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# ALBANIA Indicators on the Level of Media Freedom and Journalists' Safety in Albania 2021





**ALBANIA**  
**Indicators on the**  
**Level of Media**  
**Freedom and**  
**Journalists' Safety**  
**in Albania 2021**

**Author**  
**Blerjana Bino**

**Original Title**

Albania – Indicators on the Level of Media Freedom and Journalists’ Safety Albania 2021

**Publisher**

Independent Journalists’ Association of Serbia  
Tirana, 2022

**Author**

Blerjana Bino

**Proofreading**

Durim Tabaku

**Reviewers**

Kristina Voko  
Blerina Fani

**Translation**

Durim Tabaku

**Cover photo**

Andrija Vukelic

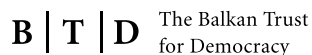
**Design**

comma.rs

**Copies**

50

This publication was produced with the financial support of the European Union and Balkan Trust for Democracy, a project of the German Marshall Fund of the United States and the Norwegian Ministry of Foreign Affairs. Its contents are the sole responsibility of the author and do not necessarily reflect the views of the European Union and Norwegian Ministry of Foreign Affairs, the Balkan Trust for Democracy, the German Marshall Fund of the United States, or its partners.



A PROJECT OF THE GERMAN MARSHALL FUND

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# Project Overview and Scope

The journalists associations from the Western Balkan countries, with the support of the European Commission<sup>1</sup>, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice and to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform monitor the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo<sup>2</sup> and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis<sup>3</sup>, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

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- 1 In December 2019, the European Commission approved the three-year [Safejournalists.net](https://safejournalists.net) project, which aims to strengthen national journalists' associations in the Western Balkans to become successful and accountable independent actors in advocating for the application of EU standards in the field of media freedom, with a long-term goal of promoting the right of citizens to informed choice. This action is a follow-up to the previous project (Regional Platform for the Western Balkans for Advocacy for Media Freedom and Safety of Journalists) and is based on the knowledge and experience built in the period 2016-2018. The Program for civil society organizations supports the action and media 2020-2022, Support to regional thematic networks of civil society organizations.*
  - 2 This name is without prejudice to the status and is in line with United Nations Security Council Resolution 1244 and the opinion of the International Court of Justice on the Declaration and Independence of Kosovo.*
  - 3 The first edition of the Advocacy Survey Methodology was developed in 2016 and refined over the years to reflect the situation in the Western Balkans. The advocacy research was designed and coordinated by Snezana Trpevska and Igor Micevski, researchers at the RESIS Institute for Social Development Research in Northern 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 systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

A range of various research methods were applied to collect and analyze data in order to answer the 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 web sites of public institutions and other organizations and bodies;
- Retrieval and analysis of press releases, announcements and other information produced by professional organisations;
- 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).

At national level, the advocacy research is conducted by national researchers who carry out the data collection and draft the narrative reports, which were then reviewed by local media experts and by lead researcher. In Albania, the Safe Journalists Network nominated Blerjana Bino as national researchers and Kristina Voko as media expert to review the report.

*Table 1: Indicators of the level of media freedoms and safety of journalists in Albania*

<b>A Legal protection</b>	<b>B Journalists' position in the newsrooms</b>	<b>C Journalists' safety</b>
A1 Legal guarantees for media and journalists' freedom and their application in practice	B1 Economic restrictions on journalists' freedom	C1 Safety and Impunity Statistics
A2 The effects of defamation law on journalists	B2 Editorial independence in the private media	C2 State institutions and political actors' behaviour concerning journalists' protection
A3 Legal protection of political pluralism in the media	B3 Editorial independence in the public service broadcaster	C3 Criminal and civil justice system's behaviour concerning threats and acts of violence against journalists
A4 Freedom of journalists' work and association –legal guarantees and practice	B4 Editorial independence in the not-for-profit	
A5 Legal protection of journalists' sources	B5 Freedom of journalists in the news production process	
A6 Protection of the right to access of information	B6 Economic position of women journalists	

#### List of Abbreviations

EU – European Union

EC – European Commission

OECD – Organisation for Economic Co-operation and Development

RTSH – Albanian Radio Television

ATSH – Public News Agency

AMA – Audiovisual Media Authority

OSCE – Organization for Security and Cooperation in Europe

BIRN – The Balkan Investigative Reporting Network

PSB – Public Service Broadcaster

SPAK – Special Prosecution Against Organized Crime and Corruption

ODIHR – Office for Democratic Institutions and Human Rights

CEC – Central Election Commission

ECHR – European Court of Human Rights

FOI – Freedom of Information

MIA – Media and Information Agency

KLP – High Prosecution Council

KLJG – High Council of Justice



Notwithstanding considerable progress towards democratization in the past thirty years following the fall of the communist regime, Albania has witnessed tendencies of democratic backsliding in the recent years as evidenced by international reports on the state of democracy.<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>

The path towards European integration has often been the overarching driving force behind democratisation reforms in Albania and the wider region. Albania is a European Union (EU) candidate country since 2014 and opened European Union (EU) acces-

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4 *The Global State of Democracy Index 2021*. Accessed 15.4.2021. <https://bit.ly/3MSqPJC>

5 European Commission, "Albania report 2020", p.8. Accessed 20.1.2021. [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 20.1.2021. <https://bit.ly/3wQ94Ov>

sion negotiations in March 2020,<sup>7</sup> pending the fulfilment of a set of conditions. The general elections of April 25, 2021 were considered an important milestone in Albania's path towards EU membership en route to the first inter-governmental Conference. However, June 2021 proved disappointing with the failure of the EU to reach an agreement on starting EU accession talks with Albania and North Macedonia by holding first intergovernmental conference.

The current lack of progress has led to the perception that the process is stagnated resulting in frustration for political elites and even citizens. Scholars argue that the alienation from the EU is just an interim phase towards the next stage of 'New Unpredictability', which is emerging across the region.<sup>8</sup> Despite years of efforts to foster democratisation in Albania and the region, the EU's policies have not brought about the expected change given that enlargement process has lost both efficacy and political momentum.<sup>9</sup> The new unpredictability implies that the rule of law and democracy would no longer be a top priority given the decline of the European integration's transformative power. This political context has implications for the overall media freedom ecosystem in lieu of the rising trends of stabilitocracy: governments that claim to secure stability, pretend to espouse EU integration, and rely on informal, clientelist structures, control of the media, and the regular production of crises to undermine democracy and the rule of law.<sup>10</sup>

In Albania, in principle the central and local governance are democratic, but in practice they are dominated by clientelistic party politics<sup>11</sup> and high level of corruption. According to Transparency International's Corruption Perception Index for 2021, Albania ranked 110 out of 180, marking a decline of 27 places since 2016, and 6 plac-

es since 2020.<sup>12</sup> Even though Albania has some level of preparation to fight corruption, overall, corruption is prevalent in many areas of public and business life and remains an issue of serious concern according to the EC report.<sup>13</sup> In 2020 and 2021, the COVID-19 pandemic has been used as an excuse to reduce oversight and accountability of public institutions, particularly public procurement and foreign aid spending.<sup>14</sup> The Nations in Transit Report also finds that the COVID-19 restrictions were misused to bypass scrutiny and transparency in adopting new laws.<sup>15</sup> Generally, the COVID-19 crisis, which has absorbed the attention of the government and depleted available public resources, has negatively affected the advancement of substantial reforms.<sup>16</sup>

In 2021, as in previous years, political landscape has suffered from strong polarisation not only between position and opposition, but also within the main opposition party itself that often take priority over public policy development and necessary reforms. Currently, the Socialist Party of Albania is in power in its third mandate after winning the general election of April 25, 2021. Even though elections were competitive, voters had a choice of candidates, who were able to campaign freely, under a legal framework which respects fundamental freedoms, some concerns remain such as: the ruling party derived significant advantage from its incumbency; positive coverage of state institutions in the media and allegations of vote buying, fraud and manipulation.<sup>17</sup> In terms of local government, in 2021, the Socialist Party controlled 59 out of 61 municipalities<sup>18</sup> in Albania after the opposition boycotted the local elections in 2019. Partial local elections were held in March 2022 without changing this political configuration at local level.

