition and national threshold. Albania is a NATO member since 2009, considering its Euro-Atlantic alliances as a national strategic interest with a generally constructive role in the Western Balkan.<sup>5</sup> National minorities in Albania are Greek, Macedonian, Vlach/Aromanian, Roma, Egyptian, Montenegrin, Bulgarian, Bosnian, and Serbian.<sup>6</sup>

Political landscape in Albania suffers from continuous conflicts and tensions, which have often undermined the country's necessary institutional and economic reforms. Political polarization and uneven culture of political dialogue have complicated re-

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- 4 These frameworks establish the guidelines and principles governing the accession negotiations with each candidate country. More on [https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania\\_en](https://ec.europa.eu/neighbourhood-enlargement/countries/detailed-country-information/albania_en). The first intergovernmental conferences should be convened as soon as possible after the adoption of the negotiating frameworks by the Council. Prior to its first intergovernmental conference, Albania is called on to make further progress on electoral and judicial reforms and in the fight against organized crime and corruption. Tackling the phenomenon of unfounded asylum seekers and amending the media law also remain important priorities. The Commission will report on these issues when it will present the negotiating framework for Albania. More details on [https://ec.europa.eu/commission/presscorner/detail/pt/ip\\_20\\_519](https://ec.europa.eu/commission/presscorner/detail/pt/ip_20_519)
  - 5 European Commission, "Albania report 2020", p. 8., accessed 20.01.2021, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf)
  - 6 Law No. 96/2017, "On the Protection of National Minorities in the Republic of Albania", accessed 20.01.2021, <https://www.kmd.al/wp-content/uploads/2018/05/1524738824-Liqji-Per-Mbrojtjen-e-Pakicave-Kombetare-ne-R.Sh-2017.pdf>

form efforts of successive governments.<sup>7</sup> Currently, the Socialist Party of Albania is in power at both central and local level and is expected to continue ruling the country after winning the parliamentary elections of April 25, 2021. Albania has a record of competitive elections, though political parties are highly polarized and often organized around leading personalities.<sup>8</sup> Parliamentary walkouts and protracted boycotts by the opposition are frequent and the logic of adversarial politics often compels the opposition to resist legislative proposals that it would have otherwise supported if it were in power.<sup>9</sup> There is a lack of culture of openness in public institutions, visible in their unaccountable practices, selective engagement of stakeholders and tendency to withhold information. This has led to a rather patronizing and dismissive attitude towards CSOs and independent media by public officials and institutions. The frail democratic culture that sees the political party as a source of power and privilege has increased the direct and immediate expectations of citizens towards the parties, transferring to them the monopoly over decision-making without the direct participation of citizens considering limited efficiency of the existing mechanisms.<sup>10</sup>

Albania is a transitional economy and according to the World Bank (2019), Albania grew from one of the poorest nations in Europe to a middle-income country. The challenge for Albania is to move towards an economic model that focuses on investment and ensures export-led growth, helping those with less access and opportunities. Agriculture and tourism have been two of the best performing sectors in most recent years. However, the COVID-19 crisis has posed serious constraints to the economic growth. Inequality remains a critical issue with 40% of population living in poverty.<sup>11</sup> COVID-19 challenged media operations, particularly in financial resources, with a decrease in advertising and outlets going out of print or business, salary cuts, dismissal of media staff, but also challenges regarding freedom and security, such as health and security risks posed to journalists and media staff when reporting from the field.

Albanian media have gone through major transformations responding to the country's socio-cultural, political, and economic changes and advancements in technologies, global media trends and, more recently, to the COVID-19 crisis. The development of media in Albania in the past three decades has not been linear; rather, it echoes a dynamic, rich, and diverse media landscape with the main feature of the dominance of clientelist media, marked by a subtle interdependence and interrelation among media, politics, and business. There is a dual broadcasting system, with the Albanian Radio Television (RTSH) as the public service broadcaster and a thriving private media with 7 national TV channels, 3 national radios, 48 local TV channels, 56 local radios, 2 commercial multiplex and more than 650 online media. The Union of Albanian Journalists has about 1,200 members, while the overall number of journalists is approximately 1,750.

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7 Peter Tabak and Sanja Barkovic, "Albania Diagnostic 2019", London: European Bank for Reconstruction and Development, 2020

8 Gjergji Vurmo, "Freedom in the World 2020", Albania, accessed 15.05.2021, <https://freedomhouse.org/country/albania/freedom-world/2020>

9 Peter Tabak and Sanja Barkovic, "Albania Diagnostic 2019", London: European Bank for Reconstruction and Development, 2020

10 Afrim Krasniqi and Adrian Hackaj, "Albanians and the European Social Model: Internal Democracy in Albanian Political Parties", p. 16, accessed 20.01.2021, <https://library.fes.de/pdf-files/bueros/albanien/11317.pdf>

11 Institute of Statistics, "Albania in figures in 2020", accessed 14.03.2021, <http://www.instat.gov.al/publikime/librat/2020/shqip%C3%ABria-n%C3%AB-shifra-2019/>

### **A1 Legal guarantees for media and journalists' freedom and their application in practice**

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Is the right to freedom of expression and information guaranteed? Does it also encompass access to the Internet?  
Are the legal guarantees implemented in practice?

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The Constitution of Albania guarantees the freedom of expression, freedom of media, and freedom of information.<sup>12</sup> It provides that the right to freedom of expression, freedom of the media and freedom of information can be restricted by law “in the public interest or for the protection of the rights of others”.<sup>13</sup> The applicable legislation on freedom of expression does not directly include access to the Internet. However, in Albania, access to the Internet is guaranteed through the European Convention of Human Rights. The legal framework on the right to freedom of expression and infor-

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<sup>12</sup> Article 22 of the Law stipulates: “Freedom of expression is guaranteed. The freedom of the press, radio and television are guaranteed. Prior censorship of a means of communication is prohibited. The law may require the granting of authorization for the operation of radio or television stations.” Article 23 of the Constitution specifically guarantees freedom of information: “The right to information is guaranteed. Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions. Everybody is given the possibility to follow the meetings of collectively elected organs.”

<sup>13</sup> The Constitution specifies that such restrictions must be “in proportion to the situation that has dictated them” and “in no case may exceed the limitations provided for in the European Convention of Human Rights.”

mation is not thoroughly implemented in practice with signs of deterioration of freedom of expression, of information, and press.<sup>14</sup>

### Was media legislation developed in a transparent and inclusive process in consultation with the relevant professional associations?

In December 2019, the Government of Albania (GoA) approved two draft laws to regulate the media, consisting of a series of amendments to Law No. 97/2013, “On Audiovisual Media in the Republic of Albania” and Law No. 9918, “On Electronic Communications in the Republic of Albania”.<sup>15</sup> The amendments to the Audiovisual Media Law were referred to as the ‘online media law’ and were widely opposed by the civil society, media organizations, and regional and international media networks and associations, because the changes envisaged extensive power to regulate media content to the Audiovisual Media Authority (AMA), whose independence and professionalism could not be assured, thus becoming a censorship instrument. It was rejected by the President of Albania and the Venice Commission<sup>16</sup> with a general criticism that it may restrict freedom of expression and freedom of online media. Since September 2020,<sup>17</sup> the law is under consideration by the Government amidst concerns about limited consultation with and inclusion of stakeholders in the process.<sup>18</sup> As of December 2020, these two draft laws are still under revision by the Government.

### Were there attempts by the state authorities to impose licensing or other strict requirements for the establishment of print and Internet-based media? Do these requirements go beyond a mere business and tax registration?

While Albanian legislation does not specifically guarantee freedom of expression for online media outlets, such rights are guaranteed within the legal framework for print and broadcast media. There is no legislation requiring print and online media to be licensed that go beyond a mere business and tax registration. Online portals do register their domain with the Electronic and Postal Communications Authority, which requires them to provide basic information on ownership and contact information. If the new portals have economic activity, such as advertisements and subscription, they must register with the tax authorities. Data on media ownership is available through the National Business Center. If the publisher is a non-profit, they will have to register with the Tirana Judicial District Court. Currently, there is no legal definition on online media. The draft law under scrutiny attempts to provide a definition for “electronic publication”. The draft law on audiovisual media (so called anti-defamation package or online media law) puts online outlets under the obligation to formally register with AMA, only if they want to receive fiscal benefits (article 37/1), but the draft law is currently being revised considering the opinion of the Venice Commission.

### Have there been attempts by the state authorities to restrict the right to Internet access or seek to block or filter Internet content?

In Albania, the main grounds for possible restrictions on freedom of expression online regulated by law include defamation and libel, hate speech, copyrighted material, and data protection. With the establishment of the online database from the National Authority for Electronic Certification and Cyber Security (NAECCS) in 2020, internet service providers (ISPs) will now be automatically informed of all relevant decisions to remove illegal content handed down by the competent authorities. The Authority for Electronic and Postal Communications (AKEP) will monitor the implementation of such decisions.<sup>19</sup> In 2020, there were some cases of arbitrary restrictions of online media content on general grounds of public panic in cases of two emergencies: earthquake of November 26, 2020, and COVID-19 pandemic as illustrated in the examples below.

14 Article 19, “Albania: Preliminary Findings of Joint Freedom of Expression Mission”, accessed 11.12.2020, <https://www.article19.org/resources/albania-preliminary-findings-of-joint-freedom-of-expression-mission/>

15 The ‘online media law’, also known as the anti-defamation package, includes amendments of 30 articles of the current Audiovisual Media Law, particularly regarding the competences of Audiovisual Media Authority (AMA) and 4 articles of the Law “On Electronic Communications” (AKEP). It was approved by Parliament in December 2019 despite being widely opposed by the EU, CoE, OSCE, journalists, local and international media organizations, and MEPs. The President returned the law to Parliament for reconsideration in January 2020 on the basis that it violates freedom of expression. At the end of January, the Government withdrew from re-voting the initiative and stated that it will await the opinion of the Venice Commission.

