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Western Balkans Journalists' Safety Index

Narrative Report Albania 2020

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Introduction

The Western Balkans' Journalists' Safety Index (WB-JSI) is a research-grounded tool designed to measure and monitor the changes in the respective social and political environments of the WB countries, that have direct or indirect impact on the safety of journalists and media actors while practicing their profession. The WB-JSI relies primarily on the research evidence collected and analysed by the partners of the [Safejournalists.net](https://www.safejournalists.net) Platform in compliance with a rigorous procedure of inquiry. The collected data on various dimensions of the complex concept of 'journalists' safety' is quantified and aggregated into a composite indicator – Journalists' Safety Index, to measure the changes across the seven Western Balkans' countries over time. Based on the research evidence, nine members of the Advisory Panel in each country¹ assess the situation and assign scores to each of the 19 indicators within the following dimensions:

- (1) **Legal and organisational environment** – the existence and implementation of legal safeguards relevant for the safety of journalists;
- (2) **Due Prevention** – the existence and implementation of a range of preventative measures that have direct effects on journalists' protection and safety;
- (3) **Due Process** – the behaviour of state institutions and public officials towards journalists and the efficiency of the criminal and civil justice system concerning the investigations of threats and acts of violence against journalists;
- (4) **Actual Safety** – incidents and instances of various forms of threats and acts of violence against journalists and media.

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the [Safejournalists.net](https://www.safejournalists.net) Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media of Montenegro, Association of Journalists of

¹ In Albania the Advisory Panel consisted of: Gjergj Erebara, Emiljano Kaziaj, Kristina Voko, Orkidea Xhaferaj, Alice Taylor, Elira Çanga, Erlis Çela, Klodiana Kapo and Koloreto Çukali.

² The researchers of the RESIS Institute (www.resis.mk), Snezana Trpevska, Igor Micevski and Ljubinka Popovska Toševa have developed the conceptual framework for the Index and the model of its aggregation, weighting and calculation.

Macedonia, Association of Journalists of Kosovo and Croatian Journalists' Association and independent researcher in Albania³. As such, the Index is a result of a joint effort of the Platform [Safejournalists.net](https://safejournalists.net) and covers all the specific issues that local partners identified as relevant for their country contexts.

This report refers to the situation in Albania in 2020 which was designated as the first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index. In the upcoming years, the improvement or deterioration of the situation in all countries will be measured by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at: <https://safejournalists.net/safety-index/>.

— SUMMARY

**Journalists'
Safety
Index
3.38**



I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- In Albania, defamation is still a criminal contravention and there have been recent attempts by governmental officials to increase sanctions. In 2020, there was an attempt to introduce changes in the Criminal Code regarding defamation that inferred potential criminalisation of online content. There is limited data regarding the penalties imposed against journalists and use of precedents from previous years. Investigative and critical journalism are particularly more often target of defamation lawsuits initiated by politicians and

³ Blerjana Bino as independent researcher in Albania for Safejournalists.net platform.

representatives of big businesses, which might produce a chilling effect on critical and investigative media.

- The protection of confidential sources of information is guaranteed in the domestic legislation. However, judges usually tend to ask for the sources in lawsuits by means of a loose interpretation of what constitutes public interest. There have been cases when (judicial) authorities have asked journalists to disclose their sources albeit as part of official investigations and in line with the legal framework. In 2020, no cases of sanctions against journalists who refused to disclose the identity of source were registered.
- Arbitrary use of other legislation such as state of emergency and anti-COVID19 restrictions were noticeable during 2020. SLAPP are increasing in the Albanian media landscape as a mechanism to censor, intimidate, or silence independent media. In 2020, there have been significant alerts about safety of journalists reporting during protests. Access to timely, quality, and reliable information is challenging due to a general lack of transparency and accountability culture in public institutions. The current situation with access to public information makes it difficult for journalists to conduct investigative stories and do critical writing.
- Journalists are sometimes under pressures, which hinder them from fully pursuing their profession. Due to COVID-19 restrictions, but not only, in some cases journalists have not been able or allowed to report government events, court sessions and hospitals. Although journalists are free to organise themselves in professional associations, still such associations face many vulnerabilities in terms of resources, capacities, networking, and overall ability to advocate the government for changes towards an enabling media landscape.
- Labour rights are not fully respected, particularly in private media, local media, online media. Also, young journalists and women journalists face more challenges. Lack of employment contracts, inadequate social and other welfare security policies remain issue of concern as well as the general working conditions of journalists, which deteriorated during the COVID19 pandemic. No collective agreements are signed for protection of labour rights of journalists in the private media. There are no trade unions of journalists in private media in Albania. Not all journalists have access to free legal aid provided by the media outlet they are employed.

II. DUE PREVENTION

- Albania's state institutions have not established yet effective mechanisms that are specific for journalists and media staff to provide protective measures when

they are threatened. No specialized legal service is available to journalists. Most of the cases of attacks to journalists in 2020 refer to unlawful police arrests or detention of journalists while covering protests or reporting from the field. The follow-up measures, such as investigations and bringing the perpetrators to justice in case of attack against journalists, are slow and ineffective. State institutions lack resources and capacities to protect journalists in the online and offline space.

- The victim protection and safety mechanisms envisaged in the law are not customized to journalists and victims may not avail of sufficiency of protection or an internal relocation alternative. There are no data available on how many journalists have availed from this mechanism of protection and safety or if at all have made use of this mechanism in 2020. Some nongovernmental organisations provide legal advice and support to journalists to obtain protection and safety from the legal mechanisms in place.
- Albania has ratified and reports regularly to Council of Europe about the Istanbul Convention, but implementation is not yet effective. The existing mechanisms to support victims of gender-based violence are still weak and insufficiently equipped to provide advice and help to women journalists for their challenges. These mechanisms are not specific to women journalists and the threats they face in their work.
- The practice of clear and explicit condemnation of the attacks on journalists has not been established in a genuine manner. On the contrary, government officials themselves attack journalists verbally. And when there is a public condemnation, it is mainly done in the context of political confrontations.
- Police officers did not show sensitivity in their actions during 2020, i.e., several cases were reported of ungrounded detention of journalists, particularly while covering protests or live events. There is some basic awareness of police authorities on how to deal with journalists and media professional, but limited protocols are embedded in their daily working practice. There are also limited resources and capacities to tackle such sensitive issue.

