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ALBANIA Indicators on the Level of Media Freedom and Journalists' Safety in Albania 2022



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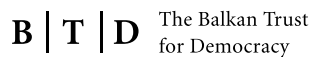
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A PROJECT OF THE GERMAN MARSHALL FUND

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Project Overview and Scope

The journalists associations from the Western Balkan countries, with the support of the European Commission¹, have set up a joint platform [Safejournalists.net](https://safejournalists.net) to monitor changes in their countries' legislation and practice and to engage in various advocacy activities aimed at advancing political, legislative, and institutional environment in which the journalists and media work. Starting from 2020, the members of the platform monitor the situation in seven countries (Albania, Bosnia and Herzegovina, Croatia, North Macedonia, Montenegro, Kosovo² and Serbia). Every year, the assessment of the situation is conducted on the basis of standardized methods for data collection and analysis³, while the focus of the advocacy research is on the changes in both the traditional and online media environment in the Western Balkans.

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

A Note on the Methodology

The research methodology is composed of three groups of indicators developed based on a systematic analysis of various guidelines produced by relevant international organizations. In the course of the previous years the originally developed qualitative indicators have been refined to address the distinctive socio-political context in the Western Balkans region and to reflect the specific needs and interests of the journalists in the seven countries.

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

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

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

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

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

List of Abbreviations

AMA	Audiovisual Media Authority
ATSH	Albanian Telegraphic Agency
BIRN	The Balkan Investigative Reporting Network
CEC	Central Election Commission
EC	European Commission
ECHR	European Court of Human Rights
EU	European Union
FOI	Freedom of Information
IGC	Intergovernmental Conference EU-Albania
HJC	High Judicial Council
HPC	High Prosecutorial Council
MIA	Media and Information Agency
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
PSB	Public Service Broadcaster
RTSH	Albanian Radio Television
SPAK	Special Prosecution Against Organized Crime and Corruption
WB	Western Balkans

Despite significant strides towards democratization over the past three decades following the collapse of the communist regime, Albania has experienced signs of democratic backsliding in recent years, as highlighted by independent national and international assessments. In Freedom in the World 2023⁴, Albania is classified as Partly Free in terms of political rights and civil liberties and there was no democracy score change in the Nations in Transit Report 2022.⁵ The country operates as a parliamentary republic with a unicameral assembly. It has a legislative framework governed by a constitution, adopted in 1998 and amended seven times until 2022⁶. Its electoral system is proportional, based in regional competition and setting a national threshold. A NATO member since 2009, Albania regards its Euro-Atlantic alliances as vital strategic interests and generally maintains a constructive presence in the Western Balkans fully aligning with European Union (EU) foreign and security policies. Albania is home to a diverse array of national minorities which are recognized by law, including Greeks, Macedonians, Vlach/Aromanians, Roma, Egyptians, Montenegrins, Bulgarians, Bosnians, and Serbians⁷.

The pursuit of European integration has consistently served as a primary catalyst for democratic reforms in Albania. An EU candidate country since 2014, Albania began

4 Freedom House, 2022. Report on Albania. Accessed 03.03.2022, available at <https://freedomhouse.org/country/albania>

5 Freedom House, 2022. Nations in Transit: Albania, Accessed 03.03.2022, available at <https://freedomhouse.org/country/albania/nations-transit/2022>

6 Constitution of Albania, adopted in 1998 and amended in 2007, 2008, 2012, 2015, 2016, 2020, 2022, available at <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>

7 Law 96/2017 'On protection of national minorities in Albania', available at <https://www.kmd.al/wp-content/uploads/2018/05/1524738824-Liqji-Per-Mbrojtjen-e-Pakicave-Kombetare-ne-R.Sh-2017.pdf>

EU accession negotiations in March 2020, contingent upon meeting a set of conditions, including the general elections held on April 25, 2021, viewed as a crucial milestone in Albania's journey toward EU membership. The first Intergovernmental Conference (IGC) was held in July 2022,⁸ marking the beginning of a new, decisive phase in the accession process of Albania to the EU.⁹ In 2022, the Albanian Government has established various structures and initiating preparatory work to evaluate the harmonization of national legislation with the EU acquis through the screening process.¹⁰

Despite the optimism surrounding discussions on EU membership for Albania and Western Balkan countries (WBc) during 2022, concrete progress towards accession remains distant, as evidenced by the outcomes of the EU-WB summit held in Tirana on December 6, 2022. While the EU emphasized its financial commitments to the region, including a €30 billion Economic and Investment Plan primarily targeting infrastructure projects,¹¹ Albania's and the region's prospects for joining the EU remained uncertain.¹² The uneven progress may be attributed to various factors, such as the need for further democratic reforms, concerns over corruption and organized crime, and the diverse interests of EU member states. Consequently, Albania will need to continue its efforts to meet EU standards, consolidate democratic development, and protect human rights and civil liberties as it navigates the complex path toward membership.

In Albania, while central and local governance structures are theoretically democratic, they are, in practice, dominated by clientelistic party politics and plagued by high levels of corruption. As indicated by Transparency International's Corruption Perception Index for 2022, Albania ranked 101 out of 180 countries, reflecting a slight improvement of +1 score since 2021 but no signif-

icant progress.¹³ Although the country has made some preparations to combat corruption, it remains pervasive in many aspects of public and business life, as highlighted by the European Commission (EC) report for 2022: "Some results were delivered, but greater political will, further structured efforts, and adequate resources and skills remain necessary."¹⁴ The widespread nature of corruption undermines public trust in institutions, hampers economic growth, and hinders Albania's progress toward European integration.