16 Council of Europe, Venice Commission, “980/2020 – Albania – Opinion on the Draft Amendments to Law No. 97/2013 on Audiovisual Media Service”, accessed 24.04.2021, <https://rm.coe.int/vc-opinion-albania-062016809ec9c9>

17 Ani Ruci “Albania: Legal Package on Anti-Defamation Again at the Center of Debate.”, Deutsche Welle, 19.09.2020, accessed 15.03.2021, <https://www.dw.com/sq/shqip%C3%ABri-paketa-ligjore-anti-shpifjes%C3%ABrsh-n%C3%AB-qend%C3%ABr-f%C3%AB-debatit/a-54985644>

18 Safe Journalists Network, “Albanian Government Plans to Enact Highly Disputed Law Attempting to Control Online Media”, accessed 15.05.2021, <https://safejournalists.net/portfolios/albanian-government-plans-to-enact-highly-disputed-law-attempting-to-control-online-media/>

19 Eral Nazifi and Michael J. Oghia, “Internet Governance in Albania and Its Role in Media Freedom”, Tirana: Balkan Investigative Reporting Network in Albania, 2020, p. 72, accessed 15.03.2021, <https://birn.eu.com/wp-content/uploads/2020/08/Internet-Governance-1.pdf>

*On grounds of generating public panic in the emergency of the post-earthquake period, the regulatory Authority for Electronic and Postal Communications closed down several web portals broadly perceived as critical to the government. A 25-year-old woman was arrested and held in custody for four days by the counter-terrorism police directorate after sharing an article of a foreign media about a possible explosion of natural gas depots during earthquake aftershocks and requesting authorities for an urgent assessment.*<sup>20</sup>

*The Balkan Investigative Reporting Network (BIRN) reports that in some cases, AMA's request to AKEP to block a specific subdomain that was broadcasting illegal content has brought unwarranted consequences, with ISPs temporarily blocking content for top-level subdomains. In April 2020, for example, an AMA request to block a specific page hosted on the popular online journalism platform [Medium.com](https://www.medium.com) – whose creator had uploaded and begun broadcasting a pirated copy of a film by Albanian comedian Ermal Mamaqi – led to the temporary block of the entire platform by some ISPs. In response, the Albanian Media Council criticized the blocking of [Medium.com](https://www.medium.com) as censorship. Later, the AMA told BIRN Albania that it has since developed an internal procedure to avoid such problems.*<sup>21</sup>

In 2020, the government did not restrict or disrupt access to Internet – including authorizing partial or complete Internet shutdowns – or censor online content. There are no credible reports that monitored private online communications without appropriate legal authority.<sup>22</sup>

**Is the regulatory authority performing its functions in an independent and non-discriminatory manner? Are the licensing and other regulations of broadcasting administered in a fair and neutral way?**

The Audiovisual Media Authority is the regulatory authority in the field of audio and/or visual broadcasting programmes and other support services in the territory of the Republic of Albania. Its performance as regulatory authority has been marked by political contestation regarding its independence and working practices, particularly regarding the proposed anti-defama-

tion package, licensing, and monitoring of audio-visual media.<sup>23</sup> Within the draft law on audio visual media (the so-called anti-defamation package or online media law), the scope of competences of AMA will broaden and the Venice Commission feared that the administrative sanctions envisaged in case of violations or abuses are so high that some small media might be forced to close down due to the exorbitant fines. A Complaints Committee is envisaged to be set up to intervene in cases of complaints of content published by the media. The draft law provides that decisions of AMA may be contested at the Administrative Court. Various reports argue that AMA has not been able to function independently of politics.<sup>24</sup> All members of the AMA have a clear political affiliation, with members proposed by the ruling party/coalition having a majority Parliament.<sup>25</sup> In 2020, AMA operated with limited human resources with three out of seven vacant board member positions. The annual AMA report for 2020 was published in May 2021.<sup>26</sup>

**Are the legal provisions on state advertising in the media abused for political influence over their editorial policy? Is the allocation of state funds transparent, fair, and non-discriminatory? Do the state institutions regularly publish the data on the amounts allocated to different media?**

The primary source of state funding for the private media is funding provided for the publication of state advertisements or announcements, or funding for public events or advertising campaigns. The allocation criteria for these funds are not defined. However, in the recent years, the private broadcast media has received money for their investments in technology for the analogue broadcast switch off.<sup>27</sup> State institutions do not regularly publish data on the specific amount allocated to different media. The Ministry of Finance and Economy does publish data on all payments made from public institutions to private contractors. There is a lack of transpar-

20 European Commission, "Albania 2020 Report", p. 31, accessed 20.01.2021, [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania\\_report\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf)

21 Ermal Nazifi and Michael J. Oghia, "Internet Governance in Albania and Its Role in Media Freedom", Tirana: Balkan Investigative Reporting Network in Albania, 2020, p. 74, accessed 15.03.2021, <https://birn.eu.com/wp-content/uploads/2020/08/Internet-Governance-1.pdf>

22 US State Department, "Albania Human Rights Report 2019", accessed 15.03.2021, <https://www.state.gov/wp-content/uploads/2020/02/ALBANIA-2019-HUMAN-RIGHTS-REPORT.pdf>

23 Rapo Zguri, "Relations between Media and Politics in Albania", Tirana, Albanian Media Institute and FES, 2017, accessed 15.03.2021, <http://www.institutemedia.org/wp-content/uploads/2020/05/shqip-marredheniet-mes-medias.pdf>

24 Agim Doksani et al., "Media in Transition: Reflections Three Decades on", Tirana, Albanian Media Institute and FES, 2020, accessed 25.05.2021, <http://library.fes.de/pdf-files/bueros/albanien/17277.pdf>

25 Council of Europe, Venice Commission, "980/2020 – Albania – Opinion on the Draft Amendments to the Law No 97/2013 on Audiovisual Media Service", accessed 24.04.2021, <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>

26 Audiovisual Media Authority in Albania, "Annual Report 2020", accessed 15.05.2021, [http://ama.gov.al/wp-content/uploads/2021/05/ENGLISH\\_Raporti-Vjetor-i-AMA\\_2020\\_revised-final2.pdf](http://ama.gov.al/wp-content/uploads/2021/05/ENGLISH_Raporti-Vjetor-i-AMA_2020_revised-final2.pdf)

27 Aleksandra Bogdani, "The Government Pays the Digitalization Bill: Over 5 Million Euros to Private Media", Reporter, March 2017, accessed 24.06.2021, <https://www.reporter.al/qeveria-paguan-faturen-e-dixhitalizimit-mbi-5-milione-euro-per-mediat-private/>

ency when the money is spent through big state-owned corporations, like utility companies. Also, when the money is distributed through advertising agencies, it is not clear how this money is allocated to media outlets. Also, transparency procedures have deteriorated regarding procurement processes of state advertising to media, thus leading to allegations for unfair and discriminatory processes. It is also very likely that state advertisement or public funds for media are misused and intended to impose to a certain extent the agenda of the political party in power.<sup>28</sup> Overall, state funds for advertising for media are declining. However, the media indirectly benefits from funds, projects, or other favors that the state may make available to media owners and their businesses, such as licenses, construction permits, and others benefits generated from public tenders. Media's dependence on these sources of funding has led to their undue influence on editorial policy.<sup>29</sup>

### Are there any types of media subsidies or funds for production of media content of public interest and how are they implemented in practice?

There is no specific type of media subsidies or funds to produce media content of public interest. Journalists, media staff, and media associations have been arguing for introduction of subsidies to support media diversity programming. Particularly with the COVID-19 pandemic in 2020, media associations advocated for subsidies for media staff, but this request was initially declined. However, seven media companies were selected to receive interest-subsidized loans worth 144.5 million leks (1,175,250 EUR).<sup>30</sup> The list includes some of the largest media companies or groups in Albania such as Klan TV, owned by Aleksander Frangaj; MTSC, owned by Carlo Bollino; Panorama Group, Focus Media News, and Focus Press, owned by Irfan Hysenbelliu.<sup>31</sup>

### What are the mechanisms for financing media in the languages of national minorities?

The Law on the Protection of National Minorities recognizes the right of minorities to use the press and electronic media in their mother tongue, applying the rules set out in the media legislation, without being discrimi-

nated against based on their language, ethnic and cultural heritage. Public radio and television must also broadcast on one of their channels cultural news and programs in the language of minorities (Article 20).<sup>32</sup> No state policy regarding minorities and media has been drafted or implemented in recent years. According to the applicable law on national minorities, the state budget must dedicate a special fund for minorities each year. This funding is administered by the Committee for National Minorities. It is too early to judge what impact this fund will have on the creation of media for national minorities.<sup>33</sup> Public radio and television RTSH is broadcasting on the second channel programs in five foreign languages for national minorities in the country, such as Greek, Montenegrin, Macedonian, Roma, and Vlach.<sup>34</sup>

### Is the autonomy and independence of the PSB guaranteed and efficiently protected? Does the funding framework provide for its independence and stability? Is the supervisory body representative of society at large?

Albanian Radio and Television (RTSH) is the public service and oldest broadcaster (PSB) in Albania. In principle, the law guarantees the autonomy and independence of the RTSH. However, the transformation of RTSH from a state-owned media to a public service broadcaster<sup>35</sup> has been challenging for many reasons, such as internal settings of RTSH as a media organization and the broader media landscape in Albania.<sup>36</sup> The transformation and reform of RTSH remain a work in progress, while its relation to political actors hinders its independence and overall performance. RTSH is financed by the public, mainly through a special tariff that is paid by every household through the electricity bill. The leadership of RTSH has also been accused of corruption and abuse of office for squandering the funds at its disposal. However, nobody from its management has been charged with or convicted of such crimes. Some au-

28 Ibid.

29 IREX, "Media Sustainability Index 2019 – Tracking Development of Sustainable Independent Media Around the World", accessed 15.05.2021, <https://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2019-albania.pdf>

30 Aleksandra Bogdani, "Albania's 'Moneyed Men' Reap COVID-19 Relief Despite Government Vow", *Balkan Insight*, July 2020, accessed 24.06.2021, <https://balkaninsight.com/2020/07/15/albanias-moneyed-men-reap-covid-relief-despite-government-vow/>

31 Ibid.

32 Ilda Londo, "Albanian Media and European Standards", Tirana: Albanian Media Institute, 2018, p. 28, accessed 15.05.2021, <http://www.institutemedia.org/wp-content/uploads/2020/05/Media-shajptare-dhe-standardet-evropiane.pdf>

33 Ibid.

34 European Commission, "Albania: 2018 Report", accessed 20.01.2021, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-albania-report.pdf>

35 The Law on Audiovisual Media of 2013 established the legal ground for the PSB operation in Albania. RTSH is defined as a public provider of media services that offers audio-visual broadcasting that is free and easily accessible for the entire population. The law sets the PSB remit and its specific objectives of the operation (Article 91 and Article 118, Law no. 97/2013). The new law is in line with the EU legislation, a harmonization process that is still going on.

36 Blerjana Bino, *Albanian Radio and Television – Towards Public Service Media: Expanding to Online Multimedia and Remodeling Its Relationship with Audiences*. ANALITIKA. Accessed on 15.03.2021: <https://www.analitika.ba/sites/default/files/publikacije/PSB%20Albania%20-%20policy%20brief%20FINAL.pdf>

dits of the Supreme State Audit office have raised suspicions over poor financial management.<sup>37</sup>

## A2 Effects of defamation laws on journalists

Are the provisions in the defamation laws severe and protective of state officials? What are the main shortcomings of these laws?

In Albania, and contrary to international best practices, defamation is a criminal contravention.<sup>38</sup> The current Criminal Code defines defamation as the “intentional distribution of untrue data and of having full knowledge of the untrue nature of the data for the purpose of infringing the dignity and the honour of another person”. Punishments can vary from 400 to 12,000 Euros. In 2012, the Criminal Code was reformed to remove the punishment of prison sentences of up to two years for defamation.<sup>39</sup> The Civil Code also contains provisions for defamation. In 2019, District Court of Tirana presided over 13 criminal cases of defamation and 62 civil defamation claims between 2018 and 2019. Nearly half of these lawsuits targeted journalists and media outlets.<sup>40</sup> Also, the attempts of the Government to propose new legislation increasing further the punishment for defamation is seen as restricting freedom of expression.<sup>41</sup>

*In December 2020, the Government attempted to propose changes to the Criminal Code regarding defamation by proposing to criminalize satirical memes and other online posts.<sup>42</sup> This represented a sharp increase of the penalties in defamation cases and rewording of the offence to make it easier to find people guilty. The fine*

*was proposed to increase to 36,000<sup>43</sup> Euros for defamation and responsibility for the crime will go beyond journalists and include editors and directors of media outlets.<sup>44</sup> This proposed change goes beyond mere business and tax registration and is deemed by civil society, media organizations, and experts as another attempt of the Government to restrict media freedom.*

How many lawsuits have been initiated against journalists by state officials and politicians in the past year?