III. DUE PROCESS

- Law enforcement agencies are moderately equipped with the knowledge and resources to investigate the attacks and violence against journalists. Specific protocols of investigations to ensure efficient detection and prosecution of aggression and violence against journalists are missing. The overall challenges related to the ongoing justice reform

and vetting process affects the capacities and resources of prosecutions and courts to deal with cases of journalists.

- Physical attacks against journalists over the past few years have not been properly investigated. Several cases remain unresolved and there is limited transparency on the investigation process also due to the secrecy of investigation. Usually these processes are lengthy, slow and with limited public information available.
- State authorities do not have the knowledge, competences, resources, and the procedures for the protection of journalists from online harassment. There were no measures undertaken by the relevant institutions to protect the journalists from online harassment in 2020. Online harassment is particularly concerning for female journalists.
- There is no indication that investigations are carried in cases of attacks against journalists. Authorities have provided no updates on major cases of physical attacks against journalists. There seems to be limited follow up on the cases and limited public information on the progress of investigations.
- None of the relevant state and judicial authorities have established quality statistics collection systems. Albania's institutions do not regularly publish data on attacks against journalists and on impunity. State institutions lack resources and capacities to collect and publish such data.

IV. ACTUAL SAFETY

- Several cases have been identified as threatening journalists' independent work in Albania through increased lawsuits against journalists, particularly investigative journalists. These lawsuits are usually filed by governmental officials, politicians, and large business corporations.
- Threats against the lives and physical safety of journalists exist both implicitly and explicitly and some cases were reported in 2020 by the Safe Journalists Network and other international platforms for media freedom. However, such cases are not systemic.
- Actual attacks against journalists have been recorded in 2020 such as actual physical harm, arbitrary detention, seizing of equipment and disruption of reporting particularly during the protests in May and December 2020.
- In 2020, there were only few cases of threats and attacks on media outlets and no case of attack to journalists' association has been recorded.

Legal and Organisational Environment

3.49

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

2.91

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

4.51

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

3.41

Journalists are free to pursue their profession and to establish, join and participate in their associations

3.96

Journalists' job position is stable and protected at the workplace

2.66

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By Law and in practice, there is absolutely no protection of journalists' working position, their sources and their organizations, thereby producing an extreme chilling effect.

By Law and in practice, there is a highest degree of protection of journalists' working position, their sources, and their organizations.

Legal provisions related to defamation and their implementation do not produce chilling effects on journalists and media

Score (2.91) – In Albania, defamation is still a criminal contravention and there have been recent attempts by governmental officials to increase sanctions. In 2020, there was an attempt to introduce changes in the Criminal Code regarding defamation that inferred potential criminalisation of online content. There is limited data regarding the penalties imposed against journalists and use of precedents from previous years. Investigative and critical journalism are particularly more often target of defamation lawsuits initiated by politicians and representatives of big businesses, which might produce a chilling effect on critical and investigative media.

In Albania, and contrary to international best practices, defamation is a criminal contravention. 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, which can be higher in the case of qualifying circumstances. In 2012, the Criminal Code was revised to remove the punishment of prison sentences of up to two years for defamation. The Civil Code also contains provisions related to defamation. In 2019, the Judicial District Court of Tirana presided over 13 criminal cases of defamation and 62 civil litigations in 2018 and 2019. Nearly half of these lawsuits targeted journalists and media outlets. In December 2020, the Government attempted to propose changes to the Criminal Code regarding defamation by inferring potential criminalization of satirical memes and other online posts. These changes would introduce a sharp increase of penalties for defamation cases and rewording of the offence to make it easier to pronounce people guilty. The fine was proposed to increase to 36,000 Euros for defamation and the responsibility for the crime will go beyond journalists. It will include editors and directors of media outlets. These changes were fiercely opposed by civil society and media associations and the Government did not go through with this proposal. According to the data of the Union

— INDICATOR 1.1

of Albanian Journalists, twelve confirmed lawsuits were filed against journalists in 2020. Politicians and representatives of big businesses have usually initiated such lawsuits in an attempt to silence investigative journalism or critical media. 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.

Confidentiality of journalists' sources is guaranteed in the legislation and respected by the authorities

Score (4.51) – The protection of confidential sources of information is guaranteed in the domestic legislation. However, judges usually tend to ask for the sources in lawsuits by means of a loose interpretation of what constitutes public interest. There have been cases when (judicial) authorities have asked journalists to disclose their sources albeit as part of official investigations and in line with the legal framework. In 2020, no cases of sanctions against journalists who refused to disclose the identity of source were registered.

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 Criminal Procedures Code 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 rationalise that the source of the information is a key piece of evidence and journalists may be required to disclose it. Journalists have an ethical obligation not to disclose their sources of information. A judicial court can request from journalists, by written order, to disclose a confidential source if it is in the public interest. However, judges usually tend to ask for the sources in lawsuits by means of a loose interpretation of what constitutes public interest. Confidentiality of journalists' sources is a challenge in Albania also because Albania is a small country and social and family bonds are very strong. Local media, in particular, find it difficult to protect their sources. There have been cases when (judicial) authorities have asked journalists to disclose their sources albeit as part of official investigations and in line with the legal framework. 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 the journalist because of his refusal to disclose the identity of his source. In the cases of corruption, the legislation provides support to whistle-blowers. However, the function and role of whistle-blowers is very narrowly construed providing for whistleblowing practices only in light of an employment relationship, whereby

— INDICATOR 1.2

a whistle-blower is considered to be that person who either is or was employed by the (private or public) subject, which is suspected of engaging in corrupt practices. Moreover, once the whistleblowing is made public, according to the law the person is no longer entitled to the protection provided to whistle-blowers by the said law. Therefore, any attribution to journalist as beneficiaries of this kind of protection would require a stretched interpretation of the current legal provisions.