In 2021, the general lack of culture of openness in public institutions, visible in their unaccountable practices, selective engagement of stakeholders and tendency to withhold information is observed and confirmed by various reports. Albania on paper appears to have a vi-

7 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)

8 Vurmo, Gj. "The EU and the Western Balkans – Serving the purpose of enlargement", BIEPAG, 2021. Accessed 15.9.2021. <https://bit.ly/3wRXUJ7>

9 Zweers, W. & Cretti, G. "The EU as a promotor of stabilitocracy in Western Balkans?", 2022. Accessed 15.3.2022. <https://www.clingendael.org/publication/eu-promoter-stabilitocracy-western-balkans>

10 Biber, F. "The Rise (and Fall) of Balkan Stabilitocracies", 2018. Accessed 15.3.2022. <https://bit.ly/3PIS5Fn>

11 Hoxhaj, A. "Nations in Transit Albania 2022", 2022. Accessed 3.5.2022. <https://bit.ly/3z7PYVX>

12 Transparency International Corruption Perception Index 2021 Albania, (2022). Accessed 15.3.2022. <https://www.transparency.org/en/countries/albania>

13 European Commission. "Report Albania 2021", p.6. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

14 Transparency International. "Corruption Perception Index 2021", Albania, 2022. Accessed 15.3.2022. <https://www.transparency.org/en/countries/albania>

15 Hoxhaj, A. "Nations in Transit Albania 2022", 2022. Accessed 3.5.2022. <https://freedomhouse.org/country/albania/nations-transit/2022>

16 BTI. "Country Report Albania, 2022". Accessed 3.5.2022. <https://bit.ly/3wPwIAq>

17 ODIHR. "Limited Election Observation Mission Final Report", 2021. Accessed 15.3.2022. <https://www.osce.org/files/f/documents/5/1/493687.pdf>

18 Central Electoral Commission, Municipality Data. "Municipality of Shkodra run by the Democratic Party of Albania and Finiq Municipality by Greek Minority and MEGA Party". Accessed 13.5.2022. <https://bit.ly/3LW7Cto>

brant civil society environment,<sup>19</sup> but with significant limitations in practice to meaningfully participate in consultation process. The EC Report also points out that limited progress has been made to implement the roadmap on creating an enabling environment for civil society<sup>20</sup> and that public consultation with civil society and interest groups remained in 2021 formal and limited in its impact.<sup>21</sup>

According to World Bank, Albania is a transitional economy that has been implementing important structural reforms towards equitable growth, productivity and competitiveness, job creation and improvement of public service delivery.<sup>22</sup> In the past few years, government's focus has been on recovery from the pandemic and the devastating earthquake of November 2019, a process with significant challenges affecting attempts to achieve robust recovery. The World Bank assesses that in 2021, private investment, consumption, and public spending drove growth, while public debt remained high.<sup>23</sup> The rising inflation and the war in Ukraine threaten the economic and poverty prospects for 2022 for Albania. In addition, the OECD highlights that even though the authorities acted quickly and took measures to mitigate the negative effects of the COVID-19 restrictions on the economy, the economic and social impact of the pandemic will largely depend on pre-existing socio-economic vulnerabilities and policy resilience in Albania.<sup>24</sup>

Albanian media have gone through major transformations in lieu of the country's socio-cultural, political, and economic developments, technological advancements, global media trends, and, more recently, due to the COVID-19 crisis.<sup>25</sup> The key feature of the media system in Albania is the dominance of clientelist media, marked by a subtle interdependence and interrelation among media, politics, and business. There is a dual broadcasting system, including the *Albanian Radio Television (RTSH)* which is the public service broadcaster and a thriving private media with 3 national TV channels, namely *Top Channel*, *TV Klan* and *Media Vizion*. There are two other national licenses for the digital platforms. There are 42 other TV channels licensed, 3 national radios, 56 local radios<sup>26</sup>, and more than 650 online me-

dia platforms<sup>27</sup>. Despite the exponential growth in the number of media outlets in the past decade, particularly online media, the quality of media content remains a challenge and in 2021 quality of media content deteriorated.<sup>28</sup> Compliance with ethical standards and copyright rules as well as professionalism are still not yet well established due to a variety of reasons. Although, the constitution provides for freedom of expression and the government usually respected these rights, in 2021, there were reports that the government, businesses, and criminal groups sought to influence media in inappropriate ways.<sup>29</sup> Albania has a crowded media environment in terms of numbers of outlets, but a limited advertising market and media ownership concentration to a few media owner / families who use media as an instrument for political and economic influence.

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19 Hoxhaj, A. "Nations in Transit Albania 2022", 2022. Accessed 3.5.2022. <https://bit.ly/3z7PYVX>

20 European Commission. "Report Albania 2021", p.5. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

21 *Ibid.* p.12.

22 World Bank. Overview of Albania, 2022. Accessed 3.5.2022. <https://www.worldbank.org/en/country/albania/overview#1>

23 *Ibid.*

24 OECD. "Impact of COVID-19 in Albania", 2022. Accessed 3.5.2022. <https://bit.ly/3NIQvSd>

25 Bino, B. "Media Freedom in Albania: Such a Frail Thing", p.9-15, 2021. Accessed 3.5.2022. <https://bit.ly/3z2IK5A>

26 AudioVisual Media Authority. Accessed 13.5.2022. <https://bit.ly/39TW2GR>

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27 This is approximate as there is no reliable available data.

28 Hoxhaj, A. "Nations in Transit Albania 2022", 2022. Accessed 3.5.2022. <https://bit.ly/3z7PYVX>

29 US State Department, Country Report 2021, Albania, Accessed 3.5.2022. <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/albania>

### **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?

The Constitution of Albania guarantees the freedom of expression, freedom of media, and freedom of information.<sup>30</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>31</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>30</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>31</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 continuing in 2021. The EC report argues that Albania is moderately prepared in terms of freedom of expression and no progress was observed in 2021.<sup>32</sup> In addition, the Nations in Transit Report highlights that the year 2021 was challenging for journalists due to threats, harassment, and dreadful working conditions.<sup>33</sup> Finally, Albania fell 20 places in Reporters Without Borders World Press Freedom Index, ranking 103 out of 180 in 2022.<sup>34</sup>

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

In 2021, Albania did not go through new media legislation development even though the Government pledged in October 2021 to reconsider the adoption of the amendments to the media law approved in 2019<sup>35</sup>, which were strongly criticised from local and international media organisations.<sup>36</sup> The EC report emphasises that the revision of the Media Law should be in line with the Venice Commission Opinion<sup>37</sup> and submitted to proper consultation with media organisations.<sup>38</sup>

#### 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?

In 2021, there were no regulatory attempts by the state authorities to impose licensing or strict requirements for the establishment of print and Internet-based media. Although the Prime Minister still declares that he intends to pursue with the attempts for the online media regulation,<sup>39</sup> new amendments have not been proposed yet. Currently, 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.

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

In 2021, the government did not restrict or disrupt access to Internet – including authorizing partial or complete Internet shutdowns – or censor online content.<sup>40</sup> There were no credible reports that the government monitored private online communications without appropriate legal authority.<sup>41</sup> 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. While in 2020, there were some cases of arbitrary restrictions of online media content on general grounds of public panic in cases of the COVID-19 pandemic, no such cases were report in 2021.

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- 32 European Commission. "Report Albania 2021", p.29, 2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)
- 33 Hoxhaj, A. "Nations in Transit Albania 2022", 2022. Accessed 3.5.2022. <https://bit.ly/3z7PYVX>
- 34 Reporters Without Borders. "World Press Freedom Index", 2022. Accessed 5.5.2022. <https://rsf.org/en/country/albania>
- 35 OSCE "During visit of OSCE Media Freedom Representative, Albanian authorities reiterated will to bring draft media laws in line with international standards". Accessed 15.10.2021. <https://www.osce.org/representative-on-freedom-of-media/500902>
- 36 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. 99/18, "On Electronic Communications in the Republic of Albania". 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 with a general criticism that it may restrict freedom of expression and freedom of online media. Since then, the above-mentioned legislation still has not been amended to meet the required standards and still is listed as in process in the Albanian Parliament registry while the government claims it has been withdrawn.
- 37 Council of Europe, Venice Commission, "980/2020 – Albania – Opinion on the Draft Amendments to Law No. 97/2013 on Audiovisual Media Service". Accessed 24.4.2021. <https://rm.coe.int/vc-opinion-albania-0620/16809ec9c9>
- 38 European Commission. "Report Albania 2021", p.30. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

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- 39 Taylor, A. (2021) "Albanian PM calls for regulation of online media", Euroactiv. Accessed 15.12.2021. <https://bit.ly/3t48UAQ>
- 40 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.
- 41 US State Department. "Country Report 2021, Albania". Accessed 3.5.2022. <https://bit.ly/3PN6KPT>

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 concerns about the Audiovisual Media Authority (AMA) – the regulatory authority in the field of audio and/or visual broadcasting programmes – independence and operating practices increased following the election of a person politically affiliated with the ruling party as chairperson of AMA in July 2021, despite wide criticism from independent media organisations.<sup>42</sup> Serious concerns were raised by various independent organisations regarding the independence of the chairwoman elected in July – Mrs Armela Krasniqi<sup>43</sup>, given her close links to PM Rama and the ruling Socialist Party. She had previously served as a spokeswoman for the Socialist Party before being appointed head of the state-owned Albanian Telegraphic Agency.<sup>44</sup> Moreover, concerns were raised about the election process itself with the Organization for Security and Cooperation in Europe (OSCE) and the EU urging parliament to postpone the July vote until September to allow for the seating of the new parliament and the return of opposition parties that had boycotted parliament since February 2019.<sup>45</sup> His request was disregarded by parliament.