In 2020, more than tens of lawsuits against journalists, mainly for defamation, were filed. Several cases have threatened independence of journalists’ work in Albania through increased number of lawsuits against them, particularly investigative journalists. SLAPP (Strategic Lawsuits Against Public Participation) are becoming frequent in the Albanian media landscape as a mechanism to censor, intimidate, or silence independent media, investigative journalists, and critics by burdening them with the cost of legal defense until they abandon their opposition or criticism.<sup>45</sup> According to the data of the Union of Albanian Journalists, there were twelve confirmed lawsuits against journalists in 2020. There have been three cases of SLAPP in Albania only in December 2020, contributing to deterioration of media freedom.

To what extent are court decisions against some journalists politically motivated? What kinds of penalties have been imposed?

Media experts, civil society organizations, and other independent media organizations have reacted, emphasizing that the defamation lawsuits against journalists have little legal basis but are being used as a mechanism to intimidate and censor the investigation of corruption.<sup>46</sup> Politicians and representatives of big businesses have usually initiated such lawsuits in an attempt to silence investigative journalism or critical media.<sup>47</sup>

37 Media Ownership Monitor in Albania, “The Albanian Radio and Television”, accessed 15.03.2021, <https://albania.mom-rsf.org/en/owners/companies/detail/company/the-albanian-radio-television-rtsh/>

38 Exit News, “Exit Comment: No Need for Additional Anti-Defamation Laws”, 18.12.2019, accessed 15.03.2021, <https://exit.al/en/2019/12/18/exit-comment-no-need-for-additional-anti-defamation-laws/>

39 Ermal Nazifi and Michael J. Oghia, “Internet Governance in Albania and Its Role in Media Freedom”, Tirana: Balkan Investigative Reporting Network in Albania, 2020, accessed 15.03.2021, <https://birn.eu.com/wp-content/uploads/2020/08/Internet-Governance-1.pdf>

40 Ibid.

41 Interview with media expert, December 2020.

42 Erisa Kryeziu, “Targeted Media: Amendments to the Criminal Code Increase Fines for Defamation, Special Status for Politicians and Judges”, Citizen Channel, 04.12.2020, accessed 15.03.2021, [https://citizens-channel.com/2020/12/04/media-ne-shenjestere-ndryshimet-ne-kodin-penal-rrisin-qjebat-ndaj-shpifjes-status-i-vecante-politikaneve-dhe-qijatareve/?fbclid=IwAR2B9Vi5\\_HH-AJ-VKxS-SkqHkx7N37lXhAYEpsU1Q3mUzzyYoCNk5ccy6rY](https://citizens-channel.com/2020/12/04/media-ne-shenjestere-ndryshimet-ne-kodin-penal-rrisin-qjebat-ndaj-shpifjes-status-i-vecante-politikaneve-dhe-qijatareve/?fbclid=IwAR2B9Vi5_HH-AJ-VKxS-SkqHkx7N37lXhAYEpsU1Q3mUzzyYoCNk5ccy6rY)

43 Gjergj Erebara, “Albania Govt Moves Again to Toughen Defamation Penalties”, Balkan Insight, 04.12.2020, accessed 15.03.2021, <https://balkaninsight.com/2020/12/04/albania-government-proposes-yet-another-antimedia-law/>

44 Gjergj Erebara, “Another Antimedia Proposal Calls for Hazing of the Criminal Code and Increase of Fines for Defamation”, Reporter, 03.12.2020, accessed 15.03.2021, <https://www.reporter.al/teter-propozim-antimedia-kerkohet-mjequllim-i-kodit-penal-dhe-rritje-e-gjebave-per-shpifje/>

45 European Center for Press and Media Freedom, Media Freedom Rapid Response, “Albania: Private Companies Are Not Immune from Press Scrutiny and We Condemn All Attempts to Use Legal Actions to Target Journalists”, accessed 15.03.2021, <https://www.ecpmf.eu/albania-private-companies-are-not-immune-from-press-scrutiny-and-we-condemn-all-attempts-to-use-legal-actions-to-target-journalists/>

46 Conclusions of group discussions in December, 2020.

47 Interview with media civil society organization, November 2020.

Do the courts recognize the established self-regulatory mechanism (if any)? Do they accept the validity of a published or disseminated reply, correction, or apology?

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The Albanian Alliance for Ethical Media established self-regulation mechanisms in 2020.<sup>48</sup> This is in line with what media professionals and experts have been arguing that effective online media regulation requires stronger self-regulation rather than government bodies controlling their work.<sup>49</sup> Judges have become more acquainted with the professional of journalists and generally recognize media self-regulatory mechanisms, such as validity of correction, apology, or retraction of content. However, there is no comprehensive database on court judgements against media to be able to assess thoroughly the validity of self-regulatory mechanisms in legal proceedings. Under the Civil Code in case a person is found to be responsible for publishing incorrect, deceitful information for another person, the court orders this person to make a public apology. Therefore, in this regard, this kind of practice is even recognized by law.

What do the journalists think about the defamation law? Are they discouraged to investigate and to write critically?

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Journalists and media experts argue that the current situation is contributing to the deterioration of media freedom, hindering their independent work, investigative journalism, and critical media content.<sup>50</sup> Independent media in the country face pressures, intimidation, and threats in various manners and need support to counter abusive power.<sup>51</sup> Reporters have little job security and remain subject to lawsuits, intimidation, and occasional physical attacks by those facing media scrutiny.<sup>52</sup>

### A3 Legal protection of political pluralism in the media

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Is political pluralism in the media regulated by media legislation outside the election processes? What are the obligations of the PSB and what of the private broadcasters concerning political pluralism outside election processes?

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Political pluralism in the media is not regulated by media legislation outside the election processes apart from the Public Service Broadcaster. Notwithstanding, there are general principles of impartiality that govern media service operators, whereby namely the law provides that the audiovisual media operators may broadcast the activity of political forces, but they should do so without showing political bias. The PSB is obliged to maintain political pluralism outside of election processes, but private media outlets are not obliged by law to do the same. The Law on Audiovisual Media states that the Board of the PSB should monitor and guarantee impartiality of information. Also, provisions on impartiality are included in the Statute and Editorial Policy of the PSB and the editorial guidelines of the PSB call for a plurality of views/opinions and balanced reporting. Traditionally, the PSB channels in Albania tend to favor the political party in power.<sup>53</sup> Albania scores with a medium risk (53%) rating regarding the Basic Protection of media pluralism. Although there is a solid regulatory framework that guarantees freedom of expression, the lack of enforcement leads to a medium and high-risk ratings with in many indicators.<sup>54</sup>

Is the regulatory authority obliged to monitor and protect political pluralism outside election processes?

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The Law on Audiovisual Media stipulates that the regulatory authority –AMA– monitors the impartiality, the objectivity, and the integrity of the audiovisual information.<sup>55</sup> The regulatory authority does not monitor the state of political pluralism in the media outside of the electoral process, apart from the Public Service Broadcaster.

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48 The Alliance for Ethical Media was established in Albania in February 2020 with the purpose of actively engaging media, particularly online, to abide by the journalistic Code of Ethics. Furthering its commitment to improve the media ethics environment in Albania, JUFREX 2, a joint CoE/EU Project on "Freedom of Expression and Freedom of the Media in Albania", supported the Alliance in its decisive step to become a functioning mechanism for self-regulation. On 01.10, 16 members of the Alliance met to discuss the path going forward. They elected the Board of Ethics and approved the logo of the Alliance.

49 Interview with media professional, December 2020.

50 Conclusions of group discussions in December 2020.

51 International Press Institute. "IPI Condemns Detention and Assault of Journalists Documenting Police Violence in Albania", accessed 15.12.2020, <https://ipi.media/ipi-condemns-detention-and-assault-of-journalists-documenting-police-violence-in-albania/>

52 Gjergji Vurmo, "Freedom in the World 2020: Albania", accessed 15.05.2021, <https://freedomhouse.org/country/albania/freedom-world/2020>

53 Interview with media expert, November 2020.

54 Kristina Voko et al., "Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the Years 2018-2019: Country Report Albania", Badia Fiesolana: European University Institute, 2020, accessed 15.03.2021, [https://cadmus.eui.eu/bitstream/handle/1814/67816/albania\\_results\\_mpm\\_2020\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/67816/albania_results_mpm_2020_cmpf.pdf?sequence=1&isAllowed=y)

55 Law No. 97/2013, dated 4.3.2013, "On Audio and Audiovisual Media Services in the Republic of Albania". accessed 15.03.2021: <http://ama.gov.al/wp-content/uploads/2016/06/LAW-NO-97-2013-ON-THE-AUDIOVISUAL-MEDIA-AUTHORITY.pdf>



Even in this case, it falls under the general principles that need to be respected by broadcasters. AMA reports on the amount of airtime occupied by advertising, including institutional advertisement (in time and number), in the capacity of the monitoring authority of content broadcast by audio and audiovisual subjects.<sup>56</sup> AMA publishes regular monitoring reports regarding content monitoring and frequency monitoring, but it is not focused on political pluralism.

#### Do political parties and candidates have fair and equal access to media outside election processes?

While the Constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets. Most are seen as biased toward either the Socialist Party or the Democratic Party.<sup>57</sup> As a result, not all political parties and candidates have fair and equal access to media outlets, particularly the main audiovisual media.

#### What are the legal obligations of the media during election campaigns? Which body monitors electronic and print media?

The Albanian Electoral Code guarantees free access to airtime on PSB channels and services for political actors during election campaigns and is effectively implemented.<sup>58</sup> The Electoral Code stipulates that private radios and televisions cover the electoral campaign only during normal and special news editions, as well as the television stations must apply an equal time ratio to all parliamentary parties that in the last elections to the Assembly obtained up to 20% of the seats. AMA monitors electronic media for electoral campaign coverage and OSCE/ODHIR Election Mission in Albania. There is no monitoring for print media. Currently, AMA does not monitor electronic media, not even for electoral campaign coverage. Its current mandate includes only audiovisual media outlets. The draft law on audiovisual media (the so called antidefamation package or online media law) proposed by the government, which has

not passed yet, would give attributes to AMA to monitor electronic media as well.

#### Do political parties and candidates have fair and equal access to media during election campaigns?

The law envisages fair and equal access of political parties and candidates to media during election campaigns. Despite the legal provisions, different groups of political actors are represented in a biased and non-proportional way, clearly favoring some political actors over others.<sup>59</sup> In the local election in 2019, the ruling Socialist Party and the main opposition Democratic Party dominated the news coverage in all monitored media outlets according to ODHIR. Also, the election coverage was overshadowed by the political crisis, with news and talk shows focusing on increasingly heated exchanges between the DP and SP leadership.<sup>60</sup> In addition, women candidates and politicians received very limited coverage during the campaign.

### **A4 Freedom of journalists' work and association – Legal guarantees and practice**

#### Do journalists have to be licensed by the state to work? Were there any attempts in the past year to introduce licenses by the state?