In 2022, the political landscape in Albania continued to be characterized by intense polarization, not only between the ruling party and the opposition but also within the main opposition party itself. This polarization often precedes public policy development and the implementation of necessary reforms. The Socialist Party of Albania currently holds power for its third consecutive term, winning the general election on April 25, 2021. Regarding local governance in Albania, as of 2022, the Socialist Party maintains control over 59 of the 61 municipalities¹⁵ due to the opposition's boycott of the 2019 local elections. Although partial local elections were held in March 2022, the political landscape at the local level experienced minimal change. Full local elections are set to take place on May 14, 2023. However, concerns about the integrity of these upcoming elections have arisen, particularly in light of the ruling party's potential advantages, which include its incumbency, aggressive propaganda campaigns, and a weakened and fragmented opposition.

In 2022, various reports have observed and confirmed a prevailing lack of openness and transparency within public institutions in Albania. This manifests through formal consultation processes, unaccountable practices, selective stakeholder engagement, and a tendency to withhold information. Although the EC report acknowledges that the electronic web portal for public consultation is operational and the regulatory framework has been enhanced, it also highlights that the proportion of legal acts undergoing public consultation and the usage of the electronic register have decreased, and the quality control of public consultations is limited.¹⁶ Furthermore, there is a pressing need to improve public

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- 8 European Council, 2022, *First Intergovernmental Conference with Albania*, Accessed 03.03.2022, available at <https://www.consilium.europa.eu/en/press/press-releases/2022/07/19/intergovernmental-conference-at-ministerial-level-on-the-accession-of-albania/>
 - 9 European Commission, 2022, *First Intergovernmental Conference with Albania*, Accessed 03.03.2022, available at https://neighbourhood-enlargement.ec.europa.eu/news/first-intergovernmental-conferences-albania-and-north-macedonia-kick-start-accession-negotiation-2022-07-19_en
 - 10 Bino, D., Dodbiba, A., Fabi, B., 2022. *The engagement of CSOs in the EU Integration process in Albania*, Center Science and Innovation for Development, available at <https://scidevcenter.org/wp-content/uploads/2022/12/Raporti-FES-web.pdf>
 - 11 European Council, 2022, *EU-WB Summit in Tirana*, Accessed 03.03.2022 <https://www.consilium.europa.eu/en/meetings/international-summit/2022/12/06/>
 - 12 Lynch, Suzanne. 2022. "U membership for Western Balkans remains far off, despite upbeat talks", Politico, available at <https://www.politico.eu/article/eu-membership-western-balkan-albania-edi-rama-michel-von-der-leyen-european-union/>

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- 13 Transparency International, 2022, *Perceptions of Corruption Index, Albania*, accessed on 25.03.2023 available at <https://www.transparency.org/en/cpi/2022/index/alb>
 - 14 European Commission, 2022. *Annual Report Albania*, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>
 - 15 Central Electoral Commission, *Municipality Data*. "Municipality of Shkodra run by the Democratic Party of Albania and Finiq Municipality by Greek Minority and MEGA Party".
 - 16 European Commission, 2022. *Annual Report Albania*, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

scrutiny of government work, strengthen parliamentary oversight of government performance, and streamline regulatory and institutional monitoring. While Albania's legal and regulatory framework regarding the right to freedom of assembly and association is generally in line with international standards, its civil society environment, although appearing vibrant on paper, faces significant limitations in practice, particularly when it comes to meaningful participation in the consultation process. The EC Report points out that no progress was made in 2022 to implement the roadmap for creating an enabling environment for civil society. In addition, despite the seemingly strong political will and several structures of participation being in place, effective civil society engagement in the EU accession negotiations for Albania remains a work in progress.¹⁷ During 2022, five CSOs¹⁸ prepared to file a complaint before Constitutional Court regarding the unconstitutionality of some of the provisions of Law no. 80/2021 "On the Registration of Non-Profit Organizations", which was filed letter in the first days of January 2023. Although the draft law directly affected the sector, it was consulted by the Ministry of Justice and Parliament in a formal climate with the sector and was approved without taking in consideration of many of the organizations' requests for clarity, legal certainty, and respect for international standards of the right of association.

Despite facing the daunting task of tackling the economic and social repercussions of the triple shock caused by the 2019 earthquake, the ongoing pandemic, and the Russian war of aggression against Ukraine, Albania continues to strive for progress and stability. As stated by the World Bank, Albania is an evolving economy that has been undertaking crucial structural transformations aimed at achieving balanced growth, enhancing productivity and competitiveness, generating employment opportunities, and improving the provision of public services.¹⁹

In 2022, one of the most significant challenges faced by Albania was addressing the extensive cyberattacks on its e-governance systems. These attacks were believed to be connected to the country's harboring of an Iranian dissident group, which subsequently led to wider geopolitical implications involving Iran, Israel, and the United

States.²⁰ The Albanian government commissioned Microsoft to investigate the matter, and the resulting report attributed the attacks with "high confidence" to "actors sponsored by the Iranian government," identifying the dissident group as the "primary target."²¹ The cyberattacks on Albania not only disrupted the government's functioning and attempted to erode trust in financial institutions, but also led to the leakage of a vast amount of confidential information. The exposed data encompassed the names and addresses of over a thousand undercover police informants, the email correspondence of the intelligence service chief, a former president, and the former chief of police, as well as the banking details of more than 30,000 individuals.

The Albanian media landscape has undergone significant transformations in response to the country's socio-cultural, political, and economic developments, technological advancements, global media trends, and recent events. However, the environment for independent and watchdog journalism or media pluralism remains challenging²². A key characteristic of Albania's media system is the prevalence of clientelist media, which manifests as a complex interplay among media, politics, and business interests. Albania's dual broadcasting system includes the public service broadcaster, Albanian Radio Television (RTSH), and a vibrant private media sector with three national TV channels—Top Channel, TV Klan, and Media Vizion. Additionally, there are two national licenses for digital platforms, 39 other licensed TV channels (including two new channels in 2022),²³ three national radios, four community radios, 49 local radios,²⁴ and over 650 online media platforms.²⁵

Despite the rapid growth in the number of media outlets over the past decade, particularly in online media, the quality of media content remains a challenge, with deterioration observed in 2022. Compliance with ethical standards, copyright rules, and professionalism is still not well-established for various reasons. While the Albanian Constitution guarantees freedom of expres-

17 Bino, D., Dodbiba, A., Fabi, B., 2022. *The engagement of CSOs in the EU Integration process in Albania*, Center Science and Innovation for Development, available at <https://scidevcenter.org/wp-content/uploads/2022/12/Raporti-FES-web.pdf>

18 Albanian Helsinki Committee, Civil Rights Defenders, Birn Albania, Alliance against discrimination of LGBTI, and Albanian Media Council.