Other laws are implemented objectively and allow the journalists and other media actors to work freely and safely

Score (3.41) – Arbitrary use of other legislation such as state of emergency and anti-COVID19 restrictions were noticeable during 2020. SLAPP are increasing in the Albanian media landscape as a mechanism to censor, intimidate, or silence independent media. In 2020, there have been significant alerts about safety of journalists reporting during protests. Access to timely, quality, and reliable information is challenging due to a general lack of transparency and accountability culture in public institutions. The current situation with access to public information makes it difficult for journalists to conduct investigative stories and do critical writing.

Due to COVID-19 pandemic, Albania had imposed the state of emergency (of natural disaster) from March to June 2021 and the Government of Albania notified the Council of Europe that it would be freeze the enforcement of human rights laws (derogation from obligations) under Articles 8 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms (March-June 2020). As a result, many restrictions were imposed also on journalists, particularly regarding the freedom of movement and access to public information. The speed in which Albania's executive branch expanded its power during the state of emergency may suggest that the legislature and judiciary might not be able to provide sufficient checks and balances to executive overreach, thus affecting media freedom as well. Although exact data about lawsuits and sanctions filed against journalists based on legal provisions related to dissemination of misinformation, fear, panic, or similar could not be obtained for this report, journalists and experts who question or criticize the measures taken by the Government to counter COVID-19 pandemic argue that they find themselves exposed to the accusation of "spreading panic in a time of war." Also, a BIRN investigation found that the Albanian State Police demanded the prosecution of a dozen citizens – most of them journalists and media executives – on charges of spreading panic following the destructive earthquake of November 2019 and during the COVID-19 pandemic. So, The State Police raised criminal charges against 5 journalists and 3 online media administrators for articles related to the earthquakes of September and November

2019, which the Police claimed that they had spread panic as a result of the dissemination of false information. 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 defence until the latter abandon their opposition or criticism. Three cases of SLAPP have been filed in Albania only in December 2020. The SLAPP cases of December 2020 are related to the public-private partnership of the Government of Albania regarding incinerators in Elbasan. 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 critical content from social media platforms, such as Facebook and YouTube. This lawsuit never materialized. 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. Cases have been reported of journalists being refused the right to report from events, during the election period and in other instances. Even in press conferences and other public events of the Prime Minister or other senior governmental officials, journalists have occasionally been refused to attend these events and ask questions. In 2019 and 2020, journalists have had machine guns fired at their homes, have been threatened with firearms, been gassed in the streets, received death threats live on television, had their residence permits revoked, have been targeted in smear campaigns, and have been sued by the Prime Minister – just for conducting their profession. Safety and impunity statistics have been published also on Safe Journalists Network with a total of 17 cases since June 2020. In 2020, there were two major protests in Albania: one protest held in May for the demolition of the National Theatre and one in December for the killing of a 25-year-old man by the Police. In both instances, safety alerts for attacks on journalists were recorded and reported. For instance, following the demolition of the National Theatre on 17.05.2020, Politiko.al editor Alfred Lela was violently arrested while reporting live from the protest. On 11.12.2020, the police detained Xhoi Malësia, a journalist and news anchor of Ora News RTV, who was filming the protests. On 11.12.2020, Qamil Xhani, Editor-in-Chief of the Koha Jone daily paper, was also detained while on duty. Durrës Lajm editor Shefqet Duka was detained by the police while leaving his media premises near the Liria Square where a protest was taking place. Aldo Mustafa, local journalist of Syri.net TV in the city of Durrës, was on duty reporting live on 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 protestors by the police. Access to information is problematic due to lack of transparency of public institutions and a tendency to withhold information, thus making it next to impossible for journalists to investigate and report on cases of grand corruption.

Journalists are free to pursue their profession and to establish, join and participate in their associations

Score (3.96) – Journalists are sometimes under pressures, which hinder them from fully pursuing their profession. Due to COVID-19 restrictions, but not only, in some cases journalists have not been able or allowed to report government events, court sessions and hospitals. Although journalists are free to organise themselves in professional associations, still such associations face many vulnerabilities in terms of resources, capacities, networking, and overall ability to advocate the government for changes towards an enabling media landscape.

Journalists do not need to have a state license to work in journalism. In the past year, there have been no attempts on the part of the state to introduce such licenses. Due to COVID-19 restrictions, journalists could not report on court sessions. In addition, although the technology makes it possible 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 political 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 senior governmental officials, journalists have been refused to attend these events and ask questions on several occasions. The Parliament, the Council of Ministers and other government ministries have procedures in place on the accreditation of journalists and media staff. A common practice for all public authorities is the requirement for journalists to wear an easy identifiable badge. Journalists are organised 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 of 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. There are no trade unions of journalists in

— INDICATOR 1.4

Albania. In principle, journalists are free to join associations. In 2020, no cases were reported of obstacles to journalists to join associations. The data collected for this research does not confirm the existence of parallel or fake media organisations whose work is supported by the government or by powerful political organisations in order to undermine the critical position of the genuine journalistic associations.

Journalists' job position is stable and protected at the workplace

Score (2.66) – Labour rights are not fully respected, particularly in private media, local media, online media. Also, young journalists and women journalists face more challenges. Lack of employment contracts, inadequate social and other welfare security policies remain issue of concern as well as the general working conditions of journalists, which deteriorated during the COVID19 pandemic. No collective agreements are signed for protection of labour rights of journalists in the private media. There are no trade unions of journalists in private media in Albania. Not all journalists have access to free legal aid provided by the media outlet they are employed.