Journalists do not have to be licensed by the state to work. In the past year, there have been no attempts on the part of the state to introduce such licenses.

#### Have journalists been refused the right to report from certain events on the ground of not having an accreditation?

Due to COVID-19 restrictions, journalists could not report on court sessions. In addition, although the technology permits it to hold pressers on ZOOM or other platforms, health institutions would only accept questions in writing during the lockdown. The problem in Albania is that the number of events, press conferences, and other platforms where journalists can participate and ask questions is declining with the Government and politi-

<sup>56</sup> Audiovisual Media Authority in Albania, "Annual Report 2020", p. 39, accessed 15.05.2021: [http://ama.gov.al/wp-content/uploads/2021/05/ENGLISH\\_Raporti-Vjetor-i-AMA\\_2020\\_revised-final2.pdf](http://ama.gov.al/wp-content/uploads/2021/05/ENGLISH_Raporti-Vjetor-i-AMA_2020_revised-final2.pdf)

<sup>57</sup> Gjeraj Vurmo, "Freedom in the World 2020: Albania", accessed 15.05.2021, <https://freedomhouse.org/country/albania/freedom-world/2020>

<sup>58</sup> Kristina Voko et al., "Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019: Country Report Albania", Badia Fiesolana: European University Institute, 2020, accessed 15.03.2021, [https://cadmus.eui.eu/bitstream/handle/1814/67816/albania\\_results\\_mpm\\_2020\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/67816/albania_results_mpm_2020_cmpf.pdf?sequence=1&isAllowed=y)

<sup>59</sup> *Ibid.*

<sup>60</sup> Office for Democratic Institutions and Human Rights, "Election Observation Mission Final Report 2019", p. 19, accessed 15.03.2021, [https://www.osce.org/files/f/documents/1/4/429230\\_0.pdf](https://www.osce.org/files/f/documents/1/4/429230_0.pdf)

cal parties preparing ready-made material and the media simply transmitting such content. There are cases of journalists being refused the right to report from events, during the election period and in other instances. Even in press conferences and other events of the Prime Minister or other governmental officials, there are cases of journalists not being allowed to attend the events and ask questions.<sup>61</sup>

**Are journalists organized in professional associations and, if yes, how? Are there pressures on their organization or on individual members?**

Journalists are organized in professional associations, but such associations are not consolidated and have limited resources and competences. The Union of Albanian Journalists has about 1,200 members and has established branches in 10 cities in Albania. The Albanian Professional Journalists Association has about 220 members and a board of 12 journalists. It is an associated member of the International Federation of Journalists.

**Are journalists organized in trade unions and, if yes, how? Are there pressures on the trade union leaders and other members? Are the journalists free to become members of trade unions?**

There are no trade unions of journalists in Albania. Founded in 2005, the Union of Albanian Journalists is the largest association of journalists in Albania. Journalists are free to become members of trade unions, but the Union of Albanian Journalists is basically the only option. No pressure on the Union leadership was reported in 2020. There was no new initiative in 2020 to establish a journalists' trade union. Other unions in Albania do not have a particular section for media workers and journalist. There is no union in the Public Service Broadcaster. However, many of the journalists working at the PSB are members of the Union of Albanian Journalists.

**Is there a Press Council and how is it organized? Are there pressures on the representatives of the Press Council?**

The Albania Media Council is an independent organization of journalists, registered in 2015 as a legal NGO in the form of an association aiming at a more ethical, professional, and independent media. The founding mem-

bers of the Council are more than thirty Albanian journalists from TV, print and online media. The Albanian Media Council tries to reinforce the media Code of Ethics<sup>62</sup> in Albania, published in 2018 by the Albanian Media Institute. In 2020, the Albanian Media Council established the Albanian Alliance for Ethical Media as a self-regulation mechanism and introduced the "Ethical Guidelines for Online Journalism".<sup>63</sup> The Alliance for Ethical Media is a voluntary group of Albanian media dedicated to rigorously implementing the Code of Ethics for Journalists.<sup>64</sup>

## **A5 Legal protection of journalists' sources**

**How is confidentiality of journalists' sources guaranteed by the legislation? Under what circumstances, the right to protect their sources may be subject to limitations? Is the right to protection of sources guaranteed in the Constitution?**

The protection of confidential sources of information is one of the basic principles of media operators, according to the current legal framework on audiovisual media. In addition, Article 159 of the Code of Criminal Procedure includes journalists among the professions who are not obliged to disclose the source of information, considering it a professional secret. However, a court decision can prove that the source of the information is a basic piece of evidence and journalists may be required to disclose it. Journalists have an ethical obligation not to disclose their sources of information.<sup>65</sup> According to the Code of Ethics of media in Albania, "Journalists shall not divulge the name of a person when information is provided on a confidential basis, unless consent has been explicitly given by the person concerned."<sup>66</sup> A judicial court can request with a written order from journalists to disclose a confidential source if it is in the public interest.

62 The complete Code of Ethics for Journalists in Albania can be accessed at <https://kshm.al/wp-content/uploads/2018/04/Kodi-i-Etikës-final-English-4.pdf>

63 Ethical Guidelines for Online Journalism can be accessed at <https://kshm.al/wp-content/uploads/2018/04/ETHICAL-GUIDELINES-FOR-ONLINE-JOURNALISM-7.pdf>

64 More information on the Alliance for Ethical Media can be accessed at <https://aleancaetike.media/about-us/>

65 More resources at <https://www.reporter.al/manualidrejtetise/BURIMET%20DHE%20GAZETARI.html>

66 The complete Code of Ethics for Journalists in Albania can be accessed at <https://kshm.al/wp-content/uploads/2018/04/Kodi-i-Etikës-final-English-4.pdf>

61 Interview with media professionals, June 2020.

**Is confidentiality of journalists' sources respected by authorities? Were there examples of ordering journalists to disclose their sources and was that justified to protect the public interest?**

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Confidentiality of journalists' sources is a challenge in Albania also because it is a small country and social and family bonds are very strong. Local media, in particular, find it difficult to protect the sources.<sup>67</sup> There have been cases when the (judiciary) authorities have asked to disclose sources, but as part of official investigations and in line with the legal framework.

**Were there any sanctions against journalists who refused to disclose the identity of a source?**

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In 2020, no cases of sanctions against journalists who refused to disclose the identity of source were registered. In 2016, at least one case was confirmed – that of Artan Hoxha – in which the prosecution initiated an investigation against a journalist because of his refusal to disclose the identity of his source.

**Do journalists feel free to seek access to and maintain contacts with sources of information?**

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Safety of journalists in accessing and maintain contact with sources is challenged by the overall safety issues of journalists and their work conditions. Journalists covering organized crime and investigative journalists face more challenges in seeking access to and maintaining contacts with sources of information.

## **A6 Protection of the right to access to information**

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**What are the legal rules on access to official documents and information which are relevant for journalists?**

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Transparency of Albanian public institutions is regulated by Law No. 119/2014, 'On the Right to Information.' The Law provides transparency requirements for public authorities, provisions for freedom of information (FOI) requests, and for monitoring mechanisms. There are clear

deadlines for the public authorities to provide the requested information. If a public authority fails or refuses to provide the requested information without reason, the person requesting the information has the right to file a complaint with the Commissioner for the Right of Information and Personal Data Protection, who may fine the public authorities or force them to release the information. Public authorities may withhold information, however, if it is related to or adversely affects national security, trade secrets, the right to privacy, copyright, intergovernmental relations, monetary and fiscal policies, ongoing criminal or administrative investigations, and intra-governmental consultations for the development of public policies.<sup>68</sup> Despite the restrictions, the law states that information may not be withheld if a higher public interest demands it be made public. The 'public interest' provision, however, is undefined thus providing public institutions substantial latitude to legally restrict or deny information.<sup>69</sup> Jurisprudence of the European Court of Human Rights may, however, be used to shed light on this.

**Do the journalists use these rules? Do the authorities follow the rules without delays?**

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Request for obtaining information under the Law on the Right to Information is the key tool at disposal of journalists to obtain information. However, this means that journalists will have to wait for the legal timeframe allowed to institutions to respond, 10 working days being the maximum length.<sup>70</sup> This might cause delays in their reporting. Hence, journalists tend to use other sources of information. Also, public institutions tend to use the maximum length at their disposal for responding and will also delay their responses. There are reported cases in which the authorities do not follow the rules and do not respect the right to information.<sup>71</sup>

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<sup>67</sup> Interview with local media professional, November 2020.

<sup>68</sup> Article 17, Law on the Right to Information No. 119/2014, accessed 24.06.2021, [https://www.idp.al/wp-content/uploads/2016/11/LAW\\_119-2014.pdf](https://www.idp.al/wp-content/uploads/2016/11/LAW_119-2014.pdf)

<sup>69</sup> Westminster Foundation for Democracy, "Civil Society Participation in Decision Making in Albania", accessed 15.02.2021, <https://idmalbania.org/wp-content/uploads/2020/03/CSO-Participation-in-Decision-Making-in-Albania.pdf>

<sup>70</sup> Article 15, Law on the Right to Information No. 119/2014, accessed 24.06.2021, [https://www.idp.al/wp-content/uploads/2016/11/LAW\\_119-2014.pdf](https://www.idp.al/wp-content/uploads/2016/11/LAW_119-2014.pdf)

<sup>71</sup> Marja Brakaj, "Six Months of Pandemics, Many Questions and Rejection of the Law by the 'Healthcare'", *Faktoje*, September 2020, accessed 24.06.2021, <https://faktoje.al/qashte-muaj-pandemi-shume-pikepyetje-dhe-refuzim-ligji-nga-shendetesia/>

**Are state authorities in general transparent? Do they employ open, non-discriminatory, and fair media relations or tend to work in secrecy? Do state institutions treat preferentially politically friendly media?**

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Recent studies<sup>72</sup> argue that there is a lack of culture of openness of public institutions, identified as a concern not only by civil society organizations (CSOs), but also by independent institutions, such as the Commissioner for the Prevention of Discrimination. Interviews with CSOs suggest that the fundamental issue that prevents CSOs from meaningfully contributing to policymaking is the hermetic and unaccountable nature of public institutions. Selective engagement and the tendency to withhold information produces asymmetric government-civil society relations. This structural asymmetry leads to a rather patronizing and dismissive attitude towards CSOs by public officials and institutions.

**Are the courts transparent? Is media access to legal proceedings provided on a non-discriminatory basis and without unnecessary restrictions?**

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With the major judiciary reform in the country, media access to legal proceedings is provided generally on a non-discriminatory and without restrictions as per the provisions of the law. However, journalists note that access to hearings and meetings held by the High Council of Justice in some cases have been restricted. For example, the hearings held for the appointment of judges to the Supreme Court have been held behind closed doors and no audio recordings and transcripts have been published. In addition, journalists point out that their access to court proceedings have been restricted due to the COVID-19 pandemic in 2020.