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

20 Higgins, A., 2023. "A NATO Minnow Reels From Cyberattacks Linked to Iran", Accessed 23.03.2023, available at <https://www.nytimes.com/2023/02/25/world/europe/albania-iran-nato-cyberattacks.html>

21 Microsoft Report 2022 on Albania Cyber Attacks, Accessed 23.03.2023, available at <https://www.microsoft.com/en-us/security/blog/2022/09/08/microsoft-investigates-iranian-attacks-against-the-albanian-government/>

22 Media Freedom Rapid Response Report 2022, available at <https://www.mappingmediafreedom.org/wp-content/uploads/2023/02/MFRR-Monitoring-Report-2022.pdf>

23 AudioVisual Media Authority. Accessed 13.01.2022. <http://ama.gov.al/wp-content/uploads/2020/07/OSHMA-Audiovizive-5.pdf>

24 AudioVisual Media Authority. Accessed 13.01.2022. <http://ama.gov.al/wp-content/uploads/2020/07/OSHMA-Audio-5.pdf>

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

sion and the government generally respects these rights, there were reports in 2022 of government entities, businesses, and criminal groups attempting to inappropriately influence media outlets.²⁶

Albania's media environment is characterized by a great number of outlets but a limited advertising market, resulting in media ownership concentrated among a few media owners or families who often use their platforms as instruments for political and economic influence.²⁷ Media owners' political and economic interests serve as significant driving forces for journalists to engage in censorship and self-censorship. Additionally, the sources of funding for media outlets continue to lack transparency. This concentration of ownership raises concerns about the independence and diversity of media perspectives in the country.²⁸

26 US Department of State, 2023, *Human Rights Report on Albania 2022*, Accessed 23.03.2023 available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>

27 European Center for Press and Media Freedom, 2022, "Albania: Media pluralism and transparency concerns fuel deterioration in media freedom", Accessed 23.03.2023 available at <https://www.ecpmf.eu/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-in-media-freedom/>

28 Voko, K., & Likmeta, B., (2022) *Media Pluralism Index Albania 2022*, Accessed 23.03.2023 available at <https://cadmus.eui.eu/bitstream/handle/1814/74680/MPM2022-Albania-EN.pdf?sequence=1&isAllowed=y>

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

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

The Constitution of Albania guarantees freedom of expression, freedom of media, and freedom of information.²⁹ These rights are included in the category of constitutional rights that can be subject to limitation, only by law for a public interest or for the protection of the rights of others. The limitation must

be proportionate to the situation that dictated it, the essence of freedoms and rights should not be violated and in no case cannot exceed the limitations provided for in the European Convention on Human Rights.³⁰ The applicable legislation on freedom

²⁹ Article 22 of the law stipulates: "Freedom of expression is guaranteed. The freedom of the press, radio and television are guaranteed. Prior censorship of a means of communication is prohibited. The law may require the granting of authorization for the operation of radio or television stations." Article 23 of the Constitution specifically guarantees freedom of information: "The right to information is guaranteed. Everyone has the right, in compliance with the law, to get information about the activity of state organs, as well as of persons who exercise state functions. Everybody is given the possibility to follow the meetings of collectively elected organs."

³⁰ Article 17 of the Albanian Constitution, available at <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>

of expression does not explicitly mention access to the Internet. Meanwhile the law no.119/2014 'On the right to information', limits the rights to information that is produced or held by public authorities or related to them³¹. However, in Albania, access to the Internet is guaranteed through the standards elaborated by the European Court of Human Rights³². Despite constitutional guarantees of media freedom, freedom of expression, and information in Albania, signs of deterioration in these areas were consistently observed throughout 2022. Following a two-day fact-finding mission to Tirana on 17-18 November 2022, the partners of the Council of Europe's Platform on Safety of Journalists assessed that, overall, Albania continues to experience a deterioration in media freedom. While the legal framework remains generally adequate, no progress has been made in recent years in improving the environment for independent and watchdog journalism or in strengthening media pluralism.³³ Additionally, the 2022 US State Department Report on Human Rights in Albania identified the absence of independent media as a primary concern regarding human rights in the country.³⁴ Furthermore, the Draft Report of the European Parliament expresses its concern with the lack of progress on achieving institutional transparency, freedom of expression, and media freedom and stresses the role of political leaders in creating an enabling environment for the pursuit of these freedoms; condemns attempts to discredit reporters and arbitrarily withhold public information, as well as the failure to ensure the safety of journalists.³⁵

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

A positive development in 2022 was the complete withdrawal of the anti-defamation package, as the Government refrained from introducing new legal changes during the year. However, the European Commission's Annual Report for 2022 emphasized that

no progress was made concerning freedom of expression and media freedom. The report also stressed that any potential amendments to the media law should align with the Venice Commission's Opinion and be subject to appropriate consultations with media organizations.³⁶ In September 2022, the government introduced for public consultation a draft law "For some additions and changes to Law No. 97/2013 "On audiovisual media in the Republic of Albania", as amended, with the aim to transpose Directive (EU) 2018/1808.³⁷ This draft law aims to revise the rules for audiovisual broadcasters to protect children from harmful content, include rules for ensuring access to information for persons with special needs, increase transparency of ownership of media service providers, strengthen obligations for on-demand audiovisual service providers. It also addresses new concepts such as co-regulation, self-regulation, and media literacy.³⁸ The changes are expected to be approved in 2023.³⁹ In addition, in 2022, the Audiovisual Media Authority initiated a review of the Audiovisual Broadcasting Code, five years after its implementation, with the aim of enhancing provisions related to gender equality, tackling hate speech, and addressing disinformation. This revision process has been carried out in consultation with civil society, media organizations, and with the support of international donors.⁴⁰