The lack of employment contracts remains an issue, particularly for young journalists and journalists working in online media outlets. Inadequate social security is still an issue of concern, particularly the lack of or limited maternity or paternity leave. Journalists' labour rights in Albania were further challenged in 2020 due to COVID-19 pandemic and economic difficulties of media outlets. Regular payment of wages is an issue particularly among newspapers, online media, and local media. Journalists' working conditions are challenging. Journalists' average monthly salary is about 500-600 Euros and can go as high as 1,800 Euros per month and as low as 250 Euros per month. Non-compliance with legislation on working conditions, such as deprivation of paid leave, verbal abuse in the workplace, and discrimination based on gender or political beliefs is common as are the lack of security and safety in the exercise of duty; journalists' lack of security while reporting on crisis, such as earthquake, COVID-19, floods, protests. Online media outlets' journalists are most often reportedly working in conditions of informality (without employment contracts), and anonymity. The latter does not allow them to defend and/or claim copyright of their work, nor to create a personal professional profile and thus become an equal part of the community of professional journalists. Copyright infringement is also a major problem in broadcast, print and online media. There are no trade unions of journalists in the private media. There is no free legal aid provided to journalists by media outlet. No collective agreements are signed for protection of labour rights of journalists in the private media. Generally, women journalists report the same conditions as their male colleagues with the only difference that journalist women report cases of sexual harassment as well. Signed employment contracts are not correlated with the gender of

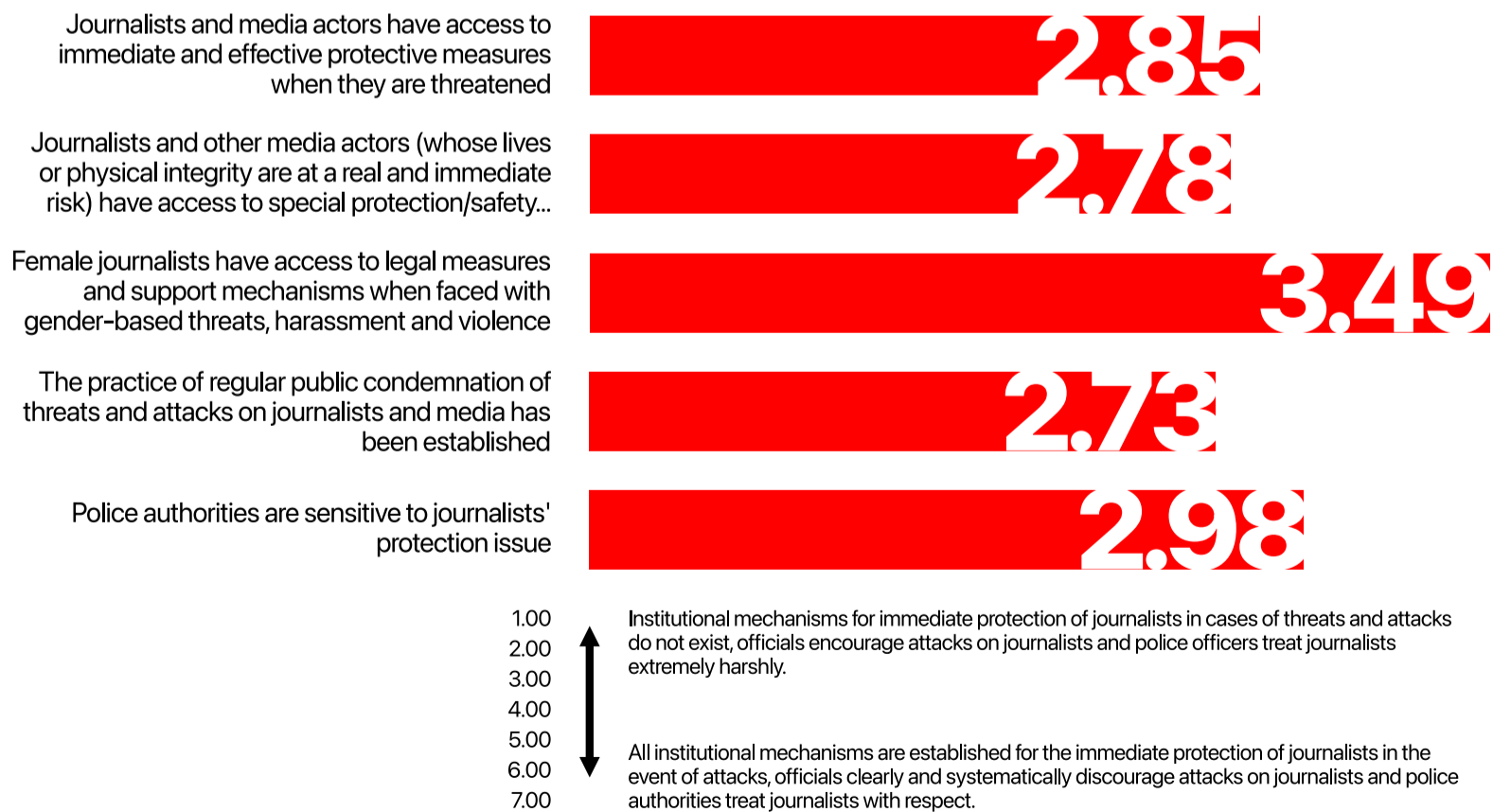
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journalists but with the broader media challenges. Female journalists also complain about deprivation of their maternity leave, which affects their life choices. According to a recent study on journalists' labour rights in Albania, 80% of women journalists say that they work full-time and believe they get paid less than their male counterparts. Women journalists report sexual harassment and disrespect for maternity leave. In the focus group discussions, 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 over young journalists who seek to make a name for themselves"



Due Prevention

2.97



Journalists and media actors have access to immediate and effective protective measures when they are threatened

Score (2.85) – Albania's state institutions have not established yet effective mechanisms that are specific for journalists and media staff to provide protective measures when they are threatened. No specialized legal service is available to journalists. Most of the cases of attacks to journalists in 2020 refer to unlawful police arrests or detention of journalists while covering protests or reporting from the field. The follow-up measures, such as investigations and bringing the perpetrators to justice in case of attack against journalists, are slow and ineffective. State institutions lack resources and capacities to protect journalists in the online and offline space.

