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Western Balkans Journalists' Safety Index

Narrative Report Albania 2021

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Introduction

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

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

The WB-JSI was jointly developed by the researchers from the Skopje based RESIS Institute² and partners of the Safejournalists.net Platform: Independent Association of Journalists of Serbia, Association of BH Journalists, Trade Union of Media od Montenegro, Association of

¹ In Albania the Advisory Panel consisted of: Dorenatina Hysi, Eda Noçka, Elira Çanga, Elvin Luku, Erlis Çela, Gjergj Erebara, Orkidea Xhaferaj. ² members of the Advisory Panel requested to remain anonymous.

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

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

The first (pilot) year for development of the conceptual framework and methodology for scoring, aggregating, and calculating the Index was 2020. This report refers to the situation in Albania in 2021 and presents the improvements or deterioration of the situation related to the four dimensions by taking into consideration the assessment for 2020 as the reference year. More details about the theoretical framework and procedure of construction and calculation of the WB-JSI and all country reports can be found at (<https://safejournalists.net/safety-index/>).

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

JOURNALIST SAFETY INDEX



	2020	2021		Main new developments in each dimension
I. Legal and Organizational Environment	3.49	3.25	↓	The legal and organizational environment has slightly deteriorated in 2021. While no sanctions were imposed on journalists refusing to disclose their sources in 2021, there was a sensitive case of prosecutors ordering the seizure of equipment of an online media portal. The situation of access to information and participation has not improved. The working conditions of journalists remained precarious in 2021.
II. Due Prevention	2.97	2.99	↑	The Albanian legislation does not provide guarantees and special protection mechanisms of physical or other safety towards journalists at risk. There were no cases of non-merit-based detention of journalists by police in 2021. State institutions face more challenges in providing protective measures in the online space for journalists due to lack of resources and capacities.
III. Due Process	2.60	2.60	–	Despite general awareness, law enforcement agencies are not fully equipped with the knowledge, capacities, and resources to investigate the attacks and violence against journalists. Investigations are slow and inefficient. Data collection system regarding threats and attacks against journalists by public officials is missing.
IV. Actual Safety	2.78	2.78	–	No significant change is observed in terms of actual safety of journalists. Actual attacks are not systemic in Albania; however journalists face intimidation, pressures and increased digital safety concerns and online harassment.
Journalist Safety Index	3.38	2.85	↓	

— SUMMARY

I. LEGAL AND ORGANISATIONAL ENVIRONMENT

- The legal framework regarding defamation has not changed in 2021 as compared to 2020. The Criminal Code of Albania allows any citizens, including public officials, to file criminal charges against journalists for defamation, insult, or interference in their private life. Also, the Civil Code has provisions for non-pecuniary damages. The plaintiff can solicit financial compensation for insult or deliberate publication of defamatory information if the courts rules with a final verdict. Most lawsuits are filed by politicians, businesspeople and representatives of public institutions. An analysis of court verdicts of the past years reveals that the fines were excessive and,

combined with financial costs for journalists, procrastinated proceedings, probability to file criminal records, etc, that can lead to self-censorship and undermine freedom of expression, particularly in the cases of highly professional investigative and critical journalists.

- While no sanctions were imposed on journalists refusing to disclose their sources in 2021, there was a sensitive case of prosecutors ordering the seizure of computers, servers, phones, and USBs of an online media portal. The case met with broad reactions including the European Court of Human Rights (ECHR) that led to Special Anti-Corruption Structure (SPAK) heeding their requests and backtracking. The legal framework provides for the protection of confidential sources of information as an important principle for media operators. However, in practice, prosecutors and judges can request disclosure of confidential sources in legal proceedings based on claims of public interest or if the source constitutes a piece of evidence.
- Arbitrary use of other legislation, such as state of emergency and anti-COVID-19 restrictions, were noticeable more during 2020 than in 2021. However, legal intimidations are still used to restrain independent journalists and their ability to do investigative reporting on cases of corruption, organized crime, and other powerful interests. In 2021, the situation of access to information and participation in press conferences deteriorated where journalists were refused access.
- Journalists who seek to work in professional, independent, and investigative journalism face pressures and intimidation that hinder them from fully pursuing their profession. In 2021, several institutions attempted to restrict journalists' access to their activity. In some cases, problematic provisions are noted in their internal rules, which do not pursue a legitimate aim and proportionality in limiting journalists' access to their activities. Although journalists are free to organise themselves in professional associations, still such associations face many vulnerabilities in terms of resources, capacities, networking, and overall ability to advocate impartially with the government for changes towards an enabling media landscape.
- The working conditions of journalists remain precarious in 2021, particularly for young, women and freelance journalists and those working in local media and online portals. What threatens journalists' safety is their working conditions, weak implementation of Labour Code, lack of effective supervision of media organization or entities from the Labour Inspectorate, 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 by concentrating public information. No collective agreements are signed for the protection of journalists' labour rights in the private media. There are no trade unions of journalists in private media in Albania who fears the revenge action from media owners. Journalists do not have access to free legal aid specifically provided to them.

II. DUE PREVENTION

- Even though state institutions have established basic mechanisms for citizens to report cases of threats and attacks, there are yet no specialized and effective mechanisms dedicated to journalists or media workers. The Law "On Legal Aid Guaranteed by the State" does not provide for specialized legal services for journalists. Several NGOs fill this gap by providing legal aid and other legal support to journalists. While the State Police has responded adequately to the reported cases by journalists, the rest of the process highlights weak institutional capacities or will to effectively investigate in a comprehensive manner. State institutions face more challenges in providing protective measures in the online space for journalists due to lack of resources and capacities.
- The Albanian legislation does not provide guarantees and special protection mechanisms of physical or other safety towards journalists and other media actors who might be at risk. In our legal and institutional practices, journalists can benefit only from the general mechanism in place, such as the victim protection mechanism, which are not tailored to their needs and specifics of challenges they are faced with. The data gathered for this report indicates that there were no cases in 2021 of journalists registered and benefiting from the victim protection mechanism. In 2021, two protocols on the protection of journalists were introduced by civil society and journalists. There are alternative types of support for the protection of journalists through the scheme of pro-bono or legal aid, provided by the local and international civil society and media freedom organisations.
- Albania has already ratified the Istanbul Convention and reports regularly to Council of Europe about it, but its effective implementation is still work in progress. The lack of segregated data for cases where the victims of violence, threats or sexual harassment are female journalists create premises for minimizing the phenomenon in the eyes of the responsible authorities. The existing mechanisms to focus primarily on the support of victims of gender-based domestic violence are fragmented, insufficiently equipped and not tailor-made to the challenges encountered by female journalist or threats they face in their work. Sexual harassment is of particular concern given that female

journalists hesitate to report cases and institutions lack capacities to deal with such cases. One of the rare cases of sexual harassment towards a juvenile female, investigated during 2021-2022, show a series of ping-pong challenges between the prosecution and the court and the lack of ability for complete and objective investigations.

- The practice of regular public condemnation of threats and attacks on journalists and media has not improved in 2021 as compared to 2020. State institutions, public officials, and politicians generally issue support statements for freedom of expression, media freedom, and the safety of journalists. However, the practice of clear and explicit condemnation of the cases of threats and attacks on journalists has not been established genuinely and is used pragmatically for political gains or interests. The anti-media narrative by the ruling party and the Prime Minister continued in 2021 as well. The opposition political parties and the President have been more susceptible to cases of threats against journalists, albeit contingent on political confrontations.
- Compared to 2020, we have observed a swifter response of State Police towards the safety of journalists in 2021. There were no cases of non-merit-based detention of journalists by police in 2021. There have been more trainings on awareness raising and capacity building of State Police and other law enforcement-related agencies regarding safety of journalists, online safety, hate speech and other issues related to freedom of expression. Notwithstanding, these institutions have limited resources and capacities to tackle such complex issues and they also lack well-established and unified institutional protocols on prohibiting harassment, intimidation or physical attacks on journalists.

III. DUE PROCESS

- Despite general awareness, law enforcement agencies are not fully equipped with the knowledge, capacities, and resources to investigate the attacks and violence against journalists. The Criminal Code lacks clear provisions that guarantee special protection for the profession of journalists in cases of violence or attacks committed against them because of their duty. Specific protocols of investigations to ensure efficient detection and prosecution of aggression and violence against journalists are missing.
- Physical attacks against journalists over the past few years remain unresolved and investigations are slow and inefficient. There is limited transparency on the investigation process also due to the secrecy of the investigation. Usually, these processes are lengthy, slow, and with limited public information available.