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

In 2022, state authorities made no attempts to impose licensing or strict requirements on the establishment of print and internet-based media. Although the Prime Minister has expressed his intention to pursue the regulation of online media, no new amendments have been proposed thus far. Presently, no legislation requires print and online media to obtain licenses beyond standard business and tax registration. Online portals must register their domain with the Electronic and Postal Communications Authority, providing basic information on ownership and contact details. If these new portals engage in economic activities, such as advertising or

31 Article 1 of the law, available at https://www.drejtesia.gov.al/wp-content/uploads/2018/08/Liqj_119_2014_18.09.2014.pdf

32 *Cengiz and Others v. Turkey*, ECtHR judgment of 1 December 2015, §§ 49 and 52 and other relevant case-law; Source: Factsheet 'Access to Internet and freedom to receive and impart information and ideas', September 2022, available at https://www.echr.coe.int/Documents/FS_Access_Internet_ENG.pdf

33 European Center for Press and Media Freedom, 2022, "Albania: Media pluralism and transparency concerns fuel deterioration in media freedom," Accessed 23.03.2023 available at <https://www.ecpmf.eu/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-in-media-freedom/>

34 US Department of State, 2023, Human Rights Report on Albania 2022, Accessed 23.03.2023 available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>

35 Full draft report available https://www.europarl.europa.eu/doceo/document/AFET-PR-739812_EN.pdf

36 European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

37 Draft law "For some additions and changes to Law No. 97/2013, Accessed 23.03.2023 available at <https://konsultimipublik.gov.al/Konsultime/Detaje/514>

38 Draft law "For some additions and changes to Law No. 97/2013, Accessed 23.03.2023 available at <https://konsultimipublik.gov.al/Konsultime/Detaje/514>

39 The changes and implications will be covered in 2023 report once they are approved.

40 This is still ongoing and is expected to be finalised in 2023. Response received after a Request for Information was sent to AMA, January 2023.

subscriptions, they are required to register with the tax authorities. There is no public register of media owners in Albania.⁴¹ Media ownership information can be accessed through the National Business Center/Registry, and non-profit publishers are required to register with the Tirana Judicial District Court. As of 2022, there is no legal definition for online media.

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

In 2022, the Government did not restrict or disrupt access to the Internet – including authorizing partial or complete Internet shutdowns – or censor online content.⁴² There were no credible reports that the Government monitored private online communications without appropriate legal authorization.⁴³ In Albania, the main grounds for possible restrictions on freedom of expression online regulated by law include defamation and libel, hate speech, copyrighted material, and data protection. In this light, in 2022, after the extensive cyberattacks on Albania's e-governance system, there were instances where public authorities prohibited media outlets from publishing leaked information, citing concerns about causing public panic.⁴⁴

On September 19, 2022, the Tirana Prosecutor's Office issued a ban on media outlets and the public, prohibiting the publication of any data or information from the files hacked during the recent cyberattacks that affected Albanian state servers since July. Microsoft traced these attacks back to various Iranian hacking groups, significantly damaging government databases and public institutions' computer systems. Hacked files, released by a group called 'Homeland Justice' allegedly connected to Iranian hackers, contained classified police information and sensitive correspondence between Albanian politicians, authorities, institutions, and foreign ambassadors. This prompted the Albanian government to accuse Iran of being responsible and

led to severing diplomatic relations between the two countries. Following the leaks, Albanian media outlets published articles about the content, emphasizing alleged assassination plots and matters related to the State Police. The Tirana Prosecutor's Office justified the ban on the grounds of national security and privacy, warning that those who published the data in any form would face immediate criminal Article 293/b "interference in computer data", and Article 192/b "non-authorized computer entry". The statement also indicated that any websites found posting the data would be blocked. The Prosecutor's Office assigned a cyber-crime investigation unit within the State Police to monitor for violations and requested information from the Audiovisual Media Authority (AMA) and the Electronic and Postal Communications Authority (AKEP). On September 20, the AMA released a statement emphasizing that the hacked files contained sensitive data and urged editorial offices to exercise prudence and professional responsibility in handling the data publication.

Safe Journalists Network along with other media organizations reacted over the blanket publication ban issued by Albanian prosecutorial authorities and urge investigatory and government authorities in Albania to avoid taking any further steps that undermine the exercise of responsible journalism or endanger the liberty of journalists publishing public interest material.⁴⁵ It is also worth noting that the ban imposed by the Albanian authorities is not legitimized by the cited provisions of the Albanian Criminal Code, which punishes the hacking groups and not the free media that provides the leaked information to the public.

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

Concerns over the independence and operating practices of the Audiovisual Media Authority (AMA), the regulatory body for audiovisual broadcasts, escalated after the election of Armela Krasniqi, a figure politically affiliated with the ruling party, as its chairperson in July 2021.⁴⁶ Krasniqi's close links to Prime Minister Rama and the Socialist Party and her previous roles as the party's spokeswoman and head of the state-owned Albanian

41 Given that media outlets can be owned by companies that cover various sectors, it is difficult to identify media owners in the National Business Registry without a public register of media owners or Impressum on media outlets pages.

42 With the establishment of the online database from the National Authority for Electronic Certification and Cyber Security (NAECCS) in 2020, internet service providers (ISPs) will now be automatically informed of all relevant decisions to remove illegal content handed down by the competent authorities. The Authority for Electronic and Postal Communications (AKEP) will monitor the implementation of such decisions.