**Is public access to parliamentary sessions provided? Are there restrictions for the journalists to follow parliamentary work?**

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Parliamentary sessions are transmitted live on PSB and opened to the public following the procedures in place. Due to COVID-19 restrictions, accessing the Parliament sessions in 2020 was not always possible. Generally, journalists argue that the transparency of the Parliament has improved considering the institutional mechanisms in place and access to online resources made available by the Parliament for media, CSOs, and other interest groups. The Parliament has two dedicated staff: one is the Coordinator for the Right to Information, and one is the Coordinator for Civil Society and Interest Groups.<sup>73</sup> The Parliament publishes an annual report on the public participation in decision-making and has recently established a Coordinator for Transparency and improved its presence online, also in light of COVID-19 pandemic.<sup>74</sup>

**How open to the public are the Government and the respective ministries?**

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Generally, journalists see the Government and the respective ministries as not sufficiently open and transparent. A recent study<sup>75</sup> argues that a major issue noticed during the devastating earthquake and COVID-19 pandemic crises relates to the access to public information and institutions' transparency. It should be noted that the crises emphasized the existing issues of transparency and trust in institutions.

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72 Leonie Vrugtman and Blerjana Bino, "Trust in Governance Opinion Poll 2019", Tirana: UNDP and IDM, 2020, accessed 15.03.2021, [https://www.al.undp.org/content/albania/en/home/library/democratic\\_governance/trust-in-governance--opinion-poll-2019.html](https://www.al.undp.org/content/albania/en/home/library/democratic_governance/trust-in-governance--opinion-poll-2019.html)

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73 Westminster Foundation for Democracy, "Civil Society Participation in Decision Making in Albania", accessed 15.02.2021, <https://idmalbania.org/wp-content/uploads/2020/03/CSO-Participation-in-Decision-Making-in-Albania.pdf>

74 Ibid.

75 Blerjana Bino et al., "The Role of Civil Society and Media in Crises Management in Albania", Tirana: Westminster Foundation for Democracy, 2020, accessed 15.03.2021, <https://www.wfd.org/2020/12/22/the-role-of-civil-society-and-media-in-crises-management-in-albania/>

## **B1 Economic restrictions on journalists' freedom**

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How many journalists have signed employment contracts? Do they have adequate social security? How high are the journalists' salaries? Are they paid regularly?

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Journalists' labor rights in Albania were further challenged in 2020 due to COVID-19 pandemic and economic difficulties of media outlets.<sup>76</sup> As previous studies have noticed,<sup>77</sup> the lack of employment contracts remains an issue, particularly for young journalists and journalists working in online media outlets. Adequate social security is still an issue of concern, particularly lack or limited maternity or paternity leave. On average, journalists' salary is about 500-600 Euros per month up to a maximum of 1,800 Euros per month and a minimum of 250 Euros per month. Frequency of payment is an issue particularly for newspapers, online media, and local media.

*In 2020, in some audiovisual media, about 30 employees lost their jobs, more than 1,000 suffered pay cuts of 25 to 50 percent, and delays in the payment of monthly sa-*

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<sup>76</sup> Julian Hoxhaj, "Challenges of Local Media during COVID-19", Albanian Media Institute, accessed 15.03.2021, <http://www.institutemedia.org/wp-content/uploads/2020/06/Shtida-e-medias-lokale-n%C3%AB-Shqip%C3%ABri-gjat%C3%AB-pandemis%C3%AB-Covid-converted.pdf>

<sup>77</sup> IDRA, "Media Job Market in Albania 2019", accessed 15.03.2021, <https://idracompany.com/files/ALB-Studimi%20mbi%20hendekun%20e%20aft%C3%ABsive%20n%C3%AB%20media.pdf>

laries became commonplace. Journalists without personal contracts make up more than 90 percent of the media market, a large proportion are involved in collective agreements, and a minority work illegally.<sup>78</sup>

**In what state are journalists' working conditions? What are the biggest problems they face in the workplace?**

Journalists' working conditions are challenging. Non-compliance with working conditions, such as deprivation of paid leave, verbal abuse in the workplace, and discrimination based on gender or political beliefs; lack of security in the exercise of duty; security issue regarding crisis reporting such as earthquake, COVID-19, floods, protests.<sup>79</sup> Online media outlets' journalists are most often reported to work in conditions of informality (without employment contracts), and anonymity. The latter does not allow them to defend their copyright, nor to create a personal professional profile, becoming an equal part of the community of professional journalists.<sup>80</sup> Copyright infringement is also a major problem in broadcast, print and online media.

## **B2 Editorial independence in the private media**

**Have private media outlets adopted organizational documents according to which the newsrooms are kept separate and independent from managers and marketing departments?**

The size of media varies, but the majority of media outlets are small and with limited resources, whereby the same person might exercise different functions. Hence, separation of newsroom from management and marketing is not always possible.<sup>81</sup> Few large private media outlets have adopted, at least in paper, organizational documents to ensure editorial independence by sep-

arating newsrooms from managers and marketing departments. However, small media outlets struggle with establishing and consolidating newsrooms that are separate and independent from managers and marketing departments.

**Do private media outlets have other rules adopted to safeguard editorial independence from media owners and managing bodies? Are those rules respected?**

Very few media outlets, particularly critical and investigative media, attempt to safeguard editorial independence by encouraging journalists towards skills development, training and exchange of experience with other peers; introducing basic code of ethics in the newsroom and media outlet; and taking decisions as a group regarding delicate matters in reporting and content production.<sup>82</sup> In most cases, private media do not encourage journalists to participate in trainings for self and professional development. Journalists that wish to do so have to use their own free time and resources. However, in general, there are no additional rules adopted by private media to safeguard independence from media owners and managing bodies. This remains one of the biggest challenges for all private media in Albania.

**Do private media outlets' newsrooms have internal codes of ethics or they comply to a general code of ethics?**

Generally, private media outlets do not have a written policy on ethical standards or well-established code of ethics, but they adhere to the standards set out by the Albanian Media Council<sup>83</sup> or other journalists' associations in the country.<sup>84</sup>

**What are the most common forms of pressure that media owners and managers exert over the newsrooms or individual journalists?**

The most common forms of pressure that media owners and managers exert over newsrooms or individual journalists are shutdown of shows or cancellation of reporting or other news/content format, intimidation, economic insecurity, harassment, control over content and framing. Journalists are being put in conditions of economic survival and under increasing pressure from the owners

78 Enton Abilekaj, Head of *Dosja.al*, as quoted in Ani Ruci, "In Albania "journalists can be fired with an sms", *Deutsche Welle*, 29.04.2020, accessed 15.03.2021, <https://www.dw.com/sq/n%C3%AB-shajp%C3%ABri-gazetar%C3%ABt-mund-t%C3%AB-pushohen-meni%C3%AB-sms/a-53278560>

79 Valbona Sulçe Kolgeci and Endrit Shabani, "Research Study on Journalists' Labor Rights", Tirana: Albanian Helsinki Committee, 2020, accessed 15.03.2021, <https://ahc.org.al/wp-content/uploads/2020/07/Research-Study-on-Journalists%E2%80%99-Labor-Rights.pdf>

80 Interview with media professional, January 2021. Confirmed by [https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor\\_Te-drejta-pune-per-gazetaret\\_ALB-1.pdf](https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor_Te-drejta-pune-per-gazetaret_ALB-1.pdf)

81 Focus group with local media, December 2020.

82 Focus group with local media, December 2020.

83 Albanian Media Institute, "Code of Ethics for Journalists in Albania", accessed 15.03.2021, <https://kshm.al/en/code-of-ethics-for-journalists/>

84 Focus group with local media, December 2020.

of media companies that in Albania are mainly business-people linked with political interests and ties.”<sup>85</sup>

What was the most illustrative example of the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year?

There is no public information on the pressure exerted by media owners or managers on an entire newsroom or individual journalist in the past year. During interviews and focus group discussions, journalists were reluctant to provide full details about such cases. However, the Albanian Media Council has confirmed that in Albania “journalists can be fired simply with a text message by media owners.”<sup>86</sup> The Union of Albanian Journalists notes that arguably such a case in 2020 would be the downgrade of Beti Njuma at Ora News, from Director of Information to just news anchor and moderator. This case showcases the intersection of political and media interests.

### **B3 Editorial independence of the public service broadcaster**

Does the PSB have an adopted code of journalists’ conduct and editorial independence? Do journalists comply with this code?

PSB in Albania is obliged by law to have a code of conduct and code of ethics in place and ensure editorial independence. Journalists are trained on editorial independence by the PSB and donors as well. In 2020 PSB published the editorial policy online outlining the key principle of its editorial independence including the code of ethics and professional standards.<sup>87</sup> In practice, despite the progress of the transformation of RTSH into a public service media, it is mostly perceived as favoring the ruling party in its news coverage.<sup>88</sup>

Do the PSBs bodies have a setup of internal organizational rules to keep the newsrooms independent from the PBS managing bodies? Are those rules respected?

In principle, PSB has separate newsroom from managing bodies. According to the Law on Audiovisual Media from 2013, the three main governing bodies of RTSH include: the Steering Council, the Director-General, and the Administration Board (Law No. 97/2013). The Steering Council is the highest governing body, the Director-General oversees the daily management, and the Administration Board is an advisory board to the Director-General on financial and administrative issues, but not related to programming and content. These structures are supposed to ensure the independence of the newsroom alongside with the editorial policy, code of ethics and professional standards. In practice, managers tend to influence the work of editorial departments and journalists.

What are the most common forms of pressure that the government exerts over the newsrooms or individual journalists in the PBS?

In practice, the transformation and reform of RTSH remain a work in progress,<sup>89</sup> while its relation to political actors hinders its independence and overall performance. This is evident in the deadlock regarding the selection of the management bodies of RTSH (Steering Council and Director General),<sup>90</sup> politically biased content that corresponds to the interests of the incumbent government,<sup>91</sup> and relatively limited transparency and accountability to the public, although this has improved with the Transparency Programme and reports made available online and with a more balanced coverage of electoral campaigns for instance in 2017<sup>92</sup> and 2021.

85 Koloreto Cukali, Head of Albanian Media Council, as quoted in Ani Ruci, “In Albania ‘journalists can be fired with an sms’”, Deutsche Welle, 29.04.2020, accessed 15.03.2021, <https://www.dw.com/sq/n/C3%AB-shqip/C3%ABri-gazetar/C3%ABt-mund-t/C3%AB-pushohen-me-nj/C3%AB-sms/a-53278560>

86 Ibid.

87 RTSH Editorial Policy can be accessed at: [https://rtsh.s3.eu-central-1.amazonaws.com/4fe8d4a805a246d7a33ff6dc658036e9\\_202004071647.pdf](https://rtsh.s3.eu-central-1.amazonaws.com/4fe8d4a805a246d7a33ff6dc658036e9_202004071647.pdf)

88 Focus groups with journalists, December 2020.

89 This challenge is mentioned in the Annual Report of RTSH to the Albanian Parliament in August 2020, available at: <http://www.parlament.al/Files/Kerkese/20200429155506RAPORT%20VJETOR%20%20i%20RTSH-s%3%AB%20per%20vitet%202019-compressed.pdf>

90 Gjergj Erebara, “Parliamentary Opposition Leading the Way to One-Party Control of AMA and RTSH”, Reporter, 24.05.2021, accessed 05.06.2021, <https://www.reporter.al/opozita-parlamentare-i-hap-trugen-kontrollit-njepartiakte-ama-dhe-rtsh/>

91 Fatjona Mejdini, “Albanian Broadcaster Strives for Neutral Stance in Election”, Balkan Insight, 01.06.2017, accessed 15.03.2021, <https://balkaninsight.com/2017/06/01/albanian-public-broadcaster-balance-in-campaign-pin-hopes-for-change-05-31-2017/>

92 OSCE ODHIR, “Preliminary Findings on General Parliamentary Elections 2021”, accessed 10.06.2021, <https://www.osce.org/files/f/documents/2/7/484688.pdf>

What was the most illustrative example of the pressure exerted by the government over the work of the entire newsrooms or individual journalists in the past year?