- Albania's legislation does not provide a comprehensive definition of harassment, including online harassment. The Criminal Code foresees protection from sexual harassment only. State authorities have limited knowledge, competences, resources, and procedures on the protection of journalists from online harassment. The latter is particularly concerning for female journalists.
- Generally, there is limited public information as well as information provided to the victim or his/her attorney with regard to the progress of the case and evidences collected during the investigations, due to Prosecution Office's overapplied rule with no well-defined and clear criteria on secrecy of investigation. There is very limited indication that investigations are carried in cases of attacks against journalists given that most of the cases remain unresolved or investigations are prolonged, significantly weakening their efficiency.
- A reliable, unified and systematic statistic and data collection system regarding threats and attacks against journalists is missing. None of the relevant state and judicial authorities have established reliable and unified data collection, disaggregated according to various criteria. State institutions lack resources and capacities to collect and publish such data.

IV. ACTUAL SAFETY

- Interviews, focus groups with journalists and media experts, and independent reports confirm that daily journalists and media workers face pressures and intimidation. However, in 2021, only two major cases of non-physical threat and harassment were reported, slightly less than in 2020.
- Threats against the lives and physical safety of journalists exist both implicitly and explicitly and few were reported in 2020 and 2021 by the Safe Journalists Network and other international platforms for media freedom. However, such cases are not systemic.
- Actual attacks in Albania against journalists have been recorded in 2021 (9 cases) and in 2020 (9 cases). However, most cases in 2020 were related to ungrounded detention by Police and other obstructions of journalists and media workers while reporting on live protests. Whereas in 2021, the actual attacks are related more to private individuals.
- 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.

Legal and Organisational Environment

3.25

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

2.91

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

3.86

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

3.22

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

3.76

Journalists' job position is stable and protected at the workplace

2.51

1.00
2.00
3.00
4.00
5.00
6.00
7.00

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

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

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

Score for 2020: 2,91 / Score for 2021: 2,91

The legal framework regarding defamation has not changed in 2021 as compared to 2020. The Criminal Code in Albania allows citizens, including public officials, to file criminal charges against journalists for defamation, insult, or interference to their private life. Also, the Civil Code has provisions for non-pecuniary damages. The plaintiff can solicit financial compensation for insult or deliberate publication of defamatory information if the courts rules with a final verdict. Most lawsuits are filed by politicians, businessmen and representatives of public institutions. An analysis of court verdicts in the past years reveals that the fines were excessive and, combined with financial costs for journalists, procrastinated proceedings, probability to file criminal records, etc, that can lead to self-censorship and undermine freedom of expression, particularly in the cases of highly professional investigative and critical journalists.

In Albania, journalists can be held accountable for defamation, which is still a criminal contravention (misdemeanor) contrary to international best practices. Section VIII on Criminal Offences Against Morality and Dignity under the Penal Code defines defamation as "Intentional dissemination of statements, and any other pieces of information, with the knowledge that they are false, affect a person's honour and dignity" (Article 120). The fines for defamation vary from approximately 400 Euro to 12,000 Euro and even higher depending on the special circumstances of the case, foreseen in the paragraph 2 of this article which stipulates that that "... The same act, when it is committed in public, to the detriment of several people or more than once, constitutes criminal contravention (misdemeanour) and is punished by a fine of approximately from 450 Euro to 25,500 Euro, depending on the circumstances. Since 2012, the punishment of prison sentences of up to two years for defamation has been removed. The Criminal Code makes provisions about Insult in Article 119: "Intentional insult of a person shall constitute a criminal

— INDICATOR 1.1

misdemeanour, and is punished by a fine of 450 Euro to 8,500 Euro." The same act, when committed in public, to the detriment of several people or more than once, constitutes criminal misdemeanour and is punished with a fine from 450 Euro to 25,500 Euro". Since 2012, the punishment of prison sentences of up to two years for defamation has been removed.

Article 121 of Criminal Code foresee another criminal contravention that might led to the criminal liability of journalists and media workers, titled "Intruding into someone's privacy". According to this provision, installing of devices used for eavesdropping or recording of words or images, the hearing, recording or airing words, fixing, taping or transmitting images, as well as their preserving for publication or the publication of the data which exposes an aspect of the private life of the person without his consent, constitutes criminal misdemeanor and is punishable by a fine or up two years of imprisonment. With this provision, the investigative media is particularly affected when it reports on matters of public interest, regardless of the fact that this is done by exposing, without consent, parts of a person's private life.

The Criminal Code also makes provisions about Insult in Article 119 stipulating that: "Intentional insult of a person shall constitute a criminal misdemeanour and is punishable by a fine of 450 Euro to 8,500 Euro. The same act, when committed in public, to the detriment of several persons, or more than once, constitutes a criminal misdemeanour and is punished with a fine from 450 Euro to 25,500 Euro."

There are no specific provisions in the Criminal Code that have more severe implications for journalists than for state officials. The sanctions for defamation, insult, fraudulent or inaccurate publications, as it relates to non-pecuniary damages, are contingent on the specific case brought to the court and the relevant circumstances.

The Civil Code in the Republic of Albania also has provisions related to defamation in Article 617 on Fraudulent or inaccurate publications; Article 625 on Liability for non-pecuniary damage and Article 647/a Ways and criteria of setting out civil liability and extent of non-property damage.

Criminal sanctions are disproportionate if we take into consideration the journalist's profession, the conditions and their treatment at the workplace, but also the lack of journalistic freedom, when the piece of news is imposed by the editor or the media owner. In terms of civil liability, the legislation foresees that the indemnification of the non-property damage in connection with the impairment of the honour, personality or reputation of a person aims at reinstating the impaired right, proportional to the incurred damage, and it shall be set out based on the circumstances of the case. So, there is room for judges to determine the sanctions or compensations. For instance, the Civil Code stipulates that for

— INDICATOR 1.1

the determination of the civil liability and the amount of non-pecuniary damage, the court considers other factors such as the manner, form and time of the act, the degree of compliance with professional ethics by the defendant, issues related to private life, public interest, the fact whether the author of false statements has benefited from their dissemination, the fact whether the compensation can significantly burden the financial situation of the defendant, etc. (Article 647/a).

The Unifying Decision No. 10, dated 14.09.2007, of the United Colleges of the Supreme Court stated that "The amount of compensation for moral damage, due to its subjective and internal nature, cannot be calculated on tables and schemes of pre-calculated for this purpose only. Therefore, the court determines it based on the principle of delivering justice according to its internal conviction, formed by examining all circumstances of the case in their entirety, also relying on any normative applicable criteria according to the nature of the law violated or, in their absence, in criteria and assessment elements consolidated by judicial practice in solving similar cases or in relevant extrajudicial experiences, always taking into account the current economic and social development of the country, including the value of money in the national economy."

During 2021, 49 civil cases were filed with the Tirana Judicial District Court, of which 28 are still under consideration. Twenty-two civil cases were registered in the Tirana Judicial District Court of Appeal in 2021 and all are completed. The plaintiffs have filed lawsuits based on Article 617 "Fraudulent or inaccurate publications" and Article 625 "Liability for non-pecuniary damage" of the Civil Code and Article 647/a "Ways and criteria of setting out civil liability and extent of non-property damage". One can notice that the Judicial District Court ruled to suspend most cases, while the time limits for examining the cases varied 1-2 years. During 2021, 8 criminal cases involving journalists were registered in various judicial district courts. Seven of these cases are for the criminal offense of defamation (Article 120 of the Criminal Code), five of which are still under trial. Also, one criminal case was registered in the Tirana Judicial Court of Appeal for the criminal offense of defamation, which was ruled over. It is noted that in most cases, the court found the journalists innocent, while the deadlines for examining the cases varied again 1-2 years. A.L.T.R.I Centre publication of the criminal and civil court cases of journalists and media representatives in Albania (2022) shows that the fines imposed for the analysed cases vary by amount from approximately 450 Euro to 30,000 Euro and are mainly associated with the obligation of the defendant to retract the statement, disavow a defamatory statement or removal of the news article from the online portal or ban of the news release related to the plaintiff. Considering the average salary of journalists in Albania, the fines are excessive. Also, some judges refer to the international standards in their reasoning of court ruling on defamation cases. By and large, they refer to the

— INDICATOR 1.1

European Court of Human Rights decisions and thus focus on the freedom of expression and proportionality of the penalties.

An A.L.T.R.I Centre publication of the criminal and civil court cases of journalists and media representatives in Albania (2022) demonstrates that in 65 civil lawsuits and 13 criminal lawsuits brought against journalists or media representatives in the past five years, almost 60% were filed by politicians, businessmen or representatives of institutions against journalists or media representatives. Among these cases, the trial proceedings last for more than 2 or 3 years and are still pending or under examination before the courts, thus implying increased costs for journalists. There is no clear straightforward evidence that state officials have abused procedural rights during the relevant court proceedings against journalists. However, there are confirmed cases of intimidation of journalists during proceedings leading to journalists' retractions and self-censorship.

The prolonged court proceedings, the financial costs related to the trial proceedings, and the probability of a criminal sentence have forced journalists to self-censorship. In particular, independent journalists and media experts, investigative and critical journalists argue that defamation court practices are negatively impacting professional and quality independent journalism in Albania leading to self-censorship. Generally, journalists are left alone in court cases and the media organisation or employers do not ensure institutional support. This results to a chilling effect on journalists.