43 US Department of State, 2023, Human Rights Report on Albania 2022, Accessed 23.03.2023 available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>

44 Council of Europe, Safety of Journalists, 2022, Accessed 23.03.2023 available at <https://fom.coe.int/alerte/detail/107638034;globalSearch=false>

45 "Albania: Media must not face criminal prosecution for public interest reporting", available at <https://safejournalists.net/albania-media-must-not-face-criminal-prosecution-for-public-interest-reporting/?fbclid=IwAR0vj78zvuOrGSvRFbRsq8teAKuOAKySvaQQB1CicI/VZ355e2uN2UEiwsI>

46 See more <https://safejournalists.net/safejournalists-network-sent-a-letter-of-concern-to-the-speaker-of-the-albanian-parliament-and-international-organisation/>

Telegraphic Agency, raised doubts about her independence. In February 2022, the new Parliament elected members of AMA's Board of Directors (filling 6 vacancies) in accordance with the Media Law, which allows both the opposition and ruling party to veto candidates proposed by civil society organizations within the Parliamentary Committee for Education and Public Information. The independence of some AMA members has been questioned because of their political ties.⁴⁷ It is also worth noting that the legal formula for the election of AMA' members, according to the articles 9, 10 and 11 of the law on audio visual media does not guarantee de facto its independence, since 4 of its members are elected with the support of the parliamentary majority and 3 members as a proposal of the parliamentary opposition. The licensing process in Albania does not appear to be a significant issue, as most frequencies have already been distributed and the digital switchover has been completed.⁴⁸

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

In Albania, advertising in print and online media are not regulated in any specific way, but only within the tax liabilities that must be paid under business rules. While the Audiovisual Media Authority (AMA) monitors the volume of advertisements in the audiovisual media, its reports do not determine the position of each media outlet in terms of the advertising market. The Albanian Parliament's resolution on AMA's performance 2022 recommends that AMA propose necessary changes to the legislation on advertising to bring it in line with international standards and improve it accordingly.⁴⁹ The primary source of state funding for private media is through funding for the publication of state advertisements or announcements or funding for public events or advertising campaigns. However, there is limited transparency about the allocation criteria for state funds, specific data on the amounts allocated, and potential conflicts of interest. The EC Annual Report 2022 for Albania

highlights that: "Albania still needs to introduce legislation to strengthen transparency in public advertising".⁵⁰ State institutions can use utility companies or advertising agencies to distribute funds without publishing clear data on criteria and allocations to media outlets. Political advertising during electoral campaigns has a significant influence on media. Media owners have used their outlets as instruments to gain favors from the Government or other powerful actors.⁵¹ This dependence on funding sources has led to undue influence on editorial policy and a symbiotic relationship between politics and businesses. A concerning practice by the media in 2022 has been the blackmailing of businesses, parties, or individuals by threatening negative media coverage.

*The conflict between the Albanian Prime Minister, Edi Rama, and Top Channel, the second-largest television station in Albania, highlights the precarious relationship between politics and media in the country. Rama accused Top Channel of blackmailing the government with negative coverage, while Top Channel argued that the Prime Minister was attacking the media due to its critical editorial line towards the government. The conflict became increasingly bitter, with Rama initiating campaigns on social media accusing the media of connections to the Russian government and using blackmailing tactics. In turn, Top Channel criticized Rama's attacks and claimed they came after the station aired news that worried the public. This conflict is not unique, as earlier in 2022, Top Channel owner and senior managers exchanged accusations of blackmail with the author of a weekly investigative show. Additionally, in September, Rama and Top Channel had a public conflict regarding the hacked TIMS system, which has further escalated in the recent weeks. The conflict raises concerns about media independence and the influence of political and economic interests on editorial policy in Albania.*⁵²

In July 2022, the Director of Albanian Taxes accused media owner Irfan Hysenbelliu of blackmail, leading to a public dispute between the two.⁵³ Prime Minister Edi Rama weighed in on the situation, expressing concerns about media owners potentially using their platforms for blackmail and supported the right of the Director of

47 European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

48 Vibrant Information Barometer, 2022, Albania, accessed on 25.03.2023 available at <https://www.irex.org/files/vibrant-information-barometer-2022-albania>

49 Albanian Parliament's resolution on AMA's performance for 2022, accessed on 25.03.2023 available at <http://ama.gov.al/wp-content/uploads/2020/07/Raporti-vjetor-%E2%80%93-AMA-%E2%80%93-2021-Resolutur%C3%AB-p%C3%ABr-vler%C3%ABsimin-e-veprimtaris%C3%AB-s%C3%AB-AMA-s-p%C3%ABr-vitin-2021.pdf>

50 European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

51 US Department of State, 2023, Human Rights Report on Albania 2022, Accessed 23.03.2023 available at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/albania/>

52 See details in Safe Journalists Network alert available <https://safejournalists.net/albania-prime-minister-accuses-media-of-blackmail-questions-of-media-credibility-and-professionalism-rise/>

53 See more <https://exit.al/en/customs-director-accuses-media-portals-of-blackmail/>

Taxes to express his concerns as part of free speech.⁵⁴ This case is part of a larger issue in Albania where allegations of media owners blackmailing businesses and individuals are common but often without clear evidence and investigations.

The situation escalated in September when the government demolished two pools of a hotel resort owned by Hysenbelliu, claiming they were illegally built on state-owned land. The Focus Media Group accused the government of seeking vengeance for their critical opposition editorial line by destroying property without a court decision and imposing fines.⁵⁵ The government denied the allegations. Subsequently, Hysenbelliu's media disclosed photos and personal conversations suggesting a friendly relationship between Hysenbelliu and Prime Minister Rama in the past.

This disclosure added a new layer of complexity to the ongoing conflict between Hysenbelliu's businesses and the Albanian government. It raised questions about the extent to which personal relationships and connections influence the actions of government officials and the media. Additionally, it further fueled the perception that media in Albania are often biased and controlled by powerful business interests. The implications of this disclosure may extend beyond the immediate conflict and deepen public mistrust of the government and media in Albania.