In 2021, AMA operated with limited human resources as all positions of its steering board, except for the Chairperson, became vacant between 2019 and 2021. The EC urged the new Parliament to fill these vacancies and make AMA fully operational by ensuring the independence and legitimacy of the regulatory authority.<sup>46</sup> The members of AMA steering board were elected by the new parliament in February 2022 as per the formula of representation in the media law which provides the right to the opposition and ruling party to strike down candidates proposed by civil society organisations in the Parliamentary Committee for Education and Public Information.

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?

Albanian media legislation addresses advertising only in terms of audiovisual broadcasting, while advertising in print and online media are not regulated in any specific way, but only within the tax liabilities that must be paid under business rules. Even though AMA monitors the volume of advertisement in the audiovisual media, its reports are not able to determine the position of each media outlet in terms of the advertising market.<sup>47</sup> 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. However, there is limited transparency about the allocation criteria for state funds, specific data on the amounts allocated and potential conflict of interest. Usually, state institutions can use utility companies or advertising agencies to distribute the funds without publishing clear data on criteria and allocations to media outlets. Concentration of media ownership is of high concern in Albania while the state advertising has been reduced over the years since 2012 when it was at its peak with about 10-15% of the market for TV. Advertising by political parties during electoral campaign is of much bigger influence. For instance, the data analysed by BIRN in Albania show that the main political parties did not declare millions of euros spent on television advertising during the campaign for the April 25 parliamentary elections.<sup>48</sup> Using media monitoring data published by the Audiovisual Media Authority, AMA, BIRN has calculated that Albania's parties aired a total five hours and 45 minutes of advertising on television during the campaign, from March 26 to April 24 and "*the lion's share of these ads was run by the Socialist Party, which aired 47.4 per cent of all political ads aired on television during the campaign*".<sup>49</sup> According to this analysis, the success of the Socialist Party in the parliamentary elections might be partly attributed to "*a massive advertising campaign in the broadcast media ahead of polling day on which it spent millions of euros*".<sup>50</sup>

42 Safe Journalists Network, "Open Letter to International Organisations with Concerns on Media Freedom in Albania". Accessed 15.10.2021. <https://bit.ly/38xZBIQ>

43 Media Freedom Rapid Response. "Mapping Media Freedom Report 2022". Accessed 3.5.2022. <https://bit.ly/3a9mNr2>

44 US State Department. "Country Report 2021, Albania". Accessed 3.5.2022. <https://bit.ly/3wVN7Oq>

45 Ibid

46 European Commission. "Report Albania 2021", p.30. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

47 Albanian Media Institute. "Advertising Market in Albanian Media", 2020. Accessed 3.5.2022. <https://bit.ly/3MU4N2h>

48 Reporter.al. "Parties hid millions of euros in election propaganda spending". Accessed 13.5.2022. <https://bit.ly/3wXqCIA>

49 Likmeta, Besar. "Albanian Parties' Election TV Ads Blitz Goes Unsanctioned", *Balkan Insight*, 2021, available at <https://balkaninsight.com/2021/06/11/albanian-parties-election-tv-ads-blitz-goes-unsanctioned/> (Accessed May 13, 2022).

50 Likmeta, Besar. (2021). "Albanian Parties' Election TV Ads Blitz Goes Unsanctioned", *Balkan Insight*. Accessed 13.5.2022. <https://bit.ly/3NKidOY>

In 2021 Albania had general parliamentary election but provisions ensuring transparency of campaign advertising conditions were not always respected by private media during the electoral campaign for general election in April 2021.<sup>51</sup> In 2021, overall, the state funds for advertising for media continue to decline. However, the media indirectly benefits from funds, projects, or other favours that the state may make available to media owners and their businesses, such as licenses, construction permits, and others benefits generated from public tenders. Business owners of media outlets used them as instruments to gain favours from the government or other powerful actors. Media's dependence on these sources of funding has led to their undue influence on editorial policy,<sup>52</sup> and on their symbiotic relation with politics and business. In 2021, a very concerning practice by the media is that of blackmailing businesses, parties, or individuals by threatening unfavourable media coverage.<sup>53</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?**

Apart from the public broadcaster that has specific funding for minority programmes, 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.

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

There are legal provisions for financing media in the national minorities' languages for the public broadcaster set out in the Law on the Protection of National Minorities which recognizes the right of minorities to use the press and electronic media in their mother tongue without being discriminated 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>54</sup> No state policy regarding minorities and media has been drafted or implemented in 2021.

**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?**

The autonomy and independence of the Albanian Radio and Television (RTSH), the public service broadcaster (PSB) in Albania, is guaranteed by the law, but it is challenged in practice. The governing bodies of RTSH are not always fully independent from the ruling party and their election process has been generally contested. For instance, in 2021, the Parliament replaced all board members of the RTSH whose mandates had expired, including the Chair, by May 2021, thus making in principle the body fully functional. However, at that time in parliament there was no real opposition, thus raising criticism of choosing the members only with the support of the Socialist Party in power. As the EC reports, in May, through a rather hasty process, the steering board dismissed the incumbent director whose mandate expired earlier the same month, without launching the call for the new director, as required by law.<sup>55</sup> The RTSH operated withing a Director General from May till November 2021, when the Steering Council of RTSH elected as the new general director of RTSH, Mr. Enkelejd Joti.<sup>56</sup>

In terms of funding, RTSH funding framework enables its independence as it is funded primarily by the public, mainly through a special tariff that is paid by every household through the electricity bill. However, the management of the funds and transparency have been limited. For instance, the financial reports for 2021 for RTSH are not yet public as required.<sup>57</sup> Also, the decisions of the Steering Council of RTSH are not published since March 2021. In addition, corruption allegations have always been part of the funds management of RTSH. For instance, Albania's Special Court in October 2021 confirmed the decision by the Special Prosecution Against Organized Crime and Corruption, SPAK, to arrest the former General Director of Albanian Radio National

51 ODIHR. "Limited Election Observation Mission Final Report", (2021). Accessed 15.3.2022. <https://www.osce.org/files/f/documents/5/1/493687.pdf> ()

52 IREX. "Media Sustainability Index 2019 – Tracking Development of Sustainable Independent Media Around the World", Accessed 15.5.2021. <https://bit.ly/3PSkYz6>

53 US State Department. "Country Report 2021, Albania", Accessed 3.5.2022. <https://bit.ly/3wVN7Og>

54 Ilda Londo, "Albanian Media and European Standards", Tirana: Albanian Media Institute, 2018, p. 28. Accessed 15.5.2021. <https://bit.ly/3IVLXvK>

55 European Commission. "Report Albania 2021", p.31. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

56 Enkelejd Joti previously held the position of CEO of Top Media, arguably the largest media in the country, for 12 years in a row, from 2003 until December 2015 when he resigned. From 2017, he has been the director of the Mother Teresa Hospital Center.

57 According to law no. 97/2013, "On audiovisual media in the Republic of Albania", article 7, of law no. 119/2014, "On the right to information" RTSH publishes at the end of each year the Economic-Financial Report of its Activity. This report is presented to the Media Commission and the Parliament of Albania, before being made public on the website [www.rtsj.al](http://www.rtsj.al). For 2021, the report is not yet publicly available.

Television, RTSH, Thoma Gëllçi, for abuse of duty over a tender worth about 708,000 euros.<sup>58</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 without a prison sentence. 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>59</sup> The Civil Code also contains provisions for defamation.

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

Various reports highlight that there are about 20 lawsuits against journalists by politicians, businesspersons and other officials.<sup>60</sup> However, even though we have sent a request for access to public information of the Tirana District Court, we have not obtained the exact figure.