The amount of the fines from approximately 450 Euro to 30,000 Euro in the previous court decisions have a negative effect towards journalists, as they are too high particularly when taking into account the average salaries of journalists in Albania. Recently, another worrying phenomenon has been noticed. It relates with the increasing number of defamation lawsuits filed by journalists against journalists.

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

Score for 2020: 4,51 / Score for 2021: 3,86

While no sanctions were imposed on journalists refusing to disclose their sources in 2021, there was a sensitive case of prosecutors ordering the seizure of computers, servers, phones, and USBs of an online media portal. The case met with broad reactions including the ECHR that led to Special Anti-Corruption Structure (SPAK) heeding their requests and backtracking. The legal framework provides for the protection of confidential sources of information as an important principle for media operators. However, in practice, prosecutors and judges can request disclosure of confidential sources in legal proceedings based on claims of public interest or if the source constitutes a piece of evidence.

The legal framework in effect guarantees the protection of confidential sources of information as one of the basic principles of media freedom and freedom of expression. Article 159 of the Criminal Procedures Code stipulates: journalists are not obliged to disclose the source of information, considering it a professional secret. However, in the criminal proceedings, if such is essential to prove the criminal offence and the truthfulness of such information can only be ascertained through the identification of the source, the court shall order the journalist to disclose the source of his/her information. Based on ethical standards, journalists have an ethical obligation not to reveal their sources of information.

In 2021, there have been one major case when the authorities requested media outlet (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 of Tirana ordered the seizure of all devices of their media outlet, LAPSI.al, as well as their mobile phones, servers, computers, and USB drives. This has been sharply criticized as an attempt to intimidate journalists. The court order was part of an investigation into the alleged data

— INDICATOR 1.2

breach, but media rights groups have criticized Albania's anti-corruption prosecutor unit, saying the order was politically motivated and violated freedom of expression. The European Court of Human Rights (ECHR) immediately reacted through an interim measure, by requesting the suspension of the measure on grounds of journalist's freedom of expression and protection of confidential sources. Later on, in early May, the Special Appeal Court against Corruption and Organized Crime overruled the decision of the first instance court, ruling in favour of the Albanian Journalists. However, in 2021, no cases of sanctions against journalists who refused to disclose the identity of the source were registered.

Reports in 2021 highlight the risk to the safety of journalists and their sources posed by organized crime and the inability of the state to protect them. As in the previous reporting period, in 2021 the safety of journalists in accessing and maintaining contact with sources is challenged by their overall safety issues and work conditions. Journalists covering organized crime and investigative journalists face more challenges in seeking access to and maintaining contacts with sources of information.

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

Score for 2020: 3,41 / Score for 2021: 3,22

Arbitrary use of other legislation, such as state of emergency and anti-COVID-19 restrictions, were noticeable more during 2020 than in 2021. However, legal intimidations are still used to restrain independent journalists and their ability to do investigative reporting on cases of corruption, organized crime, and other powerful interests. In 2021, the situation of access to information and participation in press conferences deteriorated where journalists were refused access.

Freedom of expression can be restricted by the selective or discriminatory' arbitrary implementation of other laws in Albania, particularly on the grounds of defamation, libel, hate speech, insult, copyright, private life, and data protection. In 2020, there were cases of restriction of online content or charges against journalists and citizens on the grounds of panic and fear spreading due to COVID-19 pandemic and earthquake. In 2021, there were few such cases where journalists were refused access for reporting on the grounds of the anti-COVID-19 measures.

There are cases when journalists are refused the right to report events due to the lack of 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. The Special Court of First Instance for Corruption and Organized Crime closed its doors to journalists in October 2021 under the pretext of anti-COVID measures, even though such measures were relaxed by that time. In 2021, there were even fewer opportunities for journalists to address directly or to interview high level government officials, due to the decline in number of open events, press conferences and other platforms where journalists can participate and ask questions. The central government, the Municipality of Tirana, and political parties, including the opposition, have institutionalised the practice of pre-recording or preparing ready-made material that are then broadcasted and published by the media without input by journalists, editorial check, or framing. There are cases of journalists being refused the right to report from events, during the election period and in other instances, also noted by the

OSCE/ODHIR report on Albania's parliamentary elections of April 2021. Footnote 96, page 20 of the OSCE/ODIHR Report states that "Politicians often use denigrating language against journalists who report critically on the government. In April 2021, there were two filmed incidents of physical attacks against journalists from Ora News in Tirana by bodyguards of the Mayor of Tirana and in Kavaje by his supporters, when journalists tried to interview the mayor. The OSCE Representative on Freedom of the Media has raised concerns over the intimidation of and attacks against journalists, which undermine their safety."¹ 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. 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.

Albania's legislation does not provide safeguards or protection for those journalists who might be sued through SLAPP lawsuits. Law No. 111/2017, "On Legal Aid Guaranteed by the State", is the only piece of legislation that foresees opportunity for being excluded from judicial taxes and to benefit free legal aid. Unfortunately, the categories of beneficiaries under this law do not include journalists and are limited to specific categories, such as disabled persons, victims of sexual abuse, trafficking, etc. The use of legal intimidation against journalists and media workers in Albania threatens freedom of expression and media freedom and the ability to report on issues in the public interest, particularly corruption and organized crime at large levels. In 2021, there is no data regarding SLAPP cases to compare to 2020. In 2020, there were three SLAPP cases against BIRN journalists and other investigative independent reporters. However, journalists and media experts confirm that independent, investigative, and critical journalists face intimidation and inadequate working conditions, thus affecting their independent reporting. Also, the high number of closed cases is an indicator that the civil and criminal cases brought against journalists have no basis or purpose in themselves, putting a right in place.

The safety and rights of journalists were particularly endangered during citizens' protests (May 2020 for the demolition of National Theatre and December 2020 following the murder of a young man by a police officer) in 2020 when police officers detained unlawfully reporters or tried to seize their equipment. In 2021, there were almost no such cases, but few cases reported when the safety of journalists was endangered while reporting live from events. Also, in 2021, there were cases of private individuals attacking journalists while reporting.

¹ <https://www.osce.org/files/f/documents/5/1/493687.pdf>

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

Score for 2020: 3,96 / Score for 2021: 3,76

Journalists who seek to work in professional, independent, and investigative journalism face pressures and intimidation that hinder them from fully pursuing their profession. In 2021, several institutions attempted to restrict journalists' access to their activity. In some cases, problematic provisions are noted in their internal rules, which do not pursue a legitimate aim and proportionality in limiting journalists' access to their activities. Although journalists are free to organise themselves in professional associations, still such associations face many vulnerabilities in terms of resources, capacities, networking, and overall ability to advocate impartially with the government for changes towards an enabling media landscape.

There was no change marked in 2021 regarding introduction of licenses by the state. Currently, journalists do not need to have a state or other license to work in journalism in Albania. However, in 2021, a group of journalists initiated the Movement of Journalists to lobby with the government to create the status of journalists. Media experts fear this might be in practice a request for licensing.

A major concern in the accreditation of journalists in 2021 was the Parliament Decision No. 82, dated 02.06.2021, that approved a new regulation that limits journalists' freedom of movement and reporting within the premises of the building and Parliamentary Committee Meetings. Such regulation for the Accreditation, Accommodation and Orientation of Mass Media in the Parliament was adopted without consultation with journalists and media workers' associations. It received strong criticism from journalists, independent media organisations, and international actors raising concerns about the impact of the new regulation on the ability of journalists and media workers to report freely and decrease the level of transparency of the Parliament. Following such opposition, the Parliament amended the regulation after a consultation session with journalists, with the Decision No. 86, dated 07.06.2021. Through these amendments, accredited journalists' access

— INDICATOR 1.4

to the meetings of the parliamentary committees is restored (interventions in Article 17, point 2, addition of new letter "c"). However, a problematic provision of the said regulation has not been repealed, namely, Article 18, point 2, which provides for unlimited discretion of the standing parliamentary committees and sub-committees that, upon majority of votes of all members, may decide that their meetings or parts of them be held in closed sessions. In such cases, the chair of the meeting asks the staff responsible of the Parliament to disconnect the broadcast signal for accredited media.

Generally, all institutions have procedures in place for accreditation of journalists and some new justice system institutions are setting up their accreditation policies. A common practice for all public authorities is the requirement for journalists to wear an easy identifiable badge. A challenge remains the recognition of freelance journalists, bloggers and independent journalists that do not work for media organisations or entities.

In 2021, there were some issues with the access to institutions and recognition of journalists in relevant proceedings, respectively from new institutions of justice system that according to the law should work in the interest of transparency and accountability of courts and prosecution offices. More concretely, the High Prosecutorial Council (HPC) 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 HPC meetings and what is prohibited, turning it into a pre-censorship tool. Also, in 2021 the High Council of Justice (HCJ) imposed restriction on access to hearings, which were held in closed sessions while they should, indeed, be open. In such cases related to the disciplinary measures of the judges, the HJC tried to guarantee the protection of confidential and personal information of individuals in question. On the other hand, it appears that the protection and guarantee of transparency in this case are an overruling principle.