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

Albania lacks specific types of media subsidies or funds to produce media content of public interest, except for the public broadcaster that has dedicated funding for minority programmes. Media professionals, journalists, and media associations have been advocating for the introduction of subsidies to support media diversity programming to no avail.

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

In Albania, the public broadcaster Radio Televizioni Shqiptar (RTSH – Albanian Radio Television) has specific funding for minority programs, including programs in the languages of national minorities. Public radio and

television must also broadcast cultural news and programs on one of their channels in the language of minorities, Greek, Macedonian, and Roma (Law 97/2013, Article 91). Private media outlets in the languages of national minorities, such as Greek or Macedonian, rely on advertising revenues and sponsorships as their primary funding sources. However, there are no specific mechanisms for financing media in the languages of national minorities beyond these sources of revenue. Journalists and media associations have been advocating for the introduction of subsidies to support media diversity programming, but as of now, such subsidies have yet to be implemented.

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

The autonomy and independence of the Albanian Radio and Television (RTSH), the public service broadcaster (PSB) in Albania, is guaranteed in its status,⁵⁶ but it has faced challenges in practice. Despite the replacement of all board members whose mandates had expired by May 2021, including the Chair, concerns were raised about the independence of the governing bodies of RTSH as the members were chosen with the support of the Socialist Party in power, and there was no real opposition in the Parliament. In terms of funding, RTSH's independence is ensured as it is primarily funded by public funds, mainly through a special tariff paid by every household through the electricity bill. However, transparency and management of the funds have faced challenges⁵⁷. For instance, in 2021, the former Director General of RTSH and three Commission members were arrested for violating procurement rules. In June 2022, the former Director General was sentenced to two years in prison and a 5-year ban from public functions.⁵⁸ RTSH published all Board of Directors' decisions online in 2022.⁵⁹

56 See RTSH status Article 2, point 1 and 2, https://rtsh.s3.eu-central-1.amazonaws.com/cf4f4293531344ad9af0cbaccde078_202004071650.pdf

57 The financial reports for 2022 are not public yet, see more <https://rtsh.al/rreth-rtsh/raporti-vjetor-ekonomiko-financiar>

58 European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

59 RTSH Board of Directors Decisions available at <https://rtsh.al/rreth-rtsh/vendimet-e-keshillit-drejtues>

54 Rama's reaction on Twitter: <https://twitter.com/ediramaal/status/1551192526870167552> and <https://twitter.com/ediramaal/status/1550500814657146885>

55 See more <https://balkaninsight.com/2022/09/02/albania-media-mogul-claim-government-attacked-his-businesses-over-editorial-line/>

A2 Effects of defamation laws on journalists

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

In Albania, defamation is considered a criminal offense, which is not in line with international best practices. The Criminal Code defines defamation as the intentional distribution of untrue data with the aim of infringing on another person's dignity and honor. Punishments range from 400 to 12,000 Euros. The penalty is aggravated when this offense is committed publicly, to the detriment of several persons or more than once, respectively with a fine from 400 to 24,000 Eur⁶⁰. However, prison sentences for defamation were removed in 2012. The Civil Code also includes provisions related to defamation. Despite removing prison sentences, the criminalization of defamation is still a concern as it can have a chilling effect on freedom of expression and media freedom. Additionally, the high fines imposed for defamation can have a negative impact on the financial sustainability of media outlets, particularly smaller ones.

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

As of 2022, there have been a total of 30 court cases filed against journalists or media workers in Albania, under Article 119 (Insult) and Article 120 (Defamation), foreseen by the Criminal Procedure Code. Of these cases, 11 are unresolved and have been carried over from previous years, while 19 are new cases. Additionally, there have been 12 civil cases filed in 2022, of which 11 are for Article 617 on fraudulent or inaccurate publications and one case for Article 625 on liability for non-pecuniary damage.

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

Based on the available information, it is unclear to what extent court decisions against journalists in Albania may be politically motivated. There have been reports of delays in processing cases and a lack of transparency in the outcomes. However, it is positive to note that no prison penalties were imposed on journalists in 2022, although more specific data on the penalties imposed

in cases against journalists in 2022 would be helpful to fully evaluate the situation.

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

A comprehensive database of court judgements against the media does not exist, making it difficult to fully evaluate the effectiveness of self-regulatory mechanisms in legal proceedings. However, according to the Civil Code, when it is proven that a person has responsibility towards another person, because he has published inaccurate, incomplete or misleading data, the court at the request of the injured person, obliges

the other person to publish a rebuttal, in such manner as she may deem fit⁶¹. While Article 647/a of the Civil Code leaves wide discretion to the court to apply any other measures taken by the author of the statements to put in place the honor, personality or reputation of the injured person (for ex, including the apology). This practice is legally recognized.

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

Journalists in Albania, particularly those who are independent and critical, have expressed concerns about the country's defamation laws and the government's rhetoric around media regulation. Many journalists believe that these laws and rhetoric have a negative impact on independent and high-quality journalism in the country. In 2022, journalists faced significant challenges, including threats, harassment, and poor working conditions. Some journalists have reported practicing self-censorship to avoid online smear campaigns, pressure in the newsroom, and harassment by other actors.⁶² These factors can discourage journalists from investigating and reporting critically, potentially leading to a lack of transparency and accountability in the media landscape.

⁶¹ Article 617 of the Civil Code.

⁶² Vibrant Information Barometer, 2022, Albania, accessed on 25.03.2023 available at <https://www.irex.org/files/vibrant-information-barometer-2022-albania>

⁶⁰ Article 120 of the Criminal Code.