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

There is a lack of transparency on the court decisions against journalist, if any and there have been delays in processing cases. In Albania, no prison penalties have

been imposed in 2021. However, we lack the data on the specific penalties for cases in 2021.

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?

There is no comprehensive database on court judgments 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?

Particularly independent journalists and media experts, investigative and critical journalists argue that the defamation practices in Albania and the continuous discourse of the PM to regulate furthermore media content are negatively impacting professional and quality independent journalism in Albania.<sup>61</sup> The year 2021 was challenging for journalists due to threats, harassment, and dreadful working conditions.<sup>62</sup> Journalists report that they often practiced self-censorship to avoid online smear campaigns, pressures in the newsroom and harassment by other actors.

## A3 Legal protection of political pluralism in the media

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?

Political pluralism in the media is regulated by media legislation only for the PSB and for the election processes. Notwithstanding, there are general principles of impartiality that govern media service operators, whereby namely the law provides that the audiovisual media

58 Fjori Sinoruka, “Albania Journalist Union ‘Expected’ Public TV Director’s Arrest”, 2021. Accessed 15.1.2022. <https://bit.ly/3z6XJes>

59 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 15.3.2021. <https://bit.ly/3lVMiyw>

60 European Commission. “Report Albania 2021”. Available at [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en) and <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/albania>

61 Conclusions of group discussions in March 2022.

62 Hoxhaj, A. “Nations in Transit Albania 2022”. Accessed 3.3.2022. <https://bit.ly/3anZZDP>



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. However, there are no reports from RTSH or AMA on how this has been achieved and to what extent.

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

There were no changes in 2021 in this regard. As previously reported, the Law on Audiovisual Media stipulates that the regulatory authority –AMA– monitors the impartiality, the objectivity, and the integrity of the audiovisual information.<sup>63</sup> The regulatory authority does not monitor the state of political pluralism in the media outside of the electoral process, apart from the PBS. 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?**

Political parties and candidates do not have fair and equal access to media outlets. During the election process in 2021, the ruling party received more positive coverage in the media.<sup>64</sup> Outside of the election processes, there are no guarantees for fair and equal access in the media. Nonetheless, generally main political parties and actors enjoy considerable access in the media. What is concerning in Albania is the practice of political parties and politicians as well as high level public officials acting as “newsroom” in that they provide to media edited and pre-prepared footage of their activities and media outlets simply broadcast or publish the material as they receive it.

For instance, The “Free Thought Forum” monitored the broadcast of ready-made news brought by the press offices of the Government, ministries, Tirana Municipality,

opposition and other institutions on three national televisions, respectively: *Top Channel*, *TV Klan* and *RTSH* during the period March – April 2020. The findings of this monitoring showed that these three national media made a relatively intensive coverage of activities with products brought ready in the newsroom by the Government, Mayor and opposition.<sup>65</sup> The same practice is observed in 2021 and has even intensified further.

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

Free time and access is secured only in the public service broadcaster during elections. For private TV stations, in case they decide to cover electoral campaign in their news edition, the airtime distribution is regulated, while for the advertisements they are not free, but they have the obligation to guarantee the same rate for every party / actor. The Electoral Code stipulates that broadcasters should allocate equal airtime to Albania’s two biggest parties and that together these parties should not receive more than twice the airtime of smaller political parties. AMA monitors audiovisual media for electoral campaign coverage. There is no monitoring of print media. AMA does not monitor electronic media, not even for electoral campaign coverage. Its current mandate includes only audiovisual media outlets. ODIHR and local NGOs run also independent monitoring processes.

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

The law envisages fair and equal access of parliamentary 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>66</sup> Among others, the findings of the AMA indicated that the Socialist Party systematically received more coverage than other contestants in the electoral campaign for the general elections in 2021. Also, on 27 May, based on the AMA’s monitoring findings, the Commissioner fined the public broadcaster with ALL 2 million for breach of electoral silence. However, while the Central Electoral Commission found several TV channels failing to ensure legally prescribed time allocation for parties during the electoral campaign, no sanctions were applied in this regard, apart from

<sup>63</sup> Law No. 97/2013, dated 4.3.2013, “On Audio and Audiovisual Media Services in the Republic of Albania”. Accessed 15.3.2021. <https://bit.ly/3a9NdsJ>

<sup>64</sup> ODIH. “Limited Election Observation Mission Final Report”, 2021. Accessed 15.3.2022. <https://www.osce.org/files/f/documents/5/1/493687.pdf>

<sup>65</sup> Citizen Channel. “Monitoring of National Media”, 2021. Accessed 15.3.2022. <https://bit.ly/3z5SWdn>

<sup>66</sup> *Ibid.*

RTSH fine.<sup>67</sup> Coverage of competing non-parliamentary parties is at the discretion of the editors and cannot exceed the coverage given to the smaller parliamentary parties. This discriminative approach against smaller parties is contrary to international commitments. In addition, a lack of clarity on the rules for time allocation for coalitions resulted in different interpretations. Provisions ensuring transparency of campaign advertising conditions were not always respected by private media.<sup>68</sup>

Despite previous ODIHR recommendations, Article 84.1 of the Electoral Code still permits pre-recorded party-produced footage to be broadcast during news editions. This long-standing and widespread practice of the main political parties and public officials to provide media with pre-recorded or live footage of their activities has been strongly criticised. By narrowly interpreting the law and the CEC regulations, broadcasters often chose not to attend campaign events, which resulted in a lack of comprehensive and objective coverage of the contestants and blurred the separation between editorial content and political advertising. This is contrary to OSCE commitments and Council of Europe standards.<sup>69</sup>

According to OSCE ODHIR report for the general elections, while the media is required by the CEC to provide gender-balanced campaign coverage, the former have no control over who the party decides to propose for participation in TV shows. In the news and current-affairs programmes as reported by the ODIHR based on AMA monitoring data, female candidates and other female actors received 19 per cent of coverage, and even less so in the monitored online media. Also, data analysed by BIRN in Albania show that “*during the campaign for the April 25 elections, websites of Albanian media outlets devoted far more attention to the ruling Socialist Party, its leader, Edi Rama, and men, than to smaller parties or women candidates*”.<sup>70</sup> AMA data analysed by BIRN show that Albanian broadcasters across the board broke the electoral code in devoting more airtime to the ruling Socialists than their chief rivals, the Democrats, and neglected smaller parties. The AMA recommended sanctions against several outlets, but the Commissioner decided to fine only RTSH for breaking the ‘electoral silence’ on the eve of the vote.<sup>71</sup>

#### 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?

There are no changes in 2021 in this regard. In Albania, on the positive side journalists do not have to be licensed by the state to work.

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

There are cases when journalists are refused the right to report from events on the grounds of not having accreditation particularly in courts and other public institutions. In 2021 as in the previous reporting period, the anti COVID-19 restrictions have been used as an excuse to not allow journalists to report in few cases as reported by journalists. However, the biggest 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 Mayor of Tirana or other governmental officials, there are cases of journalists not being allowed to attend the events and ask questions.<sup>72</sup> At the same time, reporters working for independent media or critical and investigative media are regularly discriminated against when seeking information or comment from ministers.<sup>73</sup>

A major concern in the accreditation of journalists in 2021 was the attempt by the Parliament to introduce a new regulation that inhibits journalists’ freedom of movement and reporting from inside the building and Parliamentary Committee Meetings. In June 2021, the Parliament announced an amended regulation for the Accreditation, Accommodation and Orientation of Mass Media in the Parliament which was adopted without consultation with journalists and media workers’ asso-

67 Likmeta, Besar. “Albanian Election Commissioner Turns Blind Eye to Broadcast Bias”, *Balkan Insight*, 2021. Accessed 13.5.2022. <https://bit.ly/3wZimL1>

68 OSCE/ODHIR. “Report on Parliamentary Elections in Albania”, 2021. Accessed 15.2.2022. <https://www.osce.org/files/documents/5/1/493687.pdf>

69 *Ibid*, p. 22.

70 Likmeta, Besar. “Men Only: Media in Albanian Election Focused on Male Leaders”, *Balkan Insight*, 2021. Accessed 13.5.2022. <https://bit.ly/3wX696F>

71 Likmeta, Besar. “Albanian Election Commissioner Turns Blind Eye to Broadcast Bias”, *Balkan Insight*, 2021. Accessed 13.5.2022. <https://bit.ly/3NLYC0q>

72 Interview with media professionals, March 2021.

73 Media Freedom Rapid Response. “Mapping Media Freedom Report 2022”, p38. Accessed 3.5.2022. <https://bit.ly/3a9mNr2>

ciations.<sup>74</sup> This received strong criticism from journalists, independent media organisations and international actors raising concerns about the affect of the new regulation on the ability of journalists and media workers to report and decrease the level of transparency of the Parliament.<sup>75</sup> Following such opposition, the Parliament amended the regulation after a consultation session with journalists, but it entered into force in September 2021.