In principle, journalists are free to organise themselves in professional association and/or join associations.

In 2021, no cases were reported of obstacles to journalists to join associations.

It is not possible to secure credible evidence with regard to parallel or fake media organizations whose work is supported by the government or other powerful political organizations, in order to undermine the critical position of the genuine journalistic associations in Albania.

Journalists' job position is stable and protected at the workplace

Score for 2020: 2,66 / Score for 2021: 2,51

The working conditions of journalists remain precarious in 2021, particularly for young, women and freelance journalists and those working in local media and online portals. What threatens journalists' safety is their working conditions, weak implementation of Labour Code, lack of effective supervision of media organization or entities from the Labour Inspectorate, 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 by concentrating public information. No collective agreements are signed for the protection of journalists' labour rights in the private media. There are no trade unions of journalists in private media in Albania who fears the revenge action from media owners. Journalists do not have access to free legal aid specifically provided to them.

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. 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. As previous studies have noticed, the lack of employment contracts remains an issue, particularly for young journalists and journalists working in online media outlets and local media outside the capital city. Adequate social insurance is still an issue of concern, because it is calculated based on the payment, which is declared in the contract (meanwhile there are journalists who receive a part of the payment in cash, under the counter), Lack or limited maternity or paternity leave is also a concern. Frequency of payment is an issue, particularly for journalists working for the press, online media, and local media.

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 annual leave, weekly leave, daily working time, verbal abuse in the workplace (bullying), discrimination based on gender or political beliefs; significantly disproportionate wage levels within a media

— INDICATOR 1.5

organization or entity, lack of security in the exercise of duty; security issues regarding crisis reporting such as earthquake, COVID-19, floods, protests. 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. Copyright violations are also a major problem in broadcast, print and online media.

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 gender-based disinformation. However, there is almost no reporting to the authorities about these cases and women journalists are very hesitant to come forward. Even though women represent most journalists in Albania, there are fewer women in leading editorial positions. Lack of gender-disaggregated data is an issue. There is no reliable gender-disaggregated data on the salaries of journalist women and men. Generally, it is perceived that women are paid less. 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.

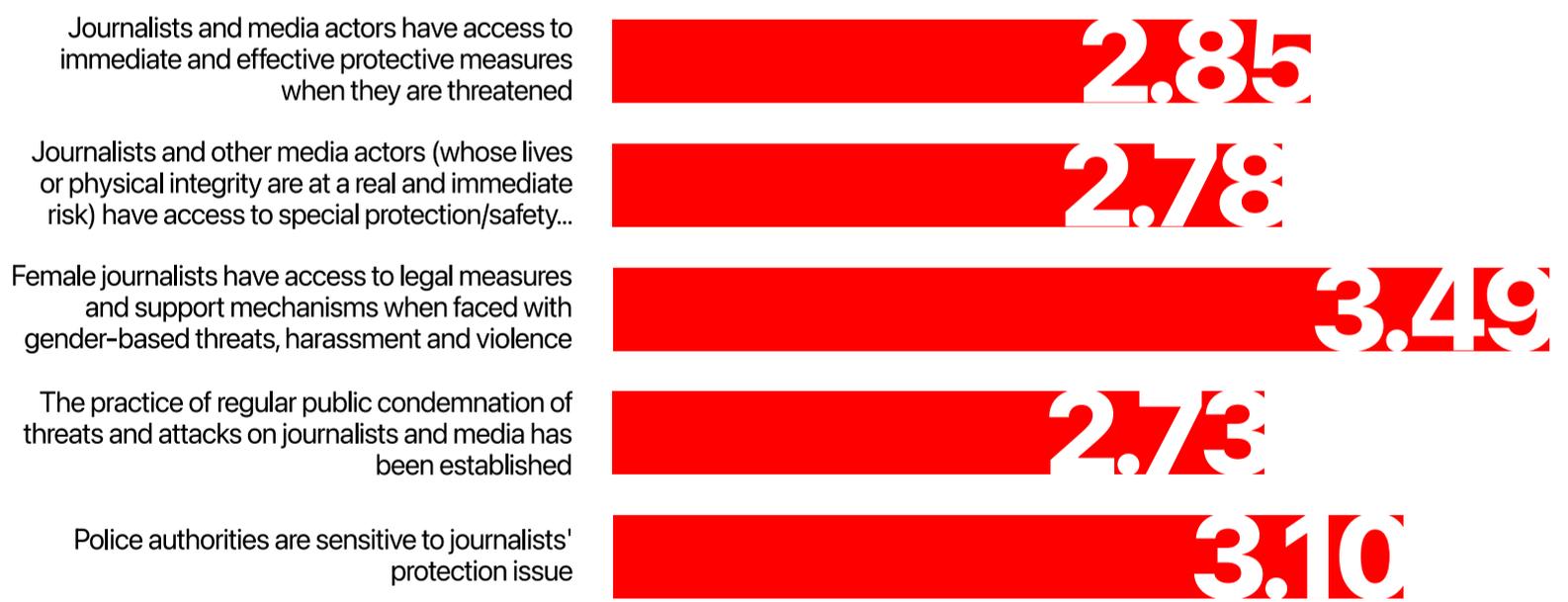
Freelance journalists face more precarious working conditions as they have difficulty in accessing institutions and being recognised as journalists, do not have secured payments and social insurance.

Regardless of provisions of the Labor Code that enables a group of at least 20 employees to be organized in a trade union, to represent and protect the rights and the economic, professional, and social interests of their members, journalists or employees of media in our country are not organized in trade unions. In the AHC report for 2020, journalists themselves report that one of the causes or obstacles for the creation of the union is their fear of vindictive or revenge actions by their media owners. There is no free legal aid provided to journalists by their media outlet. No collective agreements are signed for the protection of journalists' labour rights in their private media.



Due Prevention

2.99



1.00
2.00
3.00
4.00
5.00
6.00
7.00



Institutional mechanisms for immediate protection of journalists in cases of threats and attacks do not exist, officials encourage attacks on journalists and police officers treat journalists extremely harshly.

All institutional mechanisms are established for the immediate protection of journalists in the event of attacks, officials clearly and systematically discourage attacks on journalists and police authorities treat journalists with respect.

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

Score for 2020: 2,85 / Score for 2021: 2,85

Even though state institutions have established basic mechanisms for citizens to report cases of threats and attacks, there are yet no specialized and effective mechanisms dedicated to journalists or media workers. The Law "On Legal Aid Guaranteed by the State" does not provide for specialized legal services for journalists. Several NGOs fill this gap by providing legal aid and other legal support to journalists. While the State Police has responded adequately to the reported cases by journalists, the rest of the process highlights weak institutional capacities or will to effectively investigate in a comprehensive manner. State institutions face more challenges in providing protective measures in the online space for journalists due to lack of resources and capacities.

Relevant state institutions have not established effective and specific mechanisms through which individuals can easily and immediately report through dedicated channels the hate speech and serious life threats. For instance, the Ministry of Interior has established a toll-free emergency number that links citizens directly to State Police in cases of emergencies (112) and another line for Police only (129). These communications lines are not dedicated for hate speech or serious life threats only but are for all population who consider themselves in case of urgency or threatened by a crime. These hotlines may also be used by journalists to report serious life threats, or actual attacks, but the way they are designed for the entire population would not be effective in terms of addressing the specific needs of journalists. The Ministry of Interior has not established a hotline to report hate speech, although the State Police in 2021 has been engaged in various capacity building and awareness raising activities regarding hate speech as part of donor-funded projects.

The free legal aid is another mechanism, which is mostly provided to vulnerable groups. Law No. 111/2017 "On Legal Aid Guaranteed by the State" is the only piece of

— INDICATOR 2.1

legislation that foresee opportunity for exemption from judicial taxes and for benefiting free legal aid. Yet, the categories of beneficiaries under this law do not include journalists or media employees. No specialized legal service is available to journalists. However, several NGOs are operating in this area, independent of state-run services.

There is no specific statistical data on how many journalists have reported threats through these mechanisms. However, based on the reported cases in the Safe Journalists Network, 9 actual attacks were registered in 2021, out of which journalists reported 4 through the toll-free emergency line. The State Police responded immediately to the abovementioned cases by sending police officers to the scene. Journalists can also go to police stations to report issues or threats. We have one case on 21 August, when the Exit.al/en journalist Alice Taylor received life threats via Facebook and proceeded with denunciation to the police station. The Police registered the case, but told the journalist there was not much they could do in such cases and passed the case to the cybercrime department. Despite systematic follow-up by the journalists with the Police, there have been no results of the investigation occurring.