A3 Legal protection of political pluralism in the media

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

Albanian media legislation regulates political pluralism in the media exclusively for the Public Service Broadcaster (PSB) and during election processes. Although impartiality principles apply to media operators in general, the law requires audiovisual media operators to broadcast political activities without political bias.⁶³ While the PSB is legally obligated to maintain political pluralism outside of election periods, private media outlets are not required to do so. The Law on Audiovisual Media stipulates that the PSB Board is responsible for monitoring and ensuring information impartiality and objectivity of RTSH⁶⁴. The PSB's Statute and Editorial Policy include provisions on impartiality, and its editorial guidelines promote balanced reporting and diverse viewpoints. However, it remains to be seen to what extent these standards are implemented and maintained, as neither the RTSH nor the AMA has provided reports on their effectiveness.

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

As of 2022, there have been no updates regarding the regulatory authority's obligation to monitor and protect political pluralism outside of election processes. According to the Law on Audiovisual Media, the regulatory authority, AMA, is mandated to monitor the impartiality, objectivity, and integrity of audiovisual information. However, AMA's monitoring reports primarily focus on content and frequency monitoring, with little attention given to political pluralism outside the public service broadcaster (PBS). Although PBS is legally obliged to maintain political pluralism outside of election processes, private media outlets are not bound by the same requirements, although licensing criteria requires pluralistic content. Despite the inclusion of provisions on

impartiality in the Statute and Editorial Policy of the PBS and the editorial guidelines of the PSB, there are no reports from RTSH or AMA on how they have been able to achieve and protect political pluralism in the media outside of election processes.

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

Outside of election processes, there are no guarantees for fair and equal access to the media, although the main political parties and actors generally have considerable access. However, a concerning practice in Albania is the role of political parties, politicians, and high-level public officials acting as "newsroom," providing edited and pre-prepared footage of their activities to media outlets, which the latter simply broadcast or publish the material without any independent journalistic inquiry⁶⁵.

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

In Albania, the legal obligations of the media during election campaigns are regulated by the Law on Audiovisual Media, the Electoral Code, and the Code of Ethics for the Media. The law requires all media to ensure that the electoral campaign is covered fairly and balanced, providing equal opportunities to all parties and candidates. The audiovisual media is obliged to distinguish between news, comment, and advertising and to refrain from any biased reporting, propaganda, or electoral campaigning.

AMA monitors the audiovisual media during the election campaigns⁶⁶. Starting from 2021, AMA is responsible for monitoring the content and airtime dedicated to the political actors during the campaign, as well as propose to CEC related sanctions in cases of violations of the provisions of the Electoral Code from the audiovisual media. It conducts monitoring of the content and frequency of political advertising during the election campaign, and supervises the media's compliance with the legal requirements on political advertising. Additionally,

⁶³ According to the article 56, paragraph 7, the Audi visual media' law stipulates as criteria for authorizations and licenses for services or audio or audio-visual transmissions that AMA provides, that the related application reflects the content of the programs to be transmitted and the program structure proposed for transmission, which clearly express pluralism in their integrity and impartiality information.

⁶⁴ Article 102, paragraph 11 of the audio-visual media' law

⁶⁵ This space is given to electoral subjects by article 84/1 of the Electoral Code, according to which, "Information on election campaign activities, which are prepared and broadcast in informative editions, based on materials made available by electoral subjects must be clearly identified, in accordance with the CEC instructions" as well as 84/1, letter 'd' of the same act, "When for reasons objective media is not able to follow special election activities, it is allowed to use and select footage from the full recordings served by electoral subjects, provided that the news is accompanied by the note "film material served by subject".

⁶⁶ Article 85 of the Electoral Code.

the Central Election Commission (CEC) is responsible for ensuring equal and fair conditions for all political subjects during the election campaign, including in the media. The CEC can impose sanctions on political subjects and media outlets that violate the rules on fair access to media during the election campaign. ODIHR and local NGOs also run independent monitoring processes. There is no monitoring of print or online media.

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

In 2022, no significant changes were observed regarding fair and equal access to media during election campaigns in Albania. Legal provisions exist, but political actors are represented in a biased and non-proportional way, favoring some over others. Discrimination against smaller parties violates international commitments, and pre-recorded party-produced footage is still broadcasted during news editions. Gender-balanced coverage is required, but female candidates received less coverage. Albanian broadcasters broke the Electoral Code by giving more airtime to the ruling Socialist Party than its rivals, neglecting smaller parties.⁶⁷

A4 Freedom of journalists' work and association

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

In Albania, journalists do not need to be licensed by the state to work, which is a positive aspect of media freedom.

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

In Albania, public institutions generally have media accreditation regulations in place. However, these practices often favor journalists affiliated with media organizations, disadvantaging freelancers, bloggers, and independent journalists. The need for improved accredita-

tion practices accommodating the evolving journalism landscape is evident.

Several cases in 2022 demonstrated concerns about accreditation and media freedom in Albania. The High Prosecution Council (HPC) introduced a new media regulation that raised concerns about media freedom, access to information, and transparency. The regulation stipulated that journalists could be stripped of their HPC accreditation for violating objectivity, professionalism, the Constitution, the law, or the principles laid down in the regulation. The process for assessing journalists' professionalism and reporting transparency remains unclear, as does the role of the Coordinator for the Right to Access to Information at HPC or the Council member assigned for media. This regulation was initially announced without consultation with interested parties and only after receiving public criticism the HPC held consultations with journalists.⁶⁸

A prevalent concern regarding journalists' ability to report effectively in Albania stems from public officials' practice of distributing pre-prepared materials (audio, video, and text) to the media. In 2022, the Mayor of Tirana continued to refrain from holding press conferences, exclude journalists from public events, and provide pre-packaged materials for media consumption. This practice is widespread among high-ranking officials in Albania, including the Prime Minister, ministers, and political party leaders.⁶⁹ The implications of this communication approach are substantial, as it raises concerns about media freedom, access to information, and transparency in the country. By avoiding direct engagement with journalists and exclusively providing predetermined content, public officials effectively limit the opportunities for critical questioning and in-depth reporting on matters of public interest. Simultaneously, this situation highlights internal issues within the media industry, as outlets accept and broadcast or publish these pre-prepared materials without critically questioning their content or adhering to proper journalistic practices. This underscores the need for media organizations to uphold professional standards and thoroughly scrutinize the information provided by public officials to ensure balanced and comprehensive coverage.