**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 declares to have about 1,200 members and has established branches in 10 cities in Albania according to their declaration. The Albanian Professional Journalists Association has about 220 members and a board of 12 journalists according to their estimates. In 2021, the Journalists' Movement was established as an initiative of professional journalists in Albania, to create and protect the status of a journalist. Concerns have been raised about their requests which might lead to a licensing of journalists and creation of a national registry by the Government. The Albanian Professional Journalists Association is a member of the International Federation of Journalists, which includes the European Federation of Journalists.<sup>76</sup> No pressure on the associations were reported in 2021.

**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. There was no new initiative in 2021 to establish a journalists' trade union apart from the Journalists Movement, established in 2021 as an initiative of professional journalists in Albania, to create and protect the status of a journalist. Other unions in Albania do not have a particular sec-

tion for media workers and journalist. There is no union in the Public Service Broadcaster.

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

As previously reported, 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 members 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>77</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>78</sup> The Alliance for Ethical Media is a voluntary group of Albanian media dedicated to rigorously implementing the Code of Ethics for Journalists.<sup>79</sup> The alliance seeks to enforce a functioning self-regulation mechanism by receiving and reviewing complaints from the public regarding ethical violations of online media. The alliance provides online media with recommendations, which however are not mandatory. The logo of the alliance will be displayed on their websites as the seal of ethical media.<sup>80</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?**

There have been no legal changes in this regard in 2021. The protection of confidential sources of information is one of the basic principles of the current legal framework on audiovisual media. In addition, Article 159 of the Code of Criminal Procedure includes journal-

74 International Press Institute. "Albanian Accredited Journalists to Face Unequal Access Restrictions in Parliament", 2021. Accessed 3.5.2022. <https://bit.ly/3x0c2z7>

75 Safe Journalists Network. "The Albanian Parliament new regulation on media "orientation" can jeopardize media freedom", 2021. Accessed 3.5.2022. <https://bit.ly/3wV5jin>

76 List of members available on <https://europeanjournalists.org/blog/2015/12/19/albania/>

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

78 Ethical Guidelines for Online Journalism can be accessed at <https://bit.ly/3x9OPubf>

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

80 Bino, B. "Media Freedom in Albania: Such a Frail Thing", p.9-15, 2021. Accessed 3.5.2022. <https://bit.ly/3NDdwps>

ists 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>81</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>82</sup> A judicial court can request with a written order from journalists to disclose a confidential source if it is in the public interest.

### 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?

As previously reported, the confidentiality of journalists' sources is a challenge in Albania. Reports in 2021 highlight the risk of the safety of journalists and their sources by organized crime and the inability of the state to protect them.<sup>83</sup> In particular, due to social and family ties and various pressures in small communities, local media find it difficult to protect the sources.<sup>84</sup> In 2021, there have been one major case when the authorities have asked media outlet ([Lapsi.al](http://Lapsi.al)) to disclose sources. In April 2021, the Special Prosecution Against Organised Crime (SPAK) ordered journalists Andi Bushati and Armand Shkullaku to hand over a database that contained the personal information of more than 910,000 voters in Albania. When they refused, citing concerns regarding source confidentiality, the Special Court of First Instance in Tirana ordered the seizure of all devices of their media outlet, LAPSI.al, as well as their mobile phones, servers, computers, and USB drives.<sup>85</sup> This has been sharply criticized as an attempt to intimidate journalists. The court order was part of an investigation into the alleged data breach, but media rights groups have criticized Albania's anti-corruption prosecutor unit, saying the order was politically motivated and counter to principles

of free speech.<sup>86</sup> The European Court of Human Rights (ECHR) immediately reacted by asking for the suspension of the measure on grounds of journalist's freedom of speech and protection of confidential sources. In early May, the Albanian judiciary heeded to the ECHR's request.<sup>87</sup>

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

In 2021, no cases of sanctions against journalists who refused to disclose the identity of source were registered.

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

As in the previous reporting period, in 2021 the 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**

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

Access to information and 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. 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

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

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

83 Reporters without Borders. "Press Freedom Index 2022 Albania" Accessed 4.5.2022. <https://rsf.org/en/country/albania>

84 Interview with local reporter, March 2022.

85 Learn more at Safe Journalists Database <https://safejournalists.net/portfolios/state-pressure-and-physical-assault-on-albanian-journalists/> and Media Freedom Rapid Response database [https://www.mapmf.org/uploads/MFRR-Monitoring-Report\\_2021.pdf](https://www.mapmf.org/uploads/MFRR-Monitoring-Report_2021.pdf)

86 Voice of America. "Election Data Breach Story Renews Press Freedom Debate in Albania". Accessed 4.5.2022. <https://bit.ly/3t5dkaM>

87 Balcanicaucaso. "Albanian Political Parties are doing their own journalism". Accessed 4.5.2022. <https://bit.ly/3NLYY7g>

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>88</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>89</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?

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>90</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 or provide information and data that are not easy to use. The EC Report confirms the concerns of journalists about limited access to information about procurement contracts, audits and salaries of officials and the inefficiency of the mechanisms in place with the decisions of the Commissioner on the Right to Information not-binding on public administration officials.<sup>91</sup>

In September 2021, the Government of Albania announced the establishment of a new Media and Information Agency (MIA) that would centralize the government's public relations and public information within a single entity.<sup>92</sup> Civil society organizations, media associations, and international press freedom organizations have already expressed concerns about the impact of MIA in limiting the access to public information.<sup>93</sup> Currently, access to public information is deemed as a

major hindrance to conducting quality journalism, particularly for critical and investigative media. The limited implementation of the legal framework on freedom of information primarily due to a lack of political will, a culture of secrecy and retaining public information, and limited mechanisms to implement accountability and transparency measures of governmental institutions directly affects the quality and independence of reporting.<sup>94</sup>

#### 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?

Although in principle Albania has a good Freedom of Information Law developed in consultation with civil society and supported by the EU, in practice transparency and accountability of authorities is weak. Considering the policy context in Albania with centralised government practices and concentration of information flow, low levels of transparency and accountability, flawed consultation processes and the highly polarised political scenery<sup>95</sup>, the open, non-discriminatory, and fair media relations of public authorities as well as evidence-based and participatory policy process are difficult to be achieved in practice in a meaningful way.

In April, the Commissioner for the Right of Information and Personal Data proposed changes to the law that would give the Commissioner more power to demand information be made public. These changes are under consultation as of May 2022. This came after a record 992 complaints against state institutions during 2021 for failing to provide requested information to media, civil society, and the public. With an increase in complaints of 39% on the year before, the commissioner found in favour of 700 of the complaints.<sup>96</sup>

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

There have been no significant changes in 2021. 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. The Special Court closed its doors to journalists under the pretext of anti-COVID measures in

88 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)

89 Westminster Foundation for Democracy, "Civil Society Participation in Decision Making in Albania". Accessed 15.2.2021. <https://bit.ly/3N0Q9Gy>

90 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)

91 European Commission. "Report Albania 2021", p.30. Accessed 15.3.2022. [https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en)

92 Media Freedom Rapid Response. "Mapping Media Freedom Report 2022". Accessed 3.5.2022. <https://bit.ly/3a9mNr2>

93 International Press Institute. "MFRR urges government to scrap new media and information agency", 2021. Accessed 3.5.2022. <https://bit.ly/3PPpD6>

94 Bino, B. "Media Freedom in Albania: Such a Frail Thing", p.9-15, 2021. Accessed 3.5.2022. <https://bit.ly/3NDawps>

95 IDM. "Policy Paper". Accessed 3.5.2022. <https://bit.ly/3wWZnXN>

96 Newsroom. "Albanian 'Ministry of Propaganda': Where we are today?". <https://bit.ly/3wY6Z3d>

October 2021, even though the measures were relaxed. Also, the High Prosecution Council (KLP) announced on November 19th that journalists would be allowed to be present during hearings after completing an accreditation application. However, the accreditation form sent to the media has raised concerns in newsrooms. Using personal data protection as a proxy, this document aims to dictate what journalists can report from KLP meetings and what is prohibited, turning it into a pre-censorship tool. Also, the High Council of Justice (KLGJ) also imposed restriction on access to hearings in 2021, which should be open.<sup>97</sup>

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

On 2 June 2021, the Bureau of the Assembly of Albania published an amended regulation for the Accreditation, Accommodation and Orientation of Mass Media in the Parliament. The rules, adopted without consultation with journalists and media workers' associations and unions, civil society or other pertinent stakeholders, will come into effect in September 2021. These new restrictions to freedom of movement will negatively affect the ability of journalists and media workers to report and decrease the level of transparency of the Parliament. Accredited journalists from private media will only be able to report from a designated newsroom and will not be able to follow and report directly from the rooms where plenary or committee meetings take place or freely move around the building, as is currently the case. However, journalists from public broadcaster RTSH and public news agency ATSH will continue to have access. Access to video broadcasts during the meetings will be provided to the media by the Parliament itself. These measures will restrict the access of journalists to lawmakers, limiting opportunities to ask critical questions and meaningfully engage. Concerns have been raised also that the control by parliamentary staff over the video feeds could give rise to censorship or manipulation. Moreover, the distinction between journalists working for private media and those working for the public broadcaster will create a dual system of access that is arbitrary and unfair.