Generally, the Police have reacted correctly by registering the denunciation, but subsequent in-depth investigations have been lacking, especially in online attacks or hate speech cases. Data corroborated through various reports and interviews demonstrate that the follow-up measures, such as investigations and bringing the perpetrators to justice, are slow and ineffective. Generally, relevant institutions accept journalists' or media reports on violation of their rights and process it according to the applicable provisions. However, because of their limited resources and capacities, state institutions are not very responsive and effective in following up the cases where journalists are subject to threats, particularly online threats, hate speech and gender-based discrimination. Generally, these cases are closed or delayed due to lack of evidence, highlighting a weak institutional link, resulting in lack of an effective and comprehensive investigation.

Another issue of concern is that journalists do not report cases to state authorities. The data of A.L.T.R.I Center shows that for 7 unlawful detention of journalists or media workers by the State Police during 2020, as reported by SafeJournalists Network, there is no registered lawsuit in court neither by journalists nor by the State Police. While for some cases of threats and attacks against journalists that have been reported to the authorities, criminal proceedings have been initiated and then subsequently suspended (the subject of assault of the journalist Gjergji Figuri's vehicle in Lezha, 2020). As reported previously, it is challenging to have updated information or statistics about the current situation of the investigation of attacks against journalists in the past three years. The information in the investigation phase is considered confidential.

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

Score for 2020: 2,78 / Score for 2021: 2,78

The Albanian legislation does not provide guarantees and special protection mechanisms of physical or other safety towards journalists and other media actors who might be at risk. In our legal and institutional practices, journalists can benefit only from the general mechanism in place, such as the victim protection mechanism, which are not tailored to their needs and specifics of challenges they are faced with. The data gathered for this report indicates that there were no cases in 2021 of journalists registered and benefiting from the victim protection mechanism. In 2021, two protocols on the protection of journalists were introduced by civil society and journalists. There are alternative types of support for the protection of journalists through the scheme of pro-bono or legal aid, provided by the local and international civil society and media freedom organisations.

At national level, there is no specific safety mechanism in place with the capacity to provide physical protection to journalists who are at risk, particularly to those working on reporting on corruption or organized crime. In the case of corruption reporting, there are provisions for legal support and protection to whistle-blowers. Law No. 60/2016 "On Whistleblowing and Protection of Whistle-Blowers" sets out the rules on whistleblowing a suspected corruption action or practice by whistle-blowers in the public and private sector, whistle-blower protection mechanisms, and obligations deriving for public authorities and private entities with regard to whistleblowing. However, the function and role of whistle-blowers is very narrowly designed, providing for whistleblowing practices only considering an actual or former employment relationship, whereby a whistle-blower is deemed to be that person who either is or was employed or contracted by the (private or

— INDICATOR 2.2

public) subject, which is suspected of engaging in corrupt practices. Therefore, whistle-blower, who signals a suspected act or practice of corruption, limited by the conditions foreseen under the provisions of this law, is protected against any retaliatory measures taken against him/her, included under the labour rights, such as dismissal from work; suspension from work or other revenge acts connected with the work. Moreover, once the whistleblowing is made public, according to the law the person is no longer entitled to the protection provided to whistle-blowers by this law. This provision is not in compliance with the EU Directive and the Recommendation of the Committee of Ministers that envisage protection for the whistle-blower even if he/she chooses to blow the whistle publicly. Not guaranteeing protection depending on public reporting has an adverse impact particularly on media workers who, in not so few cases, have reported precisely acts of a corruptive nature and have felt threatened due to their profession (here). Therefore, any attribution to journalist as beneficiaries of this kind of protection would require a stretched interpretation of the current legal provisions.

Another mechanism is the victim protection programme for citizens, particularly women suffering domestic violence, which again is not specifically targeting journalists or media workers. Bottlenecks are encountered in obtaining a protection order for victims of threats or such violence. Also, since 2009, Albania has approved the Law No. 10173, "On the Protection of Witnesses and Collaborators of Justice", which regulates special, temporary and extraordinary measures, the manner and procedures for the protection of witnesses and collaborators of justice, within the framework of criminal proceedings for crimes committed intentionally, for which the law prescribes a prison sentence of not less than 4 years, at minimum. The Directorate of Protection of Witnesses and Associates of Justice runs the "protection program" for the protection of life and health of persons, under the conditions provided by this law. In order to benefit from such protection, a person must be either one who witnesses a criminal event or a collaborator of justice who has committed a criminal offense or who has a criminal charge against him/her or an affiliated person to the both categories (either through family or other close ties). Consequently, the scope of the law does not include journalists who report on acts of corruption or organized crime and are not part of these categories. For 2021, no journalists have benefited from this program.

Based on the data gathered for this report, state authorities do not have yet specific procedures in place that are systematic and well embedded in their working practice and culture for the risk assessment of journalists or media workers.

The victim protection and safety mechanisms envisaged in the law are not customized to journalists and the victims may not avail sufficient protection or an internal relocation alternative. In 2021, a Practical Guide to the Protection and Safety of

— INDICATOR 2.2

Journalists was published under a joint programme of the European Union and Council of Europe “Horizontal Instrument for the Balkans Western and Turkey 2019–2022” and the “Horizontal Facility Freedom of Expression and Freedom of the Media in Albania (JUFREX 2) Project. Another initiative on a protocol for the safety of journalists was developed in 2021 in the framework of the “Strengthening the Standards of Media Integrity in Albania” Project, supported by the British Embassy in Tirana. With the support of experts, this non-formal group has produced a Rapid Response Protocol for Journalists. The Rapid Media Freedom Response is also another available mechanism to journalists particularly for legal aid. NGOs, such as the Albanian Helsinki Committee, Respublica, and few others also provide support to journalists or media workers in cases of threats, intimidation, and other acts that undermine their safety in freely exercising their rights related to journalist profession.

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

Score for 2020: 3,49 / Score for 2021: 3,49

Albania has already ratified the Istanbul Convention and reports regularly to Council of Europe about it, but its effective implementation is still work in progress. The lack of segregated data for cases where the victims of violence, threats or sexual harassment are female journalists create premises for minimizing the phenomenon in the eyes of the responsible authorities. The existing mechanisms to focus primarily on the support of victims of gender-based domestic violence are fragmented, insufficiently equipped and not tailor-made to the challenges encountered by female journalist or threats they face in their work. Sexual harassment is of particular concern given that female journalists hesitate to report cases and institutions lack capacities to deal with such cases. One of the rare cases of sexual harassment towards a juvenile female, investigated during 2021-2022, show a series of ping-pong challenges between the prosecution and the court and the lack of ability for complete and objective investigations.

The Istanbul Convention already incorporated in the national legislation in Albania was signed in December 2011, ratified in 2013, and entered into force in August 2014. According to GREVIO assessment report of 2017, generally speaking, the legal framework is almost in line also with the scope of the Istanbul Convention. In this report, GREVIO gave recommendations on the need to adapt the legislation or policies of the Albanian state to the Istanbul Convention, or to ensure its effective implementation. Such recommendations are related with the definition of domestic violence, the need to add specific indicators in data collection regarding the vulnerable groups of women and girls who are victims of violence against women; strongly encourage the Albanian authorities to highlight violence against women in crime statistics; identify the number of women victims, by type of crime, the rapist/victim relationship; carry out assessment on the reasons that

— INDICATOR 2.3

prevent victims from having access to civil remedies and take action to address the causes, etc. Despite the progress, gender equality is not yet fully mainstreamed, and the language is gender-neutral. The data shows that as of 2021, there are more than 50 cases of alleged sexual harassment, while NGOs reported high levels of domestic violence against women in more than 3,500 cases. Police confirms that in 2021 more than 2,20 protection orders were issued. Still in 2021, 16 women had been killed by their partners, putting into questions the efficiency of the scheme of protection foreseen in the Albanian legislation. Policies generally acknowledge the gendered nature of violence against women. The first measures which Albania adopted to combat violence against women were those concerning domestic violence, since the enactment of Law No. 9669/2006 "On Measures against Violence in Family Relations". In 2021, further efforts were made to push for protective measures for other forms of violence against women, such as forced marriage, sexual harassment, and sexual violence, that have previously received little legislative and political attention. There is no systematic segregated data with particular focus on women journalists as victims of violence. Gender-related harassment in the workplace is envisaged in the Law of 2008, No. 9970, "On Gender Equality in Society".

State institutions provide free legal aid to all victims who are subject of domestic violence as well victims of sexual harassment or human trafficking in the framework of a criminal proceeding as envisaged in Article 11, letter "a" and "b", of the Law No. 111/2017, "On Legal Aid Guaranteed by the State". According to the interpretation of Articles 11 and 12 of this law, the categories of beneficiaries that benefit from the state legal aid also include citizens with insufficient incomes, other vulnerable groups, such as persons with disabilities, juveniles, those that are part of social protection schemes, persons who are discriminated as concluded by competent authority, etc. The Ministry of Justice has set up the Directorate of Free Legal Aid assigned with the task to ensure equal access to all individuals to the justice system through the provision of legal aid guaranteed by the state. An online manual has been published in Albanian on how to access free legal aid. Various NGOs provide free legal aid to citizens in need.