There is no public information on the pressure exerted by the government over the work of the entire newsrooms or individual journalists in the past year. During interviews and focus groups, journalists were hesitant to provide full details about such cases. In 2020, no reaction on the part of journalists' associations is publicly reported regarding any illustrative example of pressure by the government directly on the work of the RTSH newsroom or individual journalists.

#### **B4 Editorial independence in the non-profit sector**

Have the non-profit media adopted a code of journalists' conduct and editorial independence? Do journalists comply with this code?

Non-profit media have adopted code of journalists' conduct and journalists adhere to editorial independence. These are investigative media, fact-checking media and usually mission-oriented media serving the community and thus attempt to adhere to editorial independence. They use the Code of Ethics published by the Albanian Media Institute and/or the Albanian Media Council.<sup>93</sup>

What are the most common forms of pressure over the non-profit media outlets?

Non-profit media in Albania are fewer in number and smaller in size as compared to private media outlets. However, they face similar challenges related to media freedom, financial sustainability, and safety as other media. For instance, the most common forms of pressure over the non-profit media are lack of funding for content production and expansion; SLAPP that tends to intimidate and discourage investigative reporting; and lack of access to public information which is related to the limited transparency of public institutions and intimidation of journalists.

What was the most illustrative example of the pressure exerted over the non-profit media?

*The SLAPP cases in December 2020 are related to the public-private partnership of the Government of Albania regarding incinerators in Elbasan. In the first week of December 2020, for articles about the incinerator deal it had published. The second SLAPP case is against Artan Rama, an investigative journalist, who published an investigative article "Behind the Scenes of A Second Contract for the Elbasan Incinerator" on 6 November 2020. Earlier, the Chief of Cabinet of the Ministry of Defense sued the journalist Juli Ristani, who published in the newspaper Shqip an investigative article about obtaining scholarships for military medical studies in Greece, offered by NATO.*

*BIRN Albania stood by the report and said they are ready to fight the matter in court. The lawsuit came after BIRN Albania published an article about incinerators. The lawsuit is unfounded and intended to intimidate journalists through costly and lengthy legal processes to make them reluctant to report, said BIRN Albania Executive Director, Kristina Voko for Citizen Channel. Asked by BIRN Albania, Artan Rama said that he stands by the published article and will defend it in court. I think it has two purposes. Firstly, an attempt by the company to present a positive image to the public, as by passing the case on to a court it hopes that it can publicly convey, a priori, the idea that an injustice has been done to it, and, secondly, a threat to any journalist involved in reporting on public-private partnership concession contracts, including these companies, Rama said for Citizen Channel.*

#### **B5 Freedom of journalists in the news production process**

How much freedom do journalists have in selecting news stories they work on and in deciding which aspects of a story should be emphasized?

Journalists are not always fully independent in selecting news stories. The freedom of journalists in selecting news stories they work on and in deciding which aspects of a story should be emphasized depends on editorial policy of media outlets, on the position of newsroom vs owners and managers, and on the media ownership structure and revenues. A major determinant is the type of story or content to be produced. Self-censorship is still present, which can also be reflected in the framing of news stories covered. In some cases, ed-

93 Focus groups with journalists, December 2020.



iting content of stories or omitting certain aspects of it is a common practice in the newsroom.

#### How often do journalists participate in editorial and newsroom coordination (attending editorial meetings or assigning reporters)?

In most newsrooms, journalists participate daily in at least one editorial and newsroom coordination meeting in which the stories / topics to be covered are decided. For small private media, journalists do not necessarily meet in such a formalized setting, but ad hoc informal meetings are organized to decide the topics to be covered. However, journalists state that it is often the case that editors persuade them not to follow certain stories that someone powerful may not like. Also, in some cases, journalists are told by their editors or even media owners whom to interviewee.

#### What are journalists' attitudes with regard to the journalists' ethics?

Journalists are in favor of having journalists' ethics in place. However, not all journalists are aware of the code of ethics that their media has in place. Also, some journalists lack capacities and awareness on adhering to the code of ethics, particularly young journalists and those working in online portals and small private media.

#### What are the journalists' self-perceptions on the extent to which they have been influenced by different risks and sources of influence?

Journalists are aware of the extent to which they have been influenced by risks and sources of influence, particularly safety, pressures from government, and other form of intimidation by owners.

#### How many journalists report censorship by the editors? How many journalists report they succumbed to self-censorship due to fear or losing their job or other risks?

Censorship and self-censorship are still present in the Albanian media environment. Several studies confirm that they come from political and economic pressures, lack of financial viability for media outlets, lack of professionalism, and lack of ethics and respect for journalists' rights. Censorship and self-censorship are more common in Albania's broadcast media and the press that are controlled by a handful of powerful families, which have

affiliated businesses in regulated markets.<sup>94</sup> Online media are more diverse. They are start-ups run by professional journalists in some cases and thus allow for more freedom of journalists to report stories from different angles. Stuck between the owners' economic interests and the relations with the government, journalists often decide not to rock the boat. This climate produces a lot of self-censorship, given that journalists' efforts to dig deeper could often lead to loss of their employment.<sup>95</sup>

### **B6 Economic position of women journalists**

#### Are women journalists working under worse working conditions in comparison to their male colleagues? Do they have signed employment contracts as frequently as men?

Generally, women journalists report the same conditions as their male colleagues with the only difference that journalism women report cases of sexual harassment. Signed employment contracts are not correlated with the gender of journalists but with the broader media challenges. Female journalists also complain about disrespect for their maternity leave, which affects their life choices.<sup>96</sup>

#### Do women tend to hold leading editorial positions in the newsrooms, as much as men?

Women represent the majority of journalists in Albania. Women journalists in Albania do not hold leading editorial positions in the newsroom as much as men do. "While women dominate in journalism schools, less than half of women are working in newsrooms. In a male-dominated industry rampant with sexism, women find any obstacles put in their way. For example, the working hours of a journalist are long and irregular. This means that, while they are typically burdened with the lion's share of childcare and housework, women find it difficult to cope with

94 Sofija Todorovic, "Internet Governance Key to Media Freedom in Albania", *Balkan Insight*, 10.09.2020, accessed 15.03.2021, <https://balkaninsight.com/2020/09/10/internet-governance-key-to-media-freedom-in-albania/>

95 Fajtona Mejdini, *Journalist, as quoted in Tsai Mali, "Albania, Journalism and the Shadow of Censorship"*, Observatorio Balcani e Caucaso Transeuropa, 01.10.2019, accessed 15.03.2021, <https://www.balcanicaucaso.org/eng/Areas/Albania/Albania-journalism-and-the-shadow-of-censorship-196741>

96 Valbona Sulçe Kolgeci and Endrit Shabani, "Research Study on Journalists' Labor Rights", Tirana: Albanian Helsinki Committee, 2020, accessed 15.03.2021, <https://ahc.org.al/wp-content/uploads/2020/07/Research-Study-on-Journalists%E2%80%99-Labor-Rights.pdf>

this situation.”<sup>97</sup> There are no official statistics on how many editors are in Albania and how many of them are women.

#### How high are their salaries in comparison to men’s?

According to a recent study on journalists’ labor rights in Albania, 80% of women journalists say that they work full-time and believe they get paid less than their male counterparts.<sup>98</sup> There is no reliable gender disaggregated data on the salaries of women and men journalists.

#### Are they subject to specific gender-based pressures?

Women journalists report sexual harassment and disrespect for maternity leave. In the focus groups, journalists report of sexual harassment in their workplace, mostly toward women and girls considering that managers, editors, and owners are primarily men with “an attitude of entitlement and power toward young journalists trying to make a name for themselves”.<sup>99</sup> However, such cases are not reported officially and usually no charges are filed due to an overall climate of intimidation and a general attitude of ‘blaming the victim’. Tolerating violations has spread among employers and journalists alike, who see themselves usually as powerless to change the reality.

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97 Alice Taylor, “Comment: Nevertheless, Female Journalists Persisted”, *Exit Explains Albania*, 06.03.2021, accessed 15.05.2021, <https://exit.al/en/2021/03/06/comment-nevertheless-female-journalists-persisted/>

98 Valbona Sulçe Kolgeci and Endrit Shabani, “Research Study on Journalists’ Labor Rights”, Tirana: Albanian Helsinki Committee, 2020, accessed 15.03.2021, <https://ahc.org.al/wp-content/uploads/2020/07/Research-Study-on-Journalists%E2%80%99-Labor-Rights.pdf>

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99 Focus groups, December 2020.

### C1 Safety and impunity statistics

In terms of security of journalists, similar as with other trends in the region, attacks on media freedom are at risk of becoming a new normality in Albania.<sup>100</sup> In 2019 and 2020, journalists have had machine guns fired at their homes, been threatened with firearms, been gassed in the streets, received death threats on live television, had their residence permits revoked, been targeted in smear campaigns, and been sued by the Prime Minister – just for conducting their profession.<sup>101</sup> Council of Europe (CoE) Report finds that at the end of December 2020 there were 6 active alerts on Albania, 6 others resolved and 1 killing.<sup>102</sup> Since June 2020, safety and impunity statistics have been published also on Safe Journalists Network with a total of 17 cases.