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

Generally, journalists see the Government and the respective ministries as not sufficiently open and transparent. In September 2021, the government announced the

establishment of a new Media and Information Agency (MIA) that would centralize the government's public relations and public information within a single entity. The MIA functions as a public legal entity, under the Prime Minister, headed by Endri Fuga, his Director of Communications and is funded from "the state budget, donations, and other legal sources".<sup>98</sup> According to the government, its mission is to ensure transparency regarding policies, activities, projects, events, and other matters including acts of the Council of Ministers and any state institution.<sup>99</sup> Its sole responsibility is to inform and communicate with the public and the media and prepare government positions on issues of public interests. In addition, it creates press releases and media content to supplement the reams of pre-edited footage produced by Rama's personal TV channel, which is currently sent to every newsroom. The MIA also monitors media and "means of mass communications" to assess opinions on the government.<sup>100</sup> According to an IPI assessment, all responses are coordinated centrally, and press materials are created and sent out from one location. Communication with the media or members of the public can only take place with the explicit authority of Fuga, who also has the power to hire and fire spokespersons.<sup>101</sup> However, the Albanian government has been adamant that the purpose of the agency is to promote better transparency and communication with the media.

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<sup>97</sup> Hoxhaj, Edmond. "The High Council of Justice follows the practice of closed plenary meetings", *Reporter.al*, 2021. Accessed 13.5.2022. <https://bit.ly/3wYHuPp>

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<sup>98</sup> Gjoka, Blerina. "Albania's Rama Appoints Spokesperson to Run New 'Information' Agency", *Balkan Insight*, 2022. Accessed 13.5.2022. <https://bit.ly/3lVJ8uU>

<sup>99</sup> Safe Journalists Network. "Threats against media outlets and organizations by Endri Fuga, 27/01/2022, Tirana" Accessed 13.5.2022. <https://bit.ly/3MU8oGt>

<sup>100</sup> International Press Institute. "Albanian 'Ministry of Propaganda': Where we are today?", Accessed 13.5.2022. <https://bit.ly/3Npjqn0>

<sup>101</sup> *Ibid*

## **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 have not improved in 2021. There were about 5,970 journalists working under contract, and 1,760 working without contracts.<sup>102</sup> About 80 percent of reporters are under 35 and earn less than \$300 per month, and almost 48 percent of wages were delayed 2–6 months in 2021.<sup>103</sup> As previous studies have noticed,<sup>104</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. Frequency of payment is an issue particularly for newspapers, online media, and local media.

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102 Hoxhaj, A. "Nations in Transit Albania 2022". Accessed 13.3.2022. <https://bit.ly/3anZZDP>

103 Ibid.

104 IDRA. "Media Job Market in Albania 2019". Accessed 15.3.2021. <https://bit.ly/38yk7mk>

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

Journalists working conditions have not improved in 2021 and similar trends are observed such as 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>105</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>106</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 trends in terms of editorial independence in the private media have not improved in 2021. Most media outlets have limited resources, having the same person exercising different functions and thus separation of newsroom from management and marketing is not always possible.<sup>107</sup> Few large private media outlets have adopted, at least in paper, organizational documents to ensure editorial independence by separating newsrooms from managers and marketing departments. However, editorial independence in practice is compromised by partisan media, links of media owners with politics, business interest and even organized crime.<sup>108</sup>

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

Editorial independence as a clear indicator of media integrity and fundamental condition for trust in media and quality content is extremely precarious in Albania. What is more, the most influential Albanian private media are owned by a handful of companies which have links to politicians and at the same time operate in highly regulated sectors such as construction.<sup>109</sup> There is no transparency about media ownership and editorial independence in most private media.

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

The situation is the same as in 2020. 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>110</sup> or other journalists' associations in the country.<sup>111</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 and even blackmailing.

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 2021. Nonetheless, pressures are exerted even though journalists do not report them, when considering that the map of the media landscape continues to indicate further market and audience con-

105 Valbona Sulçe Kolgeci and Endrit Shabani. "Research Study on Journalists' Labor Rights", Tirana: Albanian Helsinki Committee, 2020. Accessed 15.3.2021. <https://bit.ly/3NDcD00>

106 Interview with media professional, January 2021. <https://bit.ly/3tSazGu>

107 Focus group with local media, March 2021.

108 Reporters without Borders. "Press Freedom Index 2022 Albania" Accessed 4.5.2022. <https://rsf.org/en/country/albania>

109 Ibid.

110 Albanian Media Institute, "Code of Ethics for Journalists in Albania". Accessed 15.3.2021. <https://kshm.al/en/code-of-ethics-for-journalists/>

111 Focus group with local media, December 2020.



centration in the hands of few owners, who use their media channels to push their economic interests and political agendas forward.<sup>112</sup>

### **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. PSB is part of various donor-funded projects aiming to develop capacities of journalists on editorial independence. Since 2020, the PSB editorial policy is published online outlining the key principle of its editorial independence including the code of ethics and professional standards.<sup>113</sup> In practice, despite the progress of the transformation of RTSH into a public service media, it is mostly perceived as favouring the ruling party in its news coverage.<sup>114</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?

The most common form of pressure is indirect and related to the approach that the RTSH favours the ruling party in terms of coverage given that its Steering Council is elected by the votes of the majority in Parliament.

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?

The major concerns are not about direct pressure from the government, but more from the subtle and symbiotic relations between owners, politicians, and other powerful interests. Also, by making professional journalism obsolete and denigrating media through smear campaigns and anti-media discourse, the government exerts indirect pressure on journalists. Other forms are defamation lawsuits and legal threats against investigative journalists as well as data breach and digital safety.

### **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?

Editorial independence in the non-profit media sector fares better. 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 tend to adhere to the Code of Ethics published by the Albanian Media Institute revised in 2018 and the Albanian Media Council was part of the working group and adheres to the same code.<sup>115</sup>

112 Hoxhaj, A. "Nations in Transit Albania 2022". Accessed 13.3.2022. <https://bit.ly/3anZZDP>

113 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)

114 Focus groups with journalists, December 2020.

115 Code of Ethics available at <https://kshml.al/wp-content/uploads/2018/04/Kodi-i-Etikës-final-shqip-3.pdf>

### 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. They face key challenges related to media freedom, financial sustainability, and safety. 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?

In 2021 there are no major examples of pressure exerted over the non-profit media. The key illustrative cases remain the SLAPP cases against BIRN Albania journalists in December 2020 and local reporter Artan Rama that were covered in our previous report.

## **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?

Generally, journalists are free to select news stories as long as they do not contradict with the media owner interests or political interests and other influence trafficking. Editorial policy of media outlets, the position of newsroom vs owners and managers, and on the media ownership structure and revenues are other factors impacting the freedom of journalists to select news stories or their frames. In 2021, the self-censorship is still present across the board. As reported in 2020, in some cases, editing 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)?

The same trend is observed in 2021 with journalists participating daily in at least one editorial and newsroom coordination meeting in which the stories / topics to be covered are decided. This is the case for most media

outlets, but for small private and local media, journalists do not necessarily meet in such a formalized setting, but ad hoc informal meetings are organized instead. For the of online media portals, which operate in anonymity, the situation is different with very low original content and news stories produced, their staff mainly works on copy pasting news stories or translating from other foreign portals or media outlets. This is another sign of the deterioration of media quality and reporting and clear infringement of copyright issues.

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

Journalists declare that they generally adhere to the code of ethics and are in favour of strengthening its implementation. However, not all journalists have the same capacities and knowledge about the code of ethics and most of them lack continuous training in this regard. Despite such attitudes, in practice in some cases journalists themselves do unethical reporting particularly when reporting from social cases involving drama, violence, and conflict.