Albania's state institutions have not established yet effective mechanisms that are specific for journalists and media staff to provide protective measures when they are threatened. Free legal aid is provided mostly to vulnerable groups. No specialised legal service is available to journalists. Legal aid is an obligation of the government. The Ministry of Justice is responsible for regulating this process. Legal aid itself is administered by courts and the bar association. However, a number of NGOs are operating in this area, independent of state-run services. The Ministry of Interior has established a toll-free emergency number that any citizen can call to directly report a threat or an emergency to the State Police. Journalists can use this hotline to report serious life threats or actual attacks. The Ministry of Interior has not established a hotline to report hate speech. Most cases of attacks to journalists in 2020 refer to unlawful police arrests or detention of journalists while covering protests or reporting live from the field. Therefore, journalists could not actually make use of this mechanism. In other reported cases of physical attacks to them, journalists have made use of this mechanism and the Police have responded immediately. However, the follow-up measures, such as investigations and bringing the perpetrators to justice, are slow and ineffective. Generally, relevant institutions accept journalists' or media reports on violation of their rights and process it according to the applicable provisions. However, because of their limited resources and capacities, state institutions are not very responsive and

— INDICATOR 2.1

effective in following up the cases where journalists are subject to threats. These institutions lack resources and capacities to protect journalists in the online and offline space.

Journalists and other media actors (whose lives or physical integrity are at a real and immediate risk) have access to special protection/safety mechanisms

Score (2.78) – The victim protection and safety mechanisms envisaged in the law are not customised to journalists and victims may not avail of sufficiency of protection or an internal relocation alternative. There are no data available on how many journalists have availed from this mechanism of protection and safety or if at all have made use of this mechanism in 2020. Some nongovernmental organisations provide legal advice and support to journalists to obtain protection and safety from the legal mechanisms in place.

There is no specific mechanism for safety of journalists in place, apart from the victim protection programme for citizens, particularly women suffering domestic violence. Hurdles are encountered in obtaining protection order for victims of threats or violence. Legislation affords this kind of protection to witnesses or the so-called 'collaborators of justice', who are very narrowly construed as being either (i) someone who is already considered a defendant in a criminal proceeding, (ii) a witness or damaged party that can testify on circumstances relating to a criminal proceeding, or (iii) an affiliated person (either through family or other close ties) of the i) and ii). All of these three different categories have to be in a situation of danger due to their involvement in the criminal proceeding (in support of the justice system) to be entitled to the benefits of the protection programs. Law No. 9205/2004 regulates the special measures, manner, and procedure of protection of witnesses and justice collaborators as well as the organisation, functioning, powers and relationships among the bodies in charge of the proposal, assessment, approval, and implementation of the special measures of protection. The victim protection and safety mechanisms envisaged in the law are not customised to journalists and the victims may not avail of sufficiency of protection or an internal relocation alternative. This report could not gather any

— INDICATOR 2.2

data about journalists who may have qualified as witnesses under the said law and benefited from the aforementioned protection option. There are nongovernmental organisations that provide support and assistance to journalists (Albanian Helsinki Committee provides legal aid; Respublika provides legal aid). Horizontal Facility: Freedom of Expression and Freedom of the Media in South-East Europe (JUFREX 2) has delivered trainings for journalists to empower them and provide them with the know-how for applying for legal aid, financial support, and other measures available for their support.

Female journalists have access to legal measures and support mechanisms when faced with gender-based threats, harassment and violence

Score (3.49) – Albania has ratified and reports regularly to Council of Europe about the Istanbul Convention, but implementation is not yet effective. The existing mechanisms to support victims of gender-based violence are still weak and insufficiently equipped to provide advice and help to women journalists for their challenges. These mechanisms are not specific to women journalists and the threats they face in their work.

Albania signed the Istanbul Convention on December 2011 and ratified it in 2013. The convention entered into force in August 2014. Gender equality is not yet fully mainstreamed and the language is gender-natural. Policies generally acknowledge the gendered nature of violence against women. The first measures which Albania adopted to combat violence against women were those concerning violence in the domestic unit. In particular, since the enactment of Law No. 9669/2006 “On Measures against Violence in Family Relations”, policies have been developed to offer a holistic response to domestic violence covering the “three Ps” – prevention, protection, and prosecution. By comparison, other forms of violence against women, such as forced marriage, sexual harassment, and sexual violence, have received little legislative and political attention. There is very limited data about other forms of violence and no systematic data with particular focus on women journalists. Harassment is also specified in the Law No. 9970, “On Gender Equality in Society”. In this case, it is strictly gender-related harassment also in working conditions/relations. Albania’s local referral mechanisms operate at municipal level and bring together a wide array of representatives from the relevant authorities and civil society to put up a strong unified response to domestic violence. Indeed, these mechanisms need to be consolidated and more effective. They are primarily established and equipped only for supporting victims of domestic violence. Local staff and frontliner are not trained and fully prepared to provide professional help and advice to female journalists regarding their particular challenges. Law No. 111/2017, “On Legal Aid Guaranteed by the State” as well

— INDICATOR 2.3

as bylaws issued in its implementation provide that citizens in dire economic and social situation, vulnerable groups, victims of domestic violence and persons with disabilities, as well as those to whom a right has been deprived due to a discriminatory act as this is decided on by the relevant institution benefit from the free legal aid. The Ministry of Justice has set up the Directorate of Free Legal Aid in accordance with the Constitution and the legislation in force on legal aid. The scope of this directorate is to ensure equal access to all individuals to the justice system through the provision of legal aid guaranteed by the state. An online manual has been published in Albanian on how to access free legal aid. The GoA has issued various decisions in pursuance of this law. Normally, under the Criminal Procedures Code, the victim has the right to obtain information on the progress of his/her case and to be informed of his/her rights. Therefore, this is a legal right that the justice system per se recognises for the victim. Generally, female journalists do not approach institutions for harassments or threats, particularly when it is sexual harassment in the workplace. By and large, female journalists do not receive help for gender-based discrimination. Albania has institutionalised the Commissioner for the Protection against Discrimination whose mission is to come to the aid and support cases of discrimination, including the gender-based ones. The Commissioner targets all Albanian citizens, regardless of their profession, making it thus available also for female journalists claiming to have been discriminated based on gender. A hotline is also established. Yet, no data is available to indicate its usage. The Commissioner for the Protection against Discrimination is established pursuant to Law No. 10221/2010.