Albania does not have a consolidated system or support service that provides regular information on security measures, legal advice or other information for victims of gender-based violence. This support is fragmented in certain stages of the process, depending on its nature as well, and the victim should communicate with different institutions to get such support, which creates premises for her re-victimization. For example, the Criminal Procedures Code stipulates the right of the victim to obtain information upon a request on the progress of the process. Meanwhile, in the investigation phase by the prosecution, even the victim is limited from access to information under the justification of investigative secrecy, as its disclosure to the victim might damage the investigation.

— INDICATOR 2.3

In addition, the local social services in collaboration with NGOs provide support for security issues to victims of gender-based and domestic violence. Albania's local referral mechanisms operate at municipal level and bring together a wide array of representatives from the relevant authorities and civil society, aiming to put up a strong unified response to domestic violence. Indeed, these mechanisms need to be consolidated and be more effective. They are primarily established and equipped only for supporting victims of domestic violence. Local staff and frontline social services staff are not trained and fully prepared to provide professional support and advice to female journalists regarding their specific challenges. Social Services confirm that there are 25 other centres in Albania that deal with domestic violence cases with counselling and other long-term services. In 2021, Police operated an automated application issuance process within the police case management system that allowed for rapid issuance of protective orders and recorded them according to the Human Rights Index 2021 in Albania. Also, In April 2021 the Ministry of Health and Social Protection approved a protocol for operating shelters for victims of domestic violence and trafficking during the COVID-19 pandemic.

Another mechanism is the Commissioner for the Protection against Discrimination, an independent institution mandated by the Parliament. Its mission is to provide effective protection against discrimination and any form of behaviour that promotes discrimination (Article 21 of Law No. 10 221, date 04.02.2010, "On Protection from Discrimination". The Commissioner has a range of competences including the handle of complaints, imposes administrative sanctions in accordance with the law, files lawsuits in court to protect victims of discrimination, investigates ex officio discrimination issues when there are public indications. Such tasks should be completed for any citizens in Albania, including female journalists who are discriminated based on gender. A hotline is also established.

The legislation in force prohibits sexual harassment, the law enforcement agencies rarely enforce this legislation. Indeed, usually female journalists do not approach institutions for harassments or threats, particularly when it is sexual harassment in the workplace. In February 2021, a minor female who was carrying an internship for journalism in a local TV in Gjirokastra, southern Albania, has been exposed to sexual harassment by the TV founder, and the case was reported in the media via a video. The lawyers of non-profit Albanian Helsinki Committee (AHC) offered free legal aid for the girl, representing her in the judicial process demand repeal of the Prosecutor Office's decision for non-initiation of the criminal proceedings against the media owner before Judicial District Court of Gjirokastra. Regardless of the fact that the court decided in favour of the girl for the opening of the investigations, the prosecution proposed to dismiss the case after a few months on grounds of lack of evidence. In relation to this matter, the AHC lawyers have

— INDICATOR 2.3

encountered direct forms of verbal pressure from the media owner, who considered the case a fabrication that ruined his reputation. Media outlets do not have proper regulations on sexual harassment and gender-based abuses in the workplace even though they are obliged by law to do so.

In principle, female journalists who are discriminated against or harassed in the newsrooms have the opportunity to seek help from state institutions for gender-based discrimination, particularly at the Commissioner for the Protection against Discrimination as well as report cases to the Police. However, chances to do so are very slim. A study by Friedrich-Ebert-Stiftung (FES) Albania in 2021 shows that one fourth of female journalists surveyed responded that they felt under pressure by male superiors and one third of these respondents said they knew cases of their peers having been sexually harassed at work. However, female journalists do not usually speak out in cases of sexual harassment or in support of women fellow colleagues when they are harassed or when cases are reported.

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

Score for 2020: 2,73 / Score for 2021: 2,73

The practice of regular public condemnation of threats and attacks on journalists and media has not improved in 2021 as compared to 2020. State institutions, public officials, and politicians generally issue support statements for freedom of expression, media freedom, and the safety of journalists. However, the practice of clear and explicit condemnation of the cases of threats and attacks on journalists has not been established genuinely and is used pragmatically for political gains or interests. The anti-media narrative by the ruling party and the Prime Minister continued in 2021 as well. The opposition political parties and the President have been more susceptible to cases of threats against journalists, albeit contingent on political confrontations.

Generally speaking, state institutions have set up practices of public condemnation of threats and attacks on journalists and other media actors, but this is done very pragmatically when it brings political benefits. For instance, in 2021 the President of the Republic of Albania supported and amplified the Safe Journalists Network or other international organisations on media freedom alerts regarding Albania (See here regarding AMA board members in May 2021). This is also due to the strong political confrontation between the President of the Republic and the Government of Albania at that time (2021). The State Police as well has been slightly more responsive in the second half of 2021 regarding threats to journalists at public level following the appointment of a new General State Police Director. Regarding the reaction of most influential politicians and political parties, again the public condemnation of threats and attacks on journalists is contingent to political dynamics. For instance, the Democratic Party, which has been in opposition since 2013, tends to be more vocal in public condemnation of threats and attacks on journalists and blaming the Government and the Socialist Party in power for shrinking media freedom. On the other hand, high level politicians of the Socialist Party and public officials linked to the Socialist Party generally tend to relativize the cases.

— INDICATOR 2.4

As mentioned earlier, the public reactions are not systematic and principled, but related to interests of a political nature. Also, as previously reported, the Prime Minister of Albania and other high-level politicians from the ruling Socialist Party have continued in 2021 with their anti-media narrative and related verbal attacks on journalists. For instance, the Albanian Prime Minister Edi Rama called for regulations on freedom of expression in online media during his speech at the OSCE South-eastern Europe Media Forum held in Tirana in October 2021. During his intervention, Rama compared the threats of disinformation and defamation of the online media to Nazi propaganda and claimed that politicians do not have a chance to defend themselves against it.

The major concerns are not about direct pressure from government and public officials, but rather 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 include defamation lawsuits and legal threats against investigative journalists as well as data breach and digital safety. The data of the ALTRI study shows that during the years 2015-2021, out of 42 cases reported in the media for criminal charges against journalists only 13 cases were registered in court, which shows that politicians and senior administration officials often use the media space to threaten journalists without having the real purpose of starting a criminal case against them.

Police authorities are sensitive to journalists' protection issue

Score for 2020: 2,98 / Score for 2021: 3,10

Compared to 2020, we have observed a swifter response of State Police towards the safety of journalists in 2021. There were no cases of non-merit-based detention of journalists by police in 2021. There have been more trainings on awareness raising and capacity building of State Police and other law enforcement-related agencies regarding safety of journalists, online safety, hate speech and other issues related to freedom of expression. Notwithstanding, these institutions have limited resources and capacities to tackle such complex issues and they also lack well-established and unified institutional protocols on prohibiting harassment, intimidation or physical attacks on journalists.

Notwithstanding training and awareness raising of police officers on how to deal with journalists and media professionals and on the basic international human rights standards and on the role of journalists in a democratic society, there are limited official protocols adopted in a systematic and institutionalised manner. With the support of international donors, trainings with police officers and judges have been delivered in 2021. Other trainings addressed issues of safety of journalists and other related topics, such as online safety, hate speech and harassment. Yet, there is need for more capacity building and awareness raising.

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 administrative investigations from the Service of Internal Affairs and Complaints or criminal investigations from the Prosecutor Office. In 2021, independent institutions, such as the Ombudsman, the Commissioner for the Protection against Discrimination and the Information and Data Protection Commissioner, have cooperated with journalists' organizations on journalists' safety. The General Prosecution and Police have also cooperated with the journalists' organizations on such issues.