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

Based on our assessment, journalists are aware of the extent to which they have been influenced by risks and sources of influence, particularly in terms of safety, pressures from government, and other form of intimidation by owners. This lead to self-censorship as a normalised practice.

### 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?

In 2021, censorship and self-censorship are observed in the newsroom in Albania as in previous years. 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 regulat-

ed markets.<sup>116</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.

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

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

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Generally, women journalists report worse working conditions compared to their male peers. In 2021, women journalists have raised concerns about cases of sexual harassment and online violence and gendered based disinformation. However, there is almost no reporting to the authorities about these cases and women journalists are very hesitant to come forward.

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

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Even though women represent most journalists in Albania, there are fewer women in leading editorial positions. Lack of gender disaggregated data is an issue.

**How high are their salaries in comparison to men's?**

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There is no reliable gender disaggregated data on the salaries of women and men journalists. Generally, it is perceived that women are paid less.

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

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Like the previous reporting period, women journalists report sexual harassment, online violence and smear campaigns as key gender-based pressures. 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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<sup>116</sup> Sofija Todorovic. "Internet Governance Key to Media Freedom in Albania", *Balkan Insight*, 10.9.2020. Accessed 15.3.2021. <https://balkaninsight.com/2020/09/10/internet-governance-key-to-media-freedom-in-albania/>



## **C1 Safety and impunity statistics**

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Safe Journalists has recorded and reported 14 cases of attacks against journalists.

### **Non-physical threats and harassments**

Andi Bushati and Armand Shkullaku, owners, and editors of the online publication Lapsi.al, were summoned for questioning at the prosecutor's office by the Special Prosecution Against Organized Crime and Corruption (SPAK) as part of an officially open investigation into the leak of a massive tracking system of 910,000 files of citizens' personal data (suspected as a database of the Socialist Party of Albania, which is used for electoral purposes).

### **Threats against the lives and physical safety of journalists**

On 21 August, Exit journalist Alice Taylor was sent threats via Facebook that detailed how the individual would find her, assault her and then rip her skull off. She proceeded to file a complaint at Ali Demi police station. She was told that the name used by the account holder was fake, and therefore the matter would be passed to the cyber-crime department.

Table 2: Number of registered attacks on journalists in 2021

Categories	Number	Description
<p><b>Non-physical threats and harass-ments</b></p> <p>The non-physical threats and harass-ments include:</p> <ul style="list-style-type: none"> <li>– surveillance or trail-ing;</li> <li>– harassing phone calls;</li> <li>– arbitrary judi-cial or administrative harass-ment;</li> <li>– aggressive declarations by public officials;</li> <li>– other forms of pressure that can jeopardize the safety of journalists in pur-suing their work.</li> </ul> <p>These types of threats do not include mobbing and bullying in the working environment.</p>	2 (M)	<p>Andi Bushati and Armand Shkullaku, owners and editors of the online publication Lapsi.al, were summoned for questioning at the prosecu-tor's office by the Special Prosecution Against Organized Crime and Corruption (SPAK) as part of an officially open investigation into the leak of a massive tracking system of 910,000 files of citizens' personal data (suspected as a database of the Socialist Party of Albania, which is used for electoral purposes).</p>
<p><b>Threats against the life and physical safety of journalists</b></p> <p>These may in-clude:</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 par-ties;</li> <li>– conveyed via electronic or face-to-face communications;</li> <li>– may be implicit as well as explicit.</li> </ul>	1 (F)	<p>On 21 August, Exit journalist Alice Taylor was sent threats via Facebook that detailed how the individual would find her, assault her and then rip her skull off. She proceeded to file a com-plaint at Ali Demi police station. She was told that the name used by the account holder was fake, and therefore the matter would be passed to the cybercrime department.</p>
<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 (5 M 4 F)	<ul style="list-style-type: none"> <li>– Fax News television journalist, Besarta De-mushaj, on Wednesday (15.12.2021) denounced the physical and verbal attack exercised against her by two citizens while she was reporting (14.12.2021). Video footage shows the journalist being obstructed, kicked, and hit by two men while reporting on a story.</li> <li>– Fax News was in Vora where residents were protesting for a road segment that was in poor condition. However, representatives of the municipality did not allow the residents to hold their protest and prevented the film crew of Fax News from covering the protest because, according to them, this issue should not have appeared in the media.</li> <li>– In Febru-ary, Fjona Çela, journalist of Fax News was pre-vented from interviewing medical and public staff by the media spokesperson of the Ministry of Health Etiola Kola. Çela said she had been re-peatedly denied or ignored when making official requests to the Ministry.</li> <li>– A police officer tried to push them on the edge of the abyss, an act that could also put their lives in danger given the difficult terrain. The incident was immediately reported to the authorities. Later that day, the Internal Affairs and Complaints Service of the Ministry of Interior confirmed that they have launched inspections in connection with the vio-lence exercised by a police officer against the Top Channel journalist (Anila Hoxha) and the Endri Aga of TV crew of A2CNN while reporting on murder case in the Qafë Molla area.</li> <li>– Fax News reporter Ledio Guni was physically assaulted in Tirana on October 11 while reporting on the dis-pute between teachers and students' families in the bar near the "Çajupi" high school. He was tasked with reporting directly from the scene, but while filming with his camera from the media car he represents, a man physically assaulted him, throwing a chair at him.</li> <li>– Albanian police, in Ti-rana, on July 27, at 12:30, stoped Ergjys Gjen-caj, a journalist of the TV channel "News 24", and pushed his colleague Klodiana Lala after they failed to stop a suspected criminal.</li> <li>– The electoral meeting of the mayor of Tirana Erion Veliaj in Kavaja turned into an incident against the film crew of Ora News television and the journalist Ronaldo Sharka. In an interview in the studio of Ora News, journalist Ronaldo Sharka said: "I was with a microphone, with a media logo, easily identifiable and I addressed Mr. Veliaj, for ques-tions in the interest of public opinion, but the situation was very serious and there I realized that something was wrong.</li> <li>– On 12 April 2021, Alba-nian journalist for Ora News, Isa Myzryraj, was physically restrained and obstructed by a security guard of the mayor of Tirana asked he tried to his ask questions as the politician left a café follow-ing an event. In a video published by Ora News, the journalist can be seen to approach the mayor with a microphone in his hand to interview him, when he is immediately pulled to one side by one of the security personnel. The guard forceful-ly drags the journalist away to the side of the path and keeps him pinned in his grip until the mayor got into a waiting car and left. During the incident, Myzryraj repeatedly identifies himself as a journalist.</li> </ul>

Categories	Number	Description
<b>Killings of journalists (in the past 15-20 years)</b> Types of killings may include being killed in crossfire, assassinated, killed in a bomb explosion, beaten to death, etc.	0	
<b>Threats to and attacks on media institutions, organizations, media and journalists' associations</b> 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.	2	Albanian Prime Minister Edi Rama called for regulations on freedom of expression in online media during his speech at the OSCE Southeast-ern Europe Media Forum held in Tirana. During his intervention, Rama compared the threats of disinformation and defamation on online media to Nazi propaganda and claimed that politicians do not have a chance to defend themselves against it as "you're immediately labelled as go-ing against freedom blah blah blah". During a press conference in September between Prime Minister Edi Rama and German Chancellor An-gela Merkel, the former refused to take ques-tions from Kosovo journalists (Enis Reçica of TV Klan Kosova).

### Number of actual attacks

Fax News television journalist, Besarta Demushaj, on Wednesday (15.12.2021) denounced the physical and verbal attack exercised against her by two citizens while she was reporting (14.12.2021). Video footage shows the journalist being obstructed, kicked, and hit by two men while reporting on a story.

Fax News was in Vora where residents were protesting for a road segment that was in poor condition. However, representatives of the municipality did not allow the residents to hold their protest and prevented the film crew of Fax News from covering the protest because, according to them, this issue should not have appeared in the media.

In February, Fjona Çela, journalist of Fax News was prevented from interviewing medical and public staff by the media spokesperson of the Ministry of Health Etiola Kola. Çela said she had been repeatedly denied or ignored when making official requests to the Ministry.

A police officer tried to push them on the edge of the abyss, an act that could also put their lives in danger given the difficult terrain. The incident was immediately reported to the authorities. Later that day, the Internal Affairs and Complaints Service of the Ministry of Interior confirmed that they have launched inspections in connection with the violence exercised by a police officer against the Top Channel journalist (Anila Hoxha) and the TV crew of A2CNN while reporting on murder case in the Qafë Molla area.