The practice of regular public condemnation of threats and attacks on journalists and media has been established

Score (2.73) – The practice of clear and explicit condemnation of the attacks on journalists has not been established in a genuine manner. On the contrary, government officials themselves attack journalists verbally. And when there is a public condemnation, it is mainly done in the context of political confrontations.

In 2020, the Prime Minister of Albania and other high-level politicians from the ruling party have continued their verbal attacks on journalists. The Prime Minister refers to journalists and media as ‘rubbish bins’ and when the pandemic broke out, he warned the citizens to protect themselves from the virus and the media. Politicians condemn attacks and threats against journalists usually along party and political confrontation lines. The opposition and the President of the Republic of Albania have regularly condemned threats and attacks against journalists but mostly as a proxy to criticise the government. Investigative journalists and critical media do not feel that they work in a safe atmosphere. Various threats hinder journalists’ ability to freely pursue their profession. The ruling party controls the majority of audiovisual media. Therefore, intimidation, threats, and pressures are now becoming a norm.

Police authorities are sensitive to journalists' protection issue

Score (2.98) – Police officers did not show sensitivity in their actions during 2020, i.e., several cases were reported of ungrounded detention of journalists, particularly while covering protests or live events. There is some basic awareness of police authorities on how to deal with journalists and media professional, but limited protocols are embedded in their daily working practice. There are also limited resources and capacities to tackle such sensitive issue.

Police officers are generally educated with the basic international human rights standards and on the role of journalists in a democratic society as part of their general education and training. However, this is basic awareness. Some state institutions have been trained on how to deal with journalists and media professionals, but there are limited official protocols adopted. With the support of international donors, trainings have been organized but there is need for more capacity building and awareness raising. Police authorities are indifferent to journalists' associations with no positive attitude towards cooperation. Indeed, when it comes to the treatment of journalists in the field, police officers do not show sensitivity towards journalists in their actions and justify their course of action with the inability to recognize journalists that do not have their badges clearly displayed. In 2020, seven cases of ungrounded detention of journalists by the police while reporting have been recorded.

- Following the demolition of the National Theatre on 17.05.2020, the editor of Politiko.al, Alfred Lela, was violently arrested while reporting on the protests. 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.
- On 17.06.2020, Hila was detained while filming the demolition of a building on a local beach in Lezha, Albania, using his mobile phone.
- On 11.12.2020, the police detained Xhoi Malësia, a journalist and news anchor of Ora News RTV, while filming the protests.
- On 11.12.2020, Qamil Xhani, editor-in-chief of the newspaper Koha Jone, was also detained while on duty.

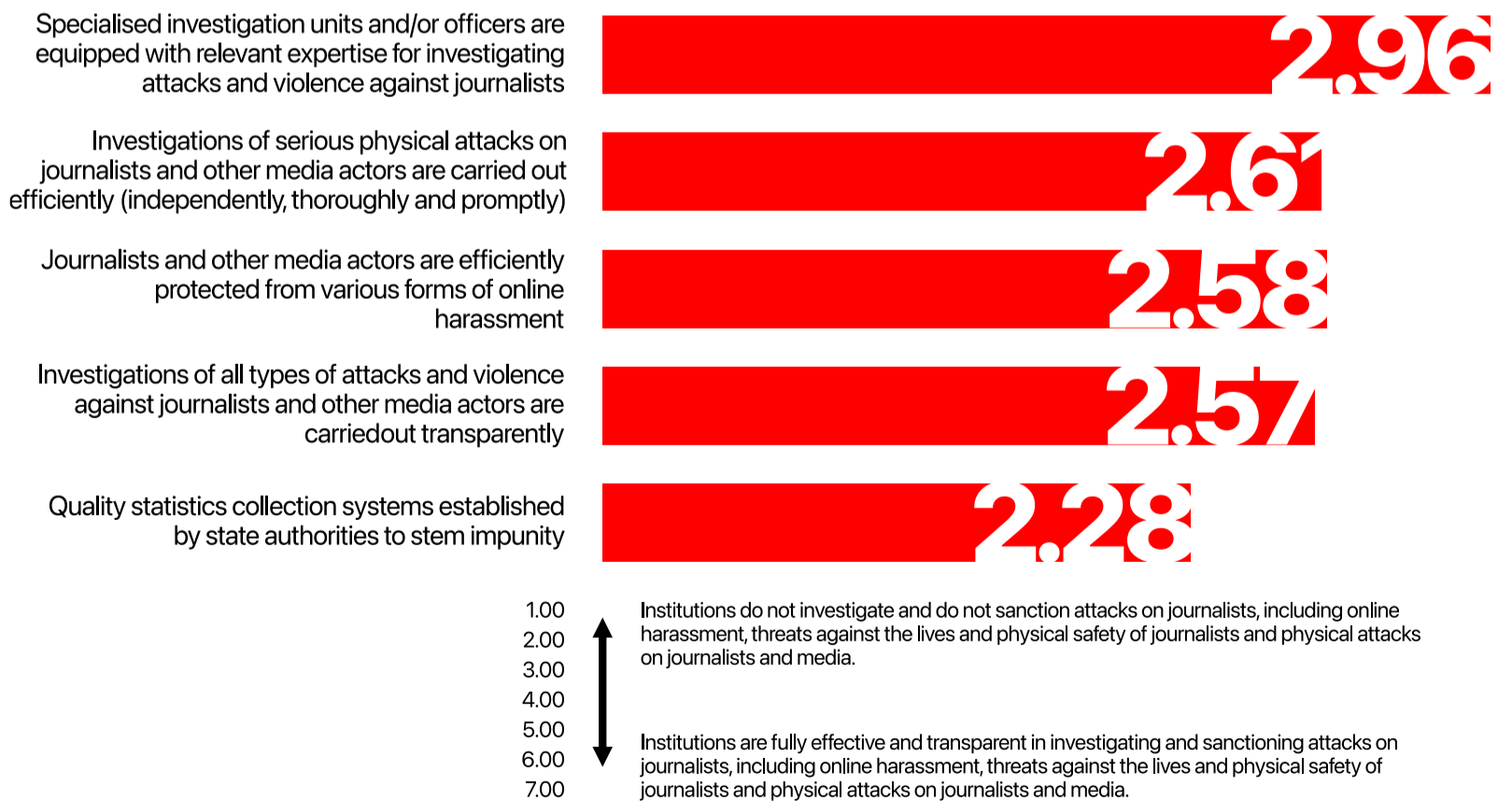
— INDICATOR 2.5

- Durrës Lajm editor Shefqet Duka was detained by the police while leaving his media premises near the Liria Square where protests were taking place.
- Aldo Mustafa, local journalist of Syri.net TV in the city of Durrës was on duty reporting live from the protest 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.