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100 Council of Europe, "Platform to Promote the Protection of Journalism and Safety of Journalists", p. 35, accessed 05.06.2021, <https://www.coe.int/en/web/media-freedom>

101 Alice Taylor, "Albania Drops Seven Places in Internationally Respected Media Freedom Report", *Exit Explains Albania*, 18.04.2019, accessed 15.03.2021, <https://exit.al/en/2019/04/18/albania-drops-seven-places-in-internationally-respected-media-freedom-report/>

102 Council of Europe, "Platform to Promote the Protection of Journalism and Safety of Journalists", p. 35, accessed 05.06.2021, <https://www.coe.int/en/web/media-freedom>

Table 2: Number of registered attacks on journalists in 2020

Categories	Number	Description
<p><b>Non-physical threats and harassments</b></p> <p>The non-physical threats and harassments include:</p> <ul style="list-style-type: none"> <li>– surveillance or trailing;</li> <li>– harassing phone calls;</li> <li>– arbitrary judicial or administrative harassment;</li> <li>– aggressive declarations by public officials;</li> <li>– other forms of pressure that can jeopardize the safety of journalists in pursuing their work.</li> </ul> <p>These types of threats do not include mobbing and bullying in the working environment.</p>	3	<ul style="list-style-type: none"> <li>– In January, Acromax threatened to sue Alice Taylor and <a href="#">Exit.al</a> for an investigation she conducted into their work for the Socialist Party in Albania</li> <li>– SLAPP case in December 2020 in Albania against Artan Rama, an investigative journalist</li> <li>– The Chief of Cabinet of the Ministry of Defense sued journalist Juli Ristani, who published in the newspaper Shqip an investigative article on obtaining scholarships for military medical studies in Greece, offered by NATO.</li> </ul>
<p><b>Threats against the life and physical safety of journalists</b></p> <p>These may include:</p> <ul style="list-style-type: none"> <li>– references to killing journalists, journalists' friends, family or sources;</li> <li>– references to making physical harm against journalists, journalists' friends, family, or sources;</li> </ul> <p>These threats may be:</p> <ul style="list-style-type: none"> <li>– made directly or via third parties;</li> <li>– conveyed via electronic or face-to-face communications;</li> <li>– may be implicit as well as explicit.</li> </ul>	1	<ul style="list-style-type: none"> <li>– Ora News journalist Elio Laze has published a video of an employee of the Salillari Construction Company threatening him. The employee of Salillari, one of the government's favored construction companies, responded by being verbally and physically aggressive with the journalist and threatening him.</li> </ul>
<p><b>Actual attacks on journalists</b></p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	9	<ul style="list-style-type: none"> <li>– In January 2020, journalist Fatos Lubonja's car has been vandalized with a rock after he had parked it outside his apartment in Tirana.</li> <li>– Following the demolition of the National Theatre on 17.05.2020, the editor of <a href="#">Politiko.al</a>, Alfred Lela, was violently arrested while reporting on the protests.</li> <li>– Exit New's illustrator Diversanti was in the Theatre at the time the demolition started and was removed and arrested by force by special police forces who stormed the building.</li> <li>– On 17.06.2020 Hila was filming the demolition of a building by the National Inspectorate of Protection of Territory (IKMT) on a local beach in Lezha, Albania, using his mobile phone.</li> <li>– On 30.10.2020, at half past midnight, an explosion shook the house of Eldion Ndreka, the local reporter and journalist for News24, a major 24-hour news channel. At the moment of the blast, Ndreka was at home with his family. The explosion caused material damage only.</li> <li>– On 11.12.2020, the police detained Xhoi Malësia, a journalist and news anchor of Ora News RTV, while filming the protests.</li> <li>– On 11.12.2020, Qamil Xhani, editor-in-chief of the newspaper Koha Jone, was also detained while on duty.</li> <li>– Durrës Lajm editor Shefqet Duka was detained by the police as he left media premises near the Liria Square where protests were taking place.</li> <li>– Aldo Mustafa, local journalist of <a href="#">Syri.net</a> TV in the city of Durrës was on duty reporting live the protest in his hometown when he was attacked by one of the police officers and was not allowed to film and report on the detention of protestors by the police.</li> </ul>
<p><b>Killings of journalists</b> (in the past 15-20 years)</p> <p>Types of killings may include being killed in crossfire, assassinated, killed in a bomb explosion, beaten to death, etc.</p>	1	<ul style="list-style-type: none"> <li>– On 07.01.2020, Kastriot Reçi, owner of "Media Plus TV" was murdered in Rrëshen (Mirdita), Albania. On the same day, the police issued a statement stating that "today at 11:05, in Rrëshen of Mirdita, K.R was murdered with a firearm in unclear circumstances. The killer is not yet identified by the police. Mr. Reçi was allegedly connected to drug trafficking.</li> </ul>
<p><b>Threats to and attacks on media institutions, organizations, media and journalists' associations</b></p> <p>Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.</p>	3	<ul style="list-style-type: none"> <li>– Armed police entering Ora News premises.</li> <li>– Digital attack on Citizen Channel</li> <li>– Online media law or anti-defamation package</li> </ul>

## Non-physical threats and harassments

Several cases have been identified as threatening journalists' independent work in Albania through increased lawsuits against journalists, particularly investigative journalists. SLAPP (Strategic Lawsuits Against Public Participation) are becoming frequent in the Albanian media landscape as a mechanism to censor, intimidate, or silence independent media, investigative journalists, and critics by burdening them with the cost of a legal defense until they abandon their opposition or criticism. In January, Acromax threatened to sue Alice Taylor and [Exit.al](#) for an investigation she conducted into their work for the Socialist Party in Albania, which included removing content from social media channels such as Facebook and YouTube. The lawsuit never materialized. Later in the year, Exit's investigation went international when it was picked up by German portal Netzpolitik who said Acromax has a "chilling impact on media freedom in Albania." The second case refers to the SLAPP case in December 2020 in Albania against Artan Rama, an investigative journalist, who published on 06.11.2020 an investigative article "Behind the Scenes of a Second Contract for the Elbasan Incinerator". Following this article, Albtek Energy, which received the concession for constructing the waste incinerator in Elbasan six years ago, sued the investigative journalist for defamation. Artan Rama said that he stood by the published article and would defend it in court. The third case is another lawsuit. The Chief of Cabinet of the Ministry of Defense sued journalist Juli Ristani, who published in the newspaper Shqip an investigative article on obtaining scholarships for military medical studies in Greece, offered by NATO.

## Threats against the lives and physical safety of journalists

On 24.03.2020, Ora News journalist Elio Laze published a video of an employee of the Salillari Construction Company threatening him. Ora News were onsite at the Ring Road in Tirana, filming the company carrying out works even though such activities are currently banned under the mandatory Coronavirus restrictions. As a result of the violation, Laze filmed the workers and approached one for comment. The employee of Salillari, one of the government's favored construction companies, responded by being verbally and physically aggressive with the journalist and threatening him.

## Number of actual attacks

Following the demolition of the National Theatre on 17.05.2020, [Politiko.al](#) editor Alfred Lela was violently arrested while reporting on the protests. The po-

lice claimed he "wasn't on duty" at the time. He was released without charge but claimed that he was assaulted and verbally insulted by the police. Exit News's illustrator Diversanti was in the Theatre at the time the demolition started and was removed and arrested by force by the special police forces who stormed the building. He was released without charge but reported the use of violence and excessive force by officers carrying semi-automatic weapons. On 17.06.2020, Hila was filming the demolition of a building by the National Territory Protection Inspectorate (IKMT) in a local beach in Lezha, Albania, using his mobile phone. Hila reported that Lezha police officers approached while he was filming with his phone asking for an ID. After Hila stated he was a journalist, the police officer grabbed the phone from his hands, shouting "What journalist are you?!?". He was detained even though he identified himself as a journalist several times and the police officers at the site had informed the police chief of his profession. He was detained in the police vehicle near the demolition site and subsequently released due to pressure from other journalists. On 30.10.2020, at half past midnight, an explosion shook the house of Eldion Ndreka, the local reporter and journalist for News24, a major 24-hour news channel. At the moment of the blast, Ndreka was at home with his family. The explosion caused material damage only. Security cameras footage shows a person getting out of a car, leaving the explosive, and quickly leaving the site. The police and the investigative unit were on the scene in the town of Lezha and continue to investigate the event's circumstances, identify, and apprehend the perpetrator. No arrests have been made so far. On 11.12.2020, the police detained Xhoi Malësia, a journalist and news anchor of Ora News RTV, who was filming the protests. Malësia was released after three hours, but reported abuse of his rights: "I was detained by the police while filming the protest, although I identified myself as a journalist. I was taken to the police station, where I was beaten and insulted by the police officers," said Malësia for SafeJournalists Network and added that he had not been allowed to exercise his right to a phone call. "I was released three hours later, after having been forced to sign a statement I did not write, but which was imposed by the police officers as a condition to be released." On 11.12.2020, Qamil Xhani, Editor-in-Chief of the Koha Jone daily paper, was also detained while on duty. After Xhani had finished reporting, he witnessed police violence against protesters. He asked the police to stop, but was handcuffed and detained with 50 protesters. Xhani stated that he had been hit on the head and his back. The police seized his mobile phone and deleted all footage. Xhani, too, was pressured to sign a statement admitting that he had been detained for "participating in an illegal gathering". After the Koha Jone publisher contacted the General Director of Police directly and the case was reported live on the evening TV program Xhani was released. Durrës Lajm editor Shefqet Duka was detained by the police as he left the media

premises near the Liria Square where a protest was taking place. He had been taken to the police station and detained for more than three hours. Durrës Lajm staff contacted the local police spokesperson to share their concerns. Upon his release, Duka confirmed that police officers did not use violence against him, but he had witnessed violence against the protesters. Aldo Mustafa, local journalist of [Syri.net](http://Syri.net) TV in the city of Durrës, was on duty reporting live the protest in the town when he was attacked by one of the police officers and was not allowed to film and report on the detention of protesters by the police.

### Number and types of killings

On 07.01.2020, Kastriot Reçi, owner of Media Plus TV, was murdered in Rrëshen (District of Mirdita), Albania. On the same day, the police issued a statement stating that “today at 11:05, in Rrëshen of Mirdita, K.R. was murdered with a firearm in unclear circumstances. A team of investigators is working to identify the authors of this crime.” He was allegedly connected to drug trafficking.

### Number and types of threats and attacks on media institutions, organizations, media and journalists’ associations

In January, Acromax threatened to sue Alice Taylor and [Exit.al](http://Exit.al) for an investigation she conducted into their work. She published an article that included details of a conversation she had with owner Aldor Nini. In that conversation, Nini admitted that the Socialist Party were clients and even sent examples of work they had done for them. This included removing content from social media platforms, such as Facebook and YouTube. He later claimed SP was no longer their client and threatened a lawsuit in Germany and Albania against her and the portal. The lawsuit never materialized. Citizen Channel website was attacked several times and then was completely down due to cPanel attacks.

## **C2 State institutions and political actors’ behavior concerning journalists’ protection**

### Are there specific provisions in the laws or other mechanisms aimed at supporting journalists’ safety, offline and online?

Freedom of expression is guaranteed, but there are no specific laws for journalists’ safety. However, on the basis of the European Convention on Human Rights and

the European Court of Human Rights’ case law, member States (including Albania) have both negative and positive obligations to protect journalists. Not only must they refrain from intimidating political declarations or judicial practices against media actors, but they also have the duty to actively grant them full protection of the law and the judiciary in order to create an enabling environment for their journalistic activities.<sup>103</sup> State institutions lack resources and capacities to protect journalists in the on-line and offline space.

### Are there documents (protocols, rules of procedure etc.) adopted by state institutions that give additional guidelines to military and police how to conduct with journalists?

Some state institutions have been trained on how to deal with journalists and media professionals, but there are limited official protocols adopted. Justice institutions normally should have in place rules on public relations/communication, but this is not always the case. Nevertheless, in 2019, the General Prosecution Office issued an Instruction on Public Relations in Prosecution Offices of General Jurisdiction, whereby it slightly regulates the role of the judicial police in sharing/or refusing to disclose information that they acquire in the course of an investigation. Overall, the relations of justice institutions with the media are regulated by general provisions in the special law of each justice institution. More recently, a new online course on Protection and Safety of Journalists is now available in Albanian for legal professionals, but also for journalists and law-enforcement officials in identifying and tackling the threats towards journalists and other media actors.<sup>104</sup>

### Are there any mechanisms for monitoring and reporting on threats, harassment, and violence towards journalists? Do state institutions publish data about attacks on journalists and impunity?