Fax News reporter Ledio Guni was physically assaulted in Tirana on October 11 while reporting on the dispute between teachers and students' families in the bar near the "Çajupi" high school. He was tasked with reporting directly from the scene, but while filming with his camera from the media car he represents, a man physically assaulted him, throwing a chair at him.

Albanian police, in Tirana, on July 27, at 12:30, stopped Ergjys Gjencaj, a journalist of the TV channel "News 24" and pushed his colleague Klodiana Lala after they failed to stop a suspected criminal.

The electoral meeting of the mayor of Tirana Erion Veliqj in Kavaja turned into an incident against the film crew of Ora News television and the journalist Ronaldo Sharka. In an interview in the studio of Ora News, journalist Ronaldo Sharka said: "I was with a microphone, with a media logo, easily identifiable and I addressed Mr. Veliqj, for questions in the interest of public opinion, but the situation was very serious and there I realized that something was wrong.

On 12 April 2021, Albanian journalist for Ora News, Isa Myzyraj, was physically restrained and obstructed by a security guard of the mayor of Tirana asked he tried to his ask questions as the politician left a café following an event. In a video published by Ora News, the journalist can be seen to approach the mayor with a microphone in his hand to interview him, when he is immediately pulled to one side by one of the security personnel. The guard forcefully drags the journalist away to the side of the path and keeps him pinned in his grip until the mayor got into a waiting car and left. During the incident, Myzyraj repeatedly identifies himself as a journalist.

### Number and types of killings

None

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

Albanian Prime Minister Edi Rama called for regulations on freedom of expression in online media during his speech at the OSCE Southeastern Europe Media Forum

held in Tirana. During his intervention, Rama compared the threats of disinformation and defamation on online media to Nazi propaganda and claimed that politicians do not have a chance to defend themselves against it as “you’re immediately labelled as going against freedom blah blah blah”.

During a press conference in September between Prime Minister Edi Rama and German Chancellor Angela Merkel, the former refused to take questions from Kosovo journalists (Enis Reçica of *TV Klan Kosova*).

## **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?**

Journalists’ safety both online and offline is generally guaranteed in Albania considering the freedom of expression, but with no specific laws tackling their safety. Based on 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 to create an enabling environment for their journalistic activities.<sup>117</sup> As reported in the previous year, in 2021 it is observed that state institutions lack resources and capacities to protect journalists in the online 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?**

Notwithstanding training and awareness raising of public authorities such as Police on how to deal with journalists and media professionals, there are limited official protocols adopted in a systematic and institutionalised manner.

**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 record nor publish data about specific attacks on journalists and impunity. In most cases, state institutions 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. State authorities respond to the Council of Europe alerts.

**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?**

In 2021, it is generally observed that attacks on the safety of journalists are condemned by state officials and are considered as breach of freedom of expression. Police has reacted publicly more swiftly in 2021, however there are limited follow investigations.

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

In 2021, the independent institutions have cooperated with journalists’ organizations on journalists’ safety, such as the Ombudsman, the Commissioner for the Protection against Discrimination and the Information and Data Protection Commissioner. The General Prosecution and Police as well have cooperated with the journalists’ organizations on journalists’ safety issues.

**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 in 2021.

<sup>117</sup> Council of Europe, “Online Course on Protection and Safety of Journalists Available in Western Balkans Languages”. <https://bit.ly/3Nk7yE>

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

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**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?**

For the purposes of this report, interviews conclude that 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?**

For the purposes of this report, interviews conclude that there is no special provision for additional resources to cover investigations into threats and acts of violence against journalists. However, there is some increased sensitivity to such cases. 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.<sup>118</sup>

**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. Based on information received from the General Prosecution about the process of investigations in 2021, out of 9 actual attacks on journalists in 2021, there are only three cases reported in the law enforcement authorities: Criminal proceedings no. 749 of 2022, which has to do with the event of the journalist Anila Hoxha and Ergys Gjencaj, that is still under investigation. Regarding the case of journalists Klodiana Lala and Ergys Gjencaj, it turns out that two proceedings: Criminal report no. 10273 of 2021, for which on 17.09.2021 it was decided non-initiation of criminal proceedings and Criminal proceedings no. 6767 of 2021, for the criminal offense "Exercise of arbitrary actions", provided by Article 250 of the Criminal Code. On 17.12.2021 the request was launched for dismissal of the case at the Court of First Instance Tirana.

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<sup>118</sup> Safe Journalists Network. "Index of Journalists Safety, 2021". <https://safejournalists.net/safejournalists-index-tirana/>



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

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. 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.

In 2021, a Practical Guide to the Protection and Safety of Journalists was published with the joint programme of the European Union and Council of Europe "Horizontal Instrument for the Balkans Western and Turkey 2019–2022" and the project "Horizontal Facility Freedom of Expression and Freedom of the Media in Albania (JUFREX 2).<sup>119</sup> Another initiative for a protocol for the safety of journalists was developed in 2021 in the framework of the project "Strengthening the Standards of Media Integrity in Albania", supported by the British Embassy in Tirana. With the support of experts this non formal group has produced a Rapid Response Protocol for Journalists.<sup>120</sup>

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

Generally, the final verdicts are sanctions imposed only to perpetrators.

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.

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<sup>119</sup> Matlija, Dorian. "Practical Guide to the Protection and Safety of Journalists". Accessed 13.5.2022. <https://bit.ly/3wX3le4>

<sup>120</sup> The protocol aims to provide suggestions for practical steps that this non formal network of journalists – New Generation – can take in cases where they or others face threats.

# Conclusions and Recommendations

## Conclusions

Even though the Constitution of Albania guarantees the media freedom as well as freedom of expression and information, such provisions are not thoroughly implemented in practice and in 2021 a continuation of the signs of deterioration of freedom of expression and media freedom is observed in Albania. The predominant structural challenge of the media ecosystem that negatively impacts freedom of expression and media freedom in Albania is the intertwined symbiotic relation among powerful economic and political interests in media system, including in some cases organized crime influences. The practice of using media outlets for blackmailing risks becoming normalised in Albania and considering that corruption is widespread, there is little expectations that such cases will be reported and investigated. Albania has a crowded media environment in terms of numbers of outlets, but a limited advertising market and media ownership concentration to a few media owner / families who use media as an instrument for political and economic influence.

In 2021, the quality of media content deteriorated as well as editorial independence with increase in self-censorship of journalists and shrinking space for independent, critical, and investigative journalism due to intimidation, pressures, and harassment. Actual attacks on the physical safety and life of journalists and their kin remain limited in Albania. However, few cases that are reported are not investigated properly or there is limited transparency. Albania's state institutions have not yet established effective mechanisms specific for journalists and media staff to provide protective measures when they are threatened.

In terms of media regulatory authority, a clear backsliding in its independence was observed in 2021 following the election of a person politically affiliated with the ruling party as chair of AMA in July. Also, the PSB functioned without a Director General for 7 months, while the previous Director was arrested for corruption allegations. In September 2021, the government announced the establishment of a new Media and Information Agency (MIA) that would centralize the government's public relations and public information within a single entity, which became functional in early 2022. In 2021, limited access to public information is remained a major hindrance to conducting quality journalism, particularly for critical and investigative media. The limited implementation of the legal framework on freedom of information primarily due to a lack of political will, a culture of secrecy and retaining public information, and limited mechanisms to implement accountability and transparency measures of governmental institutions directly affects the quality and independence of reporting.

What threatens journalists' safety is their working conditions, weak implementation of labour code, gender-specific challenges in the media sector, digital safety concerns and general anti-media sentiment and pressures. Another major concern is the attempt to make journalism obsolete with a combination of anti-media sentiments, denigrating language, and closing the doors to journalists by not granting press conferences and concentrating public information. Anti-media sentiments are voiced by political actors, particularly the prime minister, and Socialist Party MPs and ministers who persistently add to the pressures on the media, especially towards independent, critical, and investigative media outlets.

### Recommendations

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

#### 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.

- The Electoral Code should be amended to guarantee equal opportunities of all contesting parties to access the media, including to advertising space. Additional considerations could be given to allocating a certain amount of free airtime equally to all contestants during the campaign.
- Legislation should be amended to ensure that media are able to independently cover activities of electoral contestants with a view to limit the use of party produced content in the news.

#### 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.
- Support and incentivize diversity reporting.

#### 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.
- 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:

#### 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 se-

curity 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 case of censure or attack to members and/or representatives due to their profession.