Due Process

2.60



Specialised investigation units and/or officers are equipped with relevant expertise for investigating attacks and violence against journalists

Score (2.96) – Law enforcement agencies are moderately equipped with the knowledge and resources to investigate the attacks and violence against journalists. Specific protocols of investigations to ensure efficient detection and prosecution of aggression and violence against journalists are missing. The overall challenges related to the ongoing justice reform and vetting process affects the capacities and resources of prosecutions and courts to deal with cases of journalists.

Law enforcement agencies are moderately equipped with the knowledge and resources to investigate the attacks and violence against journalists. Some state institutions have been trained on how to deal with journalists and media professionals, but there are limited official protocols adopted. 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 against journalists and other media actors. Generally, police and prosecutors have the necessary understanding on criminal offences applicable to violence and attacks against journalists. However, there are no established or institutionalised guidelines to ensure efficient detection and prosecution of aggression and violence against journalists. These cases are investigated within the usual investigation practices. No case of actual attacks on journalists has been resolved in the past three years. In September 2020, the Office of the General Prosecution signed a Memorandum of Understanding with the General Directorate of the State Police of the Ministry of Interior for more efficiency in the investigation of cases as per Article 59 of Criminal Code. This MoU is not specifically focused on journalists.

Investigations of serious physical attacks on journalists and other media actors are carried out efficiently (independently, thoroughly and promptly)

Score (2.61) – Physical attacks against journalists over the past few years have not been properly investigated. Several cases remain unresolved and there is limited transparency on the investigation process also due to the secrecy of investigation. Usually these processes are lengthy, slow and with limited public information available.

Physical attacks against journalists over the past few years have not been properly investigated. Various cases of physical attacks and serious threats against journalists in relation to their reporting remain unresolved by authorities, including the assault with automatic firearms against the home of the father of the Albanian crime reporter Klodiana Lala in 2018; the 2017 assault against journalist Elvi Fundo who is reported to have fled the country and to have sought asylum in Germany; and, the detonation of an explosive device in the home of journalist Elion Ndreka in 2020. With respect to the expectations of this indicator, it is important to keep in mind that obtaining information related to an investigation is in principle quite cumbersome, because investigations are guided by a principle of secrecy, and the information requested under this indicator is part of the investigation file that is private and can only be accessed by the prosecutor and the police.

Journalists and other media actors are efficiently protected from various forms of online harassment

Score (2.58) – State authorities do not have the knowledge, competences, resources, and the procedures for the protection of journalists from online harassment. There were no measures undertaken by the relevant institutions to protect the journalists from online harassment in 2020. Online harassment is particularly concerning for female journalists.

Several cases of online harassment have been reported. One prominent case in 2020 was that of TV host Sonila Meço, which was subjected to a torrent of online abuse after media outlets accused her of disrespecting the country's doctors in a social media posting. Another case was linked with the British expatriate journalist Alice Tayler, which won a slander lawsuit against several pro-government outlets that had accused her of being a Russian spy for an interview she gave to Russia Today. Protection against harassment is specifically stipulated in the Criminal Code, which considers harassment a criminal offence, even though it does not recognise online harassment as such. Nevertheless, this is not an obstacle for online harassment to be tried under this general criminal provision given that the subject matter –the act of harassment– remains the same and valid irrespective of how it is committed. There were no measures undertaken by the relevant institutions to protect journalists from online harassment.

Investigations of all types of attacks and violence against journalists and other media actors are carried out transparently

Score (2.57) – There is no indication that investigations are carried in cases of attacks against journalists. Authorities have provided no updates on major cases of physical attacks against journalists. There seems to be limited follow up on the cases and limited public information on the progress of investigations.

There is no indication that investigations are carried at all in cases of attacks against journalists. Authorities have provided no updates on major cases of physical attacks against journalists. Justice institutions normally should have rules on public relations/communication in place, but this is not always the case. Nonetheless, 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. The victim is entitled to access to information (as long as this access does not hinder the secrecy of investigation). Moreover, the General Prosecutor has also issued the general Instruction No. 05, dated 26.10.2018, "On Guaranteeing Assistance to Victims and Witnesses of Criminal Offences". This instruction basically outlines how the prosecutors and the judicial police should treat victims, the rights they are entitled to, including physical protection if need be. The Istanbul Convention is mentioned as one of the legal bases for the issuance of the said decision. However, the implementation rate of this instruction is not easily traceable.