Institutions in Albania do not publish data about attacks on journalists and impunity. State institutions do not keep detailed records on attacks against journalists. Nor do they publish relevant data about this. State insti-

<sup>103</sup> Council of Europe, “Online Course on Protection and Safety of Journalists Available in Western Balkans Languages”, <https://www.coe.int/fr/web/pristina/-/online-course-on-protection-and-safety-of-journalists-available-in-western-balkans-languages>

<sup>104</sup> The course was developed by the Council of Europe [Information Society Department](http://Information Society Department), in cooperation with [HELP Programme](http://HELP Programme) (Human Rights Education for Legal Professionals) within the framework of the Action “Freedom of Expression and Freedom of the Media in South-East Europe (JUFREX 2)” implemented under the European Union and Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Turkey II (2019-2022)”.

tutions lack resources and capacities to collect and publish such data. Council of Europe, Rapid Media Freedom Response and Safe Journalists Network are the key mechanisms for monitoring and reporting on threats on a regular basis.

**Are the attacks on the safety of journalists recognized by the state institutions as a breach of freedom of expression and criminal law? Do government officials make clear statements condemning attacks upon journalists?**

Attacks on the safety of journalists are generally condemned by state officials and are considered as breach of freedom of expression.

**Do state institutions cooperate with journalists' organizations on journalists' safety issues?**

Independent institutions cooperate with journalists' organizations on journalists' safety, such as the Ombudsman, the Commissioner for the Protection against Discrimination and the Information and Data Protection Commissioner.

**In cases of electronic surveillance, do state institutions respect freedom of expression and privacy? Which was the most recent case of electronic surveillance on journalists?**

There is no official or public case of electronic surveillance on journalists.

### **C3 Criminal and civil justice system's behavior concerning threats and acts of violence against journalists**

**Are there specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists?**

There are no specific units within the institutions of the civil justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists.

**Do the Public Prosecutor's office and Ministry of Interior Affairs provide adequate resources to cover investigations into threats and acts of violence against journalists?**

There is no special provision for additional resources to cover investigations into threats and acts of violence against journalists.

**Are the investigations of crimes against journalists, including intimidation and threats, investigated promptly, impartially, and efficiently?**

Various reports and feedback from journalists point to the fact that there is limited impartial and efficient investigation of crimes against journalists.

**Are there measures of protection provided to journalists when required in response to credible threats to their physical safety?**

State institutions do not provide any special protection, but media organizations, international media network and civil society do provide support and resources.

**In cases of final verdicts, are the sanctions imposed only to perpetrators or to instigators/masterminds also?**

This information is not available.

**Do the institutions organize appropriate trainings for police, prosecutors, lawyers, and judges in respect to protection of freedom of expression and journalists? Do they organize these trainings in cooperation with journalists' associations?**

With the support of international donors, training have been organized but there is need for more capacity building and awareness raising.

# Conclusions and Recommendations

The Constitution of Albania guarantees the freedom of expression, media, and information, but such provisions are not thoroughly implemented in practice, and signs of deterioration of freedom of expression, freedom of information, and freedom of press can be witnessed in the larger ecosystem. The Government of Albania has attempted to introduce changes in the legal provisions that are deemed to be violating the freedom of expression and freedom of media. The Audiovisual Media Authority's performance as regulatory authority has been marked by political contention regarding its independence and work practices. The advertising market has a significant influence on the media integrity level in Albania due to several factors, such as efficiency of legal mechanisms implementation, the small size of the market, and the dependence of media on economic and political actors.

There is no specific type of media subsidies or funds for production of media content of public interest apart from the Public Service Broadcaster. Albanian Radio and Television (RTSH) is the public service broadcaster in Albania and its autonomy and independence are guaranteed by law. No state policy regarding minorities and media has been drafted or implemented in recent years. In Albania, and contrary to international best practices, defamation is a criminal contravention. 20 lawsuits against journalists, mainly for defamation, are recorded in 2020. In several cases the independence of journalists' work in Albania has been threatened, through increased number of lawsuits against them, particularly investigative journalists. The Albanian Alliance for Ethical Media established self-regulation mechanisms in 2020. Political pluralism in the media is not regulated by media legislation outside the election processes apart from the Public Service Broadcaster. Generally, the freedom of journalists' work and associ-



ation are guaranteed. Limited transparency, whether intentional or ex officio, of state institutions also hinders the work of journalists.

In terms of economic position of journalists, major challenges persisted in 2020, particularly regarding the employment, working conditions, safety, and professional development. Editorial independence is affected by the interrelations among the media, politics, and businesses. Some non-profit media have managed to maintain editorial independence. Self-censorship is still present. Working conditions of women journalists are in most cases more challenging than men, particularly in term of salaries, intimidation, leading positions in the newsroom, and harassment. Journalists working for online media portals and local media outside of Tirana face more challenges than their counterparts in mainstream media and in Tirana. Field journalists report that they feel unprotected from physical threats. Investigative journalists report fearing judicial lawsuits coming from parties affected by their work. Young journalists face additional challenges including lack of solidarity by their experienced peers. A 2020 study of the Albanian Helsinki Committee confirmed that the lack of journalists' trade unions within media entities and the indifference of public institutions toward proposals of journalists' associations about labor rights have left journalists unprotected in the face of abuse of their labor rights.

Concerns over the safety of journalists increased in 2020 with 17 alerts including threats against the life and physical safety of journalists, non-physical threats and harassments, actual attacks, and threats and attacks on media organizations. There are no specific provisions for the safety of journalists, and state institutions have limited capacities, resources, and preparedness to guarantee journalists' safety. Institutions in Albania do not publish data about attacks on journalists and impunity. Attacks on the safety of journalists are generally condemned by state officials and are considered as breach of freedom of expression. However, it is important for the law enforcement agencies to properly investigate into the cases.

Albania's media freedom decreased during 2020, leaving the country ranking 84th in the 2020 World Press Freedom Index, having dropped two positions lower than in 2019 (then ranked 82nd).<sup>105</sup> In the Council of Europe's Platform to promote journalists' protection and safety, Albania has recorded 15 media freedom active alerts with only five resolved, within five years (2015-

2020).<sup>106</sup> As experts say, 'the pandemic provided an opportunity for propaganda to Prime Minister Edi Rama, who took the lead on communication with a constant presence on social media and online broadcaster ERTV. It is reported that, only in the first month of lockdown, the Prime Minister published 407 Facebook posts (13/day) and 47 hours of videos, thus creating Albania's first experience of governance via social media'<sup>107</sup>. In addition to media freedom, the COVID-19 crisis intensified the existing media challenges in Albania.<sup>108</sup> According to Freedom House 2020, while the Constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent news outlets; most are seen as biased. Reporters have little job security and remain subject to lawsuits, intimidation, and occasional physical attacks by those facing media scrutiny. Print media has continued to experience declining revenue, which has driven down journalists' salaries.<sup>109</sup>

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<sup>105</sup> Reporters without Borders, "Albania Report 2020", accessed 15.03.2021, <https://rsf.org/en/albania>

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<sup>106</sup> Council of Europe, "Media Freedom", accessed 24.11.2020, [https://www.coe.int/en/web/media-freedom/all-alerts?p\\_p\\_id=sojdashboard\\_WAR\\_coesoportlet&p\\_p\\_lifecycle=0&p\\_p\\_col\\_id=column-4&p\\_p\\_col\\_count=1&sojdashboard\\_WAR\\_coesoportlet\\_keywords=&sojdashboard\\_WAR\\_coesoportlet\\_selectedStringFilters=resolution.activealerts.year.2015.year.2017.year.2019.year.2016.year.2018.year.2020&sojdashboard\\_WAR\\_coesoportlet\\_selectedCategories=11709474](https://www.coe.int/en/web/media-freedom/all-alerts?p_p_id=sojdashboard_WAR_coesoportlet&p_p_lifecycle=0&p_p_col_id=column-4&p_p_col_count=1&sojdashboard_WAR_coesoportlet_keywords=&sojdashboard_WAR_coesoportlet_selectedStringFilters=resolution.activealerts.year.2015.year.2017.year.2019.year.2016.year.2018.year.2020&sojdashboard_WAR_coesoportlet_selectedCategories=11709474)

<sup>107</sup> Gentola Madhi, "Albanian Public Information Becomes a Casualty of COVID-19", *Observatore Balcanica*, accessed 15.03.2021, <https://www.balcanicaucaso.org/en/Areas/Albania/Albania-public-information-becomes-a-casualty-of-COVID-19-202724>

<sup>108</sup> Blerjana Bino et al., "The Role of Civil Society and Media in Crises Management in Albania", Tirana: Westminster Foundation for Democracy, 2020, accessed 15.03.2021, <https://www.wfd.org/2020/12/22/the-role-of-civil-society-and-media-in-crises-management-in-albania/>

<sup>109</sup> Gjergji Vurmo, "Freedom in the World 2020: Albania", accessed 15.05.2021: <https://freedomhouse.org/country/albania/freedom-world/2020>

## RECOMMENDATIONS

Key recommendations for policy makers per each area include the following:

### A. LEGAL PROTECTION

- Ensure full enforcement of legal guarantees for freedom of expression and freedom of media and an enabling media environment in line with international standards.
- Review media legislation to bring it fully in line with international standards on freedom of expression, especially regarding online media.
- Ensure transparency of public and state advertising.
- Strengthen media ownership transparency.
- Build and enhance self-regulatory mechanisms with executive capacities.
- Establishing a union in the Public Service Broadcaster.

### B. JOURNALISTS' POSITION IN THE NEWSROOMS

- Enhance the transparency and accountability of regulatory authority of media.
- Strengthen the independence of public service broadcaster.
- Strengthen the enforcement of the decisions of the Commissioner on the Right to Information / Commissioner for Protection Against Discrimination.
- Support and incentivize the improvement gender equality in the newsroom.
- Protect members of the LGBTQ community and other minorities.

### C. JOURNALISTS' SAFETY

- Ensure a policy of zero tolerance for intimidation and attacks against journalists, as well as for threats against the media, including in political discourse.
- Ensure protection and safe space for journalists.
- Ensure enforcement of the Labor Code and strengthen the protection of Albanian journalists' labor and social rights also through encouraging creation of union of journalists and strengthening journalists' associations.
- Collect and publish regular data on journalists' safety, working conditions, and other related issues.
- Enable and enforce the provision of protective supplies to people working in media who will continue to report from the field.

Strengthen inter-institutional and multi-stakeholder collaboration among state institutions (police, prosecution offices, etc.) and international organizations (OSCE Presence, for example) and journalists' associations and CSOs dealing with media and security issues.

Tackling the issue of digital safety of journalists and increasing capacities of public institutions to address digital safety issues for journalists and media professionals.

Key recommendations for journalists' associations:

### D. FOR JOURNALISTS' ASSOCIATIONS

- Establish a joint platform of journalist associations, media outlets, and those who provide legal and professional support to journalist and editors whose security is under the threat in cooperation with existing initiatives.
- Support fact-checking and investigative journalism, but also present in-depth narratives through which the citizens will understand the processes and relations and not simply the bare facts presented.
- Support women journalists, young journalists, and journalists working in local media.
- Ensure capacity building, resource mobilization, and fundraising for journalists' associations.
- Build and strengthen self-regulation mechanisms with executive capacities.
- Raise awareness, support, and empower journalists who are still unwilling to report violations of their labor rights out of fear of losing their jobs and lack of faith in the justice system.
- Increase solidarity among journalist associations on each and every case of censure or attack to members and/or representatives due to their profession.