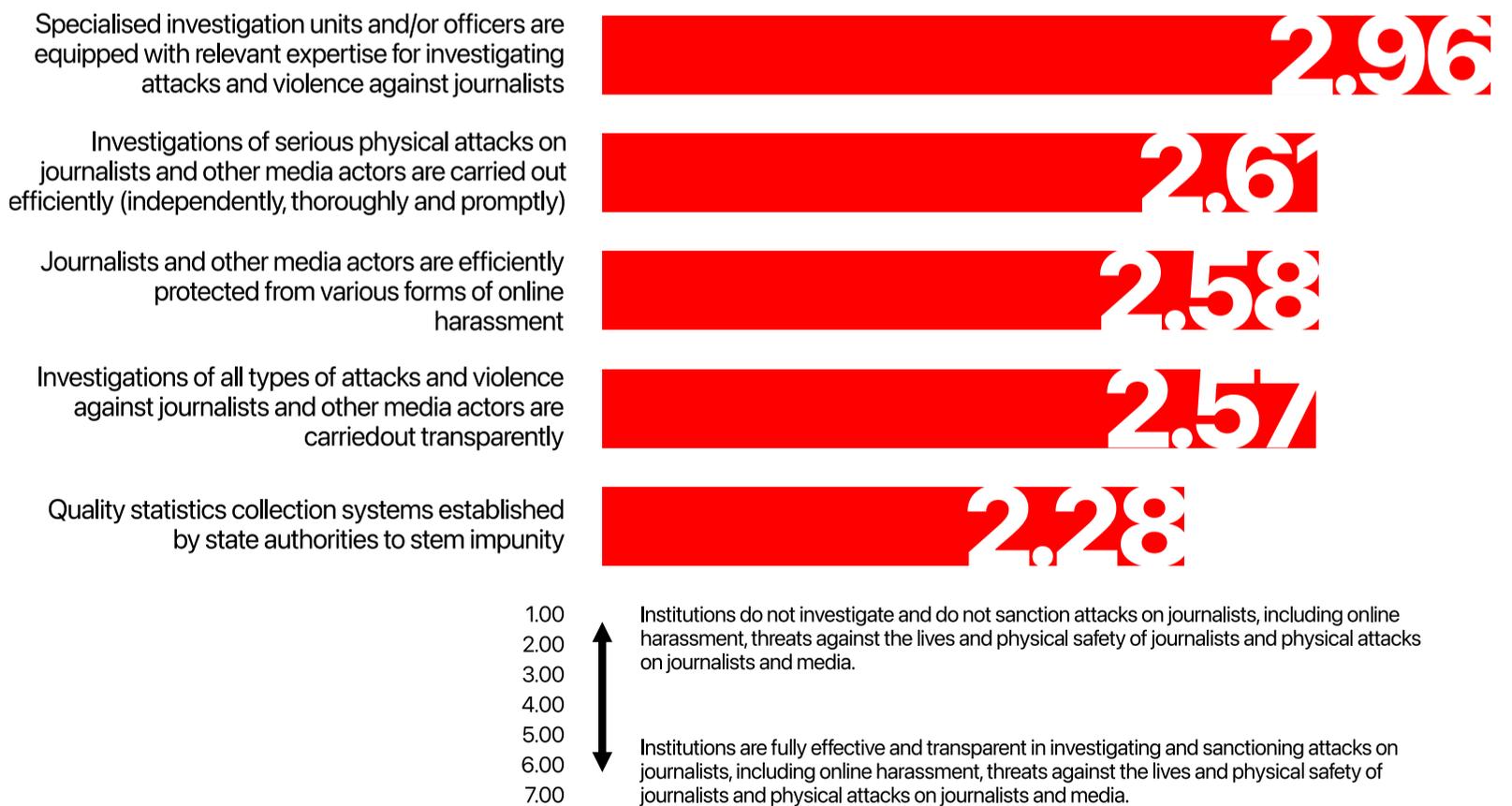
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In 2020, there were several cases of non-merit-based detention of journalists by police during the citizens' protests in May and December 2020. In 2021, we had no reported cases of non-merit-based detention of journalists by police. However, there were two cases of actual attacks towards journalists and there was a swift public reaction of the State Police in both cases.



Due Process

2.60



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

Score for 2020: 2,96 / Score for 2021: 2,96

Despite general awareness, law enforcement agencies are not fully equipped with the knowledge, capacities, and resources to investigate the attacks and violence against journalists. The Criminal Code lacks clear provisions that guarantee special protection for the profession of journalists in cases of violence or attacks committed against them because of their duty. Specific protocols of investigations to ensure efficient detection and prosecution of aggression and violence against journalists are missing.

For the purposes of this report, interviews conclude that there are no specific units within the justice system dedicated to investigations and prosecutions of threats and acts of violence against journalists. Despite the trainings mentioned above, the law enforcement agencies are not adequately equipped with the knowledge and, particularly, the resources to investigate the attacks and violence against journalists. Several state institutions have been trained on how to deal with journalists and media professionals, but there are limited official protocols adopted. Generally, police and prosecutors have some basic understanding of criminal offences applicable to violence and attacks against journalists. In 2020 and 2021, there were three cases (Xhoi Malesia, Sonila Musai and Merushe Karavidha) and in all these cases, attempts to procrastinate the investigation and lack of efficiency are noticed. The key challenges remain the limited specific knowledge on practices of investigation of such cases, lack of capacities, and lack of knowledge on international standards in the field.

Police and prosecutors have the necessary understanding of criminal offences applicable to violence and attacks

— INDICATOR 3.1

against journalists, as these offences are the same for any other citizens. Contrary to the provisions in our Criminal Code that provide special protection for officials, including police officers, health workers, elected officials, as well as for those workers engaged in public services, Albania does not have a judicial practice to clarify which are the workers engaged in public services and if journalists are part of it. Still, for a crucial profession in the private sphere, such as that of journalists, the Code does not explicitly foresee special provisions (criminal offences). Crimes against journalists or media workers might be qualified as against any other citizen and not as crimes committed under specific circumstances because of their duty. Also, there are no established or institutionalized guidelines to ensure efficient detection and prosecution of aggression and violence against journalists. These cases are investigated within the usual or common investigation practices. No case of major actual attacks on journalists has been resolved in the past three years.

Generally, there is cooperation between the relevant institutions on issues of investigations, but there is no protocol in place that is specific for journalists.

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

Score for 2020: 2,61 / Score for 2021: 2,61

Physical attacks against journalists over the past few years remain unresolved and investigations are slow and inefficient. There is limited transparency on the investigation process also due to the secrecy of the investigation. Usually, these processes are lengthy, slow, and with limited public information available.

Considering that prominent cases of actual attacks on journalists in the past three years remain unresolved, the report argues that physical attacks against journalists over the past few years have not been properly investigated (including the assault with automatic firearms to the house of the father of the Albanian crime reporter Klodiana Lala in 2018; the 2017 assault against journalist Elvi Fundo; the detonation of an explosive device in the home of journalist Elion Ndreka in 2020, and the actual attack on journalist Gjergji Figuri in 2021). With respect to the expectations of this indicator, it is important to keep in mind that obtaining information related to an investigation is in principle quite cumbersome, because investigations are guided by a principle of secrecy, and the information requested under this indicator is part of the investigation file that is private and can only be accessed by the prosecutor and the police. As mentioned above, the Criminal Code lacks clear provisions that guarantee special protection for the profession of journalists in cases of violence or attacks committed against them because of their duty. This has created premises for the prosecutor's office not to deepen its investigations with regard to the motive element of criminal offenses committed against journalists and the causal link between these crimes and the duty of journalists.

The data collected for this report cannot confirm that the investigations are prompt in order to demonstrate that actual

— INDICATOR 3.2

attacks against journalists are assigned highest priority and to secure quality evidence. However, there is some evidence to the contrary from practitioners. For instance, the Albanian Helsinki Committee pointed out attempts to procrastinate investigations on cases represented by the AHC lawyers of Xh.M., Ora News reporter, who faced a physical attack and was accompanied by the police during a demonstration on the killing of Klodian Rasha by a police officer during the lockdown in December 2020, and for the case of M.K., the minor female intern that attended an internship in a local tv in Gjirokaster.

Various reports confirm that procedural deadlines are stalled to the detriment of investigation of these cases and that Police resources and capacities are scarce. Thus, the investigation of attacks on journalists does not always represent a priority.

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

Score for 2020: 2,58 / Score for 2021: 2,58

Albania's legislation does not provide a comprehensive definition of harassment, including online harassment. The Criminal Code foresees protection from sexual harassment only. State authorities have limited knowledge, competences, resources, and procedures on the protection of journalists from online harassment. The latter is particularly concerning for female journalists.

Protection from harassment falls under subjects of different laws that treat its definition in a narrower way. Article 108/a of the Criminal Code provides protection only for sexual harassment, i.e., the conduct of sexual behaviour that violates the dignity of a person, by any means or form, by creating a threatening, hostile, degrading, humiliating or offensive environment for a person and is punished by imprisonment from one to five years. The expression "by any means or form" implies online sexual harassment as well. Article 32/a of the Labor Code provides a complete definition of harassment in labour relations and obliges the employer to take all necessary measures to stop sexual and moral harassment committed by him/her and by other employees, including any form of harassment that leads to the degradation of working conditions and damages the physical and mental health of the employee. Article 3, point 5 of the Law on Protection against Discrimination provides for protection against "harassment" due to discriminatory grounds, which has the purpose or effect of violating the dignity of the person and creating an intimidating, hostile, contemptuous, humiliating, or offensive environment for that person.

There were no measures undertaken by the relevant institutions to protect journalists from online harassment.

In 2021, women journalists have raised concerns about cases of sexual harassment and online violence and gender-based disinformation. However, there is almost no reporting to authorities about these cases and women journalists are very hesitant to come forward. Similar to the previous reporting period, women journalists report sexual harassment, online violence, and smear campaigns as key gender-based pressures.