Quality statistics collection systems established by state authorities to stem impunity

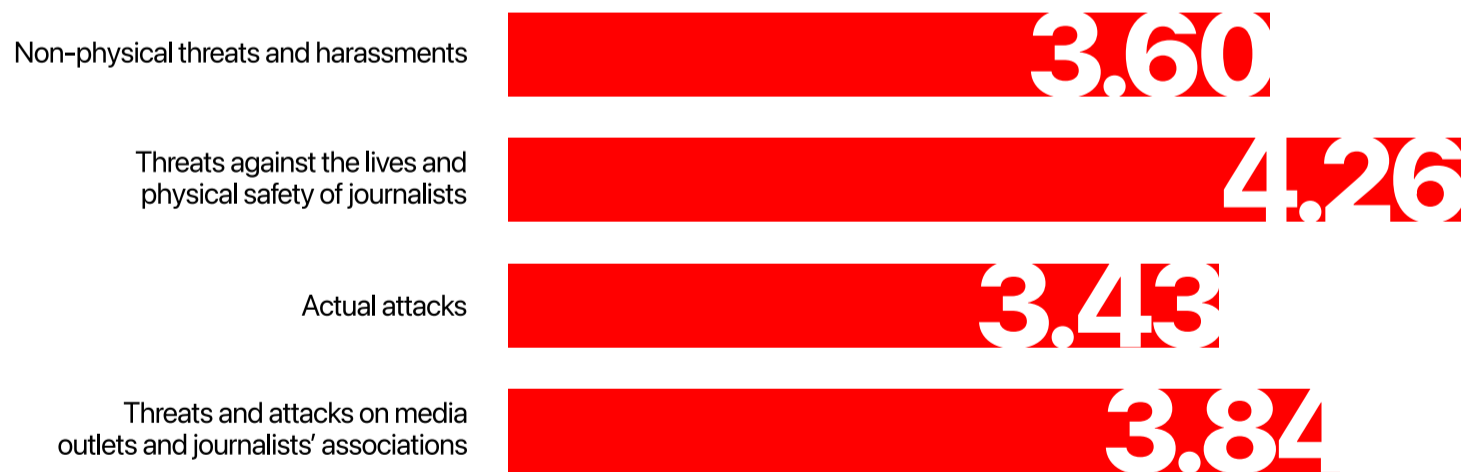
Score (2.28) – None of the relevant state and judicial authorities have established quality statistics collection systems. Albania's institutions do not regularly publish data on attacks against journalists and on impunity. State institutions lack resources and capacities to collect and publish such data.

There is no indication that investigations are carried at all in cases of attacks against journalists. Authorities have provided no updates on major cases of physical attacks against journalists. Different justice institutions, such as the courts, the prosecution, and law enforcement authorities, like the police, keep their own statistics through their own systems, often qualifying information differently and this makes it difficult to reach unified/consolidated and fully representative numbers in the annual statistics publication of the Ministry of Justice. Albania's institutions do not publish data on attacks against journalists and on impunity. They do not keep detailed records on attacks against journalists. Nor do they publish relevant data about this. State institutions lack resources and capacities to collect and publish such data. The Council of Europe, Rapid Media Freedom Response and Safe Journalists Network are the key mechanisms for monitoring and reporting on threats on regular basis.

IV

Actual Safety

2.78



1.00
2.00
3.00
4.00
5.00
6.00
7.00



There are severe cases of threats and actual attacks against journalists and media organisations, including killings.

There have been no cases of actual attacks, no threats against the lives and physical safety of journalists, nor there have been non-physical threats and harassment against the journalists and media.

Non-physical threats and harassments

These may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, and other forms of pressure that can jeopardise the safety of journalists in pursuing their work. These types of threats do not include mobbing and bullying in the work environment.

Score (3.60) – Several cases have been identified as threatening journalists' independent work in Albania through increased lawsuits against journalists, particularly investigative journalists. These lawsuits are usually filed by governmental officials, politicians, and large business corporations.

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 the plaintiff's work for the Socialist Party of Albania, which included removing critical content from social media platforms, 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 an investigative article "Behind the Scenes of a Second Contract for the Elbasan Incinerator" on 06.11.2020. 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 relates to another lawsuit. The Chief of Cabinet of the Ministry of Defence sued journalist Juli Ristani, who published in the 'Shqip' newspaper an investigative article on obtaining NATO-funded scholarships for military medical studies in Greece.

Threats against the lives and physical safety of journalists

These may include references to killing journalists, journalists' friends, family or sources, references to making physical harm against journalists, journalists' friends, family or sources. These threats may be made directly or via third parties, conveyed via electronic or face-to-face communications, and may be both implicit and explicit.

Score (4.26) – Threats against the lives and physical safety of journalists exist both implicitly and explicitly and some cases were reported in 2020 by the Safe Journalists Network and other international platforms for media freedom. However, such cases are not systemic.

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 on site at the Ring Road in Tirana filming the company carrying out works even though such activities were banned at that time under the mandatory Coronavirus lockdown. As a result of the violation, Laze filmed the workers and approached one for comments. The employee of Salillari, one of the government's favoured construction companies, responded by being verbally and physically aggressive with the journalist and threatening him.

Actual attacks

These may include actual physical or mental harm, kidnapping, invasion of/breaking into home/office, seizing equipment, arbitrary detention, failed assassination attempts, etc.

Score (3.43) – Actual attacks against journalists have been recorded in 2020 such as actual physical harm, arbitrary detention, seizing of equipment and disruption of reporting particularly during the protests in May and December 2020.

Following the demolition of the National Theatre on 17.05.2020, Politiko.al editor Alfred Lela was violently arrested while reporting live from the protests. The police claimed he “was not on duty” at the time of arrest. Lela was released without charge but claimed that he was assaulted and insulted by the police. Exit New’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) on 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 kept 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 quaked 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 camera footage showed a person getting out of a car, leaving the explosive, and quickly leaving the site. The police and the investigative unit were at the scene in the town of Lezha and continue to investigate into the 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

— INDICATOR 4.3

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 his head and 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 State 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 while leaving his 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 TV in the city of Durrës, was reporting live a 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.

Threats and attacks on media outlets and journalists' associations

Threats may include harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, and other forms of pressure (inscriptions, threatening posts etc.). Actual attacks may include invasion of offices, seizing equipment, breaking equipment, vehicles etc.

Score (3.84) – In 2020, there were only few cases of threats and attacks on media outlets and no case of attack to journalists' association has been recorded.

In January, Acromax threatened to sue Alice Taylor and Exit.al for an investigation she conducted into their work. She published an article that included details of a conversation she had with Acromax owner Aldor Nini. In that conversation, Nini admitted that the Socialist Party were their clients and even sent examples of work Acromax had done for the ruling party. Such work included removing critical 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 materialised. Citizen Channel website was attacked several times and then was completely down due to cyberattacks.

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