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

Score for 2020: 2,57 / Score for 2021: 2,57

Generally, there is limited public information as well as information provided to the victim or his/her attorney with regard to the progress of the case and evidences collected during the investigations, due to Prosecution Office's overapplied rule with no well-defined and clear criteria on secrecy of investigation. There is very limited indication that investigations are carried in cases of attacks against journalists given that most of the cases remain unresolved or investigations are prolonged, significantly weakening their efficiency.

According to Article 58 of the Criminal Procedure Code, the victim enjoys, among other things, the right to request information about the stage of the proceedings at any time, as well as to be familiar with the acts and evidence, without violating the principle of investigation secrecy. In the practice of the Prosecutor Office investigations, the victims, including here the journalists, are deprived of the right to be introduced with the acts and evidence during the investigation, because the latter have been considered an investigative secret. This limits them not only from the transparency of the investigations but also the contribution they can give, depending on the evidence gathered by the Prosecutor Office, to provide certain evidence or documents that might be helpful for the prosecution. There is no indication that investigations are carried at all in cases of attacks against journalists. Authorities have provided no updates on major cases of physical attacks against journalists. Justice institutions normally should have rules on public relations/communication in place, but this is not always the case. Nonetheless, in 2019, the General Prosecutor Office issued an Instruction on Public Relations in Prosecutor Offices of General Jurisdiction, whereby it slightly regulates the role of the judicial police in sharing/ or refusing to disclose information that they acquire during an investigation. Overall, the relations of justice institutions

— INDICATOR 3.4

with the media are regulated by general provisions in the specific law of each justice institution under consideration.

As noted above, the victim is entitled to access to information (if this access does not hinder the secrecy of investigation). Moreover, the General Prosecutor has also issued the General Instruction No. 05, dated 26.10.2018, "On Guaranteeing Assistance to Victims and Witnesses of Criminal Offences". Basically, this instruction outlines how the prosecutors and the judicial police should treat victims, the rights they are entitled to, including physical protection if necessary. The Istanbul Convention is mentioned as one of the legal bases for the issuance of the said decision. However, the implementation rate of this instruction is not easily traceable.

Quality statistics collection systems established by state authorities to stem impunity

Score for 2020: 2,28 / Score for 2021: 2,28

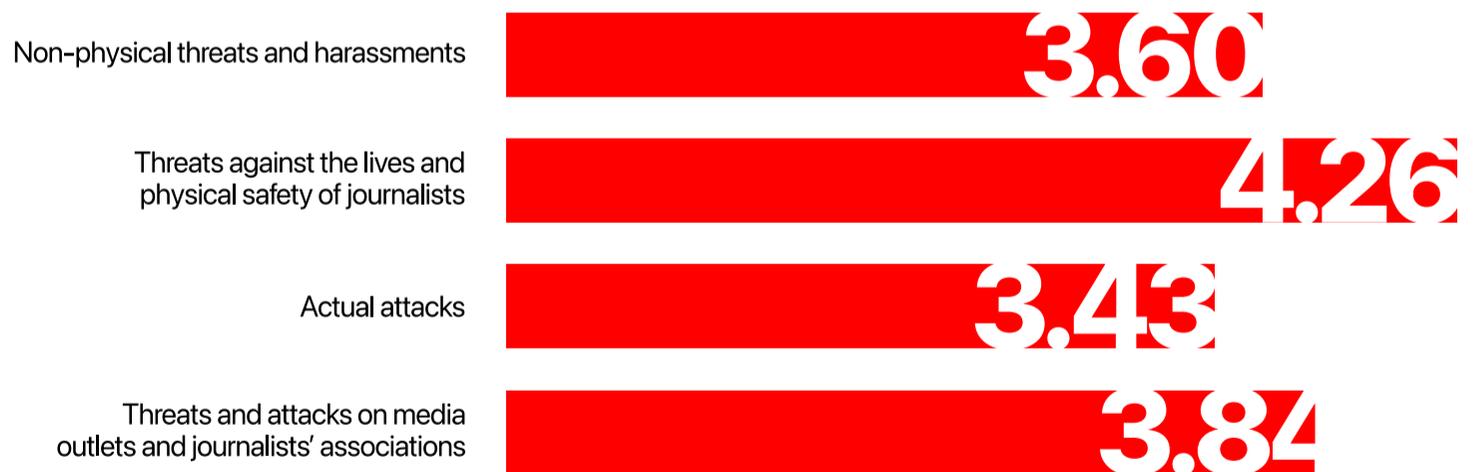
A reliable, unified and systematic statistic and data collection system regarding threats and attacks against journalists is missing. None of the relevant state and judicial authorities have established reliable and unified data collection, disaggregated according to various criteria. State institutions lack resources and capacities to collect and publish such data.

Institutions in Albania do not record nor publish data on specific attacks on journalists and impunity. In most cases, state institutions lack resources and capacities to collect and publish such data. The data reflected in the annual report of the General Prosecutor on the state of criminality in the country are evidence of the lack of segregated data and of an insufficient statistical mechanism of this institution to collect and analyse data on criminal offenses with victims, journalists and media workers. The 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. Lack of a unified case management system, including criminal ones, makes it difficult to track them in cases where they have been sent to court and consequently deprives the public of access to unified data regarding the entire progress of the prosecution and trial examination of a case, its stage and status, until the final court ruling.

IV

Actual Safety

2.78



1.00
2.00
3.00
4.00
5.00
6.00
7.00



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

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

Non-physical threats and harassments

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

Score for 2020: 3,60 / Score for 2021: 3,60

Interviews, focus groups with journalists and media experts, and independent reports confirm that daily journalists and media workers face pressures and intimidation. However, in 2021, only two major cases of non-physical threat and harassment were reported, slightly less than in 2020.

In 2021, there were two cases of non-physical threats and harassment that were reported. Andi Bushati and Armand Shkullaku, owners and editors of the online media outlet Lapsi.al, were called for questioning by the Prosecutor Office of the Special Prosecution Against Corruption and Organized Crime (SPAK) as part of an official open investigation into the leak of a massive personal and sensitive data tracked in an online database of 910,000 voters (suspected as a database that the Socialist Party of Albania used for electoral purposes).

In 2020, there were several cases identified as threats to journalists' independent work in Albania through increased lawsuits against journalists, particularly investigative journalists. These lawsuits are usually filed by governmental officials, politicians, and large business corporations.

Threats against the lives and physical safety of journalists

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

Score for 2020: 4,26 / Score for 2021: 4,26

Threats against the lives and physical safety of journalists exist both implicitly and explicitly and few were reported in 2020 and 2021 by the Safe Journalists Network and other international platforms for media freedom. However, such cases are not systemic.

In 2021, there was one reported case of threat against the life and physical safety of journalists in Albania. On 21 August, Exit journalist, Alice Taylor, received threats via Facebook that detailed how the aggressor would locate her, assault her and then rip her skull off. She filed a complaint at the Ali Demi Police Station. She was told that the name used by the account holder was fake and, therefore, the matter would be passed on to the cybercrime department. Also, in 2020, there was one case reported of journalist Elio Laze threatened by a private company employee. This case has not yet been resolved.

Actual attacks

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

Score for 2020: 3,43 / Score for 2021: 3,43

Actual attacks in Albania against journalists have been recorded in 2021 (9 cases) and in 2020 (9 cases). However, most cases in 2020 were related to ungrounded detention by Police and other obstructions of journalists and media workers while reporting on live protests. Whereas in 2021, the actual attacks are related more to private individuals..

Safe Journalists Network recorded and reported 9 alerts about actual attacks on journalists, as follows:

- Fax News TV journalist, Besarta Demushaj, denounced on 15.12.2021 the physical and verbal attack exercised against her by two citizens while she was reporting (14.12.2021).
- In Vlora, representatives of the municipality did not allow 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 reported that she was prevented by a public official of the Ministry of Health and Social Protection from interviewing medical and public staff, which was denied by said official.
- A police officer tried to push two journalists on the edge of the abyss, an act that could also put their lives in danger given the difficult steep mountainous terrain: Top Channel journalist (Anila Hoxha) and the TV crew of A2CNN while reporting on a 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 coffee bar near "Çajupi" Upper Secondary School.
- Albanian police stopped Ergjys Gjencaj, a journalist of the "News 24" TV and pushed his colleague Klodiana Lala in Tirana, on July 27, at 12:30, after the police failed to catch a suspected criminal.

— INDICATOR 4.3

- 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 journalist Ronaldo Sharka.
- On 12 April 2021, Albanian journalist of Ora News, Isa Myzyraj, was physically restrained and obstructed by a security guard of the Mayor of Tirana after he tried to ask questions as the politician left a café following an event.

Threats and attacks on media outlets and journalists' associations

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

Score for 2020: 3,84 / Score for 2021: 3,84

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.

In October 2021, Albanian Prime Minister Edi Rama called for regulations on freedom of expression in online media during his speech at the OSCE South-eastern Europe Media Forum held in Tirana. During his intervention, Rama compared the threats of disinformation and defamation of 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).

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