⁶⁷ More details about 2021 general elections can be found at <https://balkaninsight.com/2021/07/23/men-only-media-in-albanian-election-focused-on-male-leaders/> and <https://balkaninsight.com/2021/06/02/albanian-election-commissioner-turns-blind-eye-to-broadcast-bias/>

⁶⁸ See more public reaction of the Safe Journalists Network and Letter of Concern sent to HPC available at: <https://safejournalists.net/portfolios/safejournalists-new-regulation-of-the-high-prosecution-council-violates-media-freedom-in-albania/> and <https://balkaninsight.com/2022/10/12/new-rule-could-limit-reporting-on-albanian-prosecutors-experts/>

⁶⁹ As confirmed in focus groups and interviews and as well during the fact finding mission of 7 international press freedom media organisations in November 2022 in Albania, see more here: <https://www.ecpmfeu/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-in-media-freedom/>

Despite the Prime Minister and ministers of Albania initiating press statements every Wednesday following the Council of Ministers' meetings in September 2021, the number of press conferences where journalists can engage with critical questions remains limited. Unfortunately, in 2022, most of these events predominantly assumed the form of press statements, offering little to no opportunities for journalists to ask questions. As a result, these sessions were primarily attended by camera operators, with a noticeable absence of journalists. This scenario underscores a missed opportunity to foster transparency and accountability in governmental practices. By not facilitating meaningful dialogue between journalists and public officials, the potential for comprehensive reporting and critical analysis of government decisions is substantially diminished. This approach undermines the crucial role of the press in a democratic society and hampers efforts to promote openness and accountability in the public domain.

In 2022, there were two notable cases in which Albanian Prime Minister Edi Rama reprimanded journalists and sent them for “re-education” for asking critical questions. In March, Rama told journalist Ambrozia Meta that she needed “re-education” and banned her from asking him questions for 60 days. Meta had asked Rama about public interest matters, including the arrest of a Socialist Party MP and a corruption case involving incinerators. Rama reiterated his stance in another press conference in April.⁷⁰

Similarly, during a press conference with Foreign Affairs Minister Olta Xhaçka on July 1, 2022, journalist Klevin Muka from CNN-affiliate A2 was accused by Rama of violating journalistic ethics by asking questions about potential conflicts of interest of the Foreign Affairs Minister. As a result, Rama imposed a three-month ban and sent Muka for “re-education” before allowing him to attend future press events.⁷¹ In addition, the limited support for independent and critical journalists in newsrooms due to owners' pressure and their hidden agendas and vested interests is evident in the case of Muka, who was isolated in the newsroom, never attending press conferences or reporting on political events since this incident with the Prime Minister, and eventually forced to resign and find another job.

Furthermore, there is evidence of the government's communication with journalists through unofficial channels like WhatsApp groups, discrimination against inde-

pendent media when seeking information or comments, and hostility towards journalists perceived as representing opposition outlets. These practices further emphasize the challenges faced by the press in Albania, limiting their ability to perform their professional duties effectively.

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

Although journalists in Albania are organized in professional associations, the lack of consolidation and limited resources and competences remain a concern. The Union of Albanian Journalists and the Albanian Professional Journalists Association remain the largest associations, with the former having declared around 1,200 members and established branches in 10 cities in Albania, and the latter having about 220 members and a board of 12 journalists. The establishment of the Journalists' Movement in 2021 aimed to protect the status of a journalist, but no concrete steps were announced in 2022. There have been concerns about the movement's requests, which might lead to licensing of journalists and the creation of a national registry by the government. On a positive note, there are some attempts to set up networks of young journalists or women in media, such as the establishment of “Lajmëtarja” in 2022, a young women journalists' initiative in the form of civil society. No pressures on the associations were reported in 2022, and the Albanian Professional Journalists Association remains a member of the European Federation of Journalists, although with minimal capacities and impact in the country.

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

There are no specific trade unions for journalists in Albania. The Union of Albanian Journalists and the Albanian Professional Journalists Association are professional associations rather than trade unions. Other general trade unions in Albania do not have a particular section for media workers and journalists. The findings of the Barometer for media freedom in Albania in 2021⁷², reflect that the vast majority of media workers surveyed, 97% of them, think that organizing in trade unions would

⁷⁰ See details of the case in the Safe Journalists platform: <https://safejournalists.net/reports/other-threats-to-journalists-ambrozia-meta-30-03-2022-tirana/>

⁷¹ See details of the case and the Open Letter sent to Prime Minister by Safe Journalists and other international press freedom organisations: <https://europeanjournalists.org/blog/2022/07/07/open-letter-albanian-prime-minister-edi-rama-bans-journalists-from-press-conferences/>

⁷² Published by the Albanian Helsinki Committee in October 2022, available at https://ahc.org.al/wp-content/uploads/2022/10/Barometri-Kombetar-per-Lirine-e-Medias-ne-Shqiperi_Tetor-2022-KShH.pdf

directly help journalists to improving media freedom as well as their working conditions. However, only 85.5% of them expressed their willingness to be an active part of it, reflecting a hesitant approach due to intimidating climate from their employers.

There were no reports of pressures on trade union leaders or members in 2022. Journalists are free to become members of professional associations or trade unions. However, the low unionization rate in Albania suggests that many journalists may not be affiliated with any such organizations.

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

The Albania Media Council continues to be an active organization of independent journalists in 2022. Registered in 2015 as a legal NGO in the form of an association, the council consists of more than 30 Albanian journalists from various media outlets. Their main objective is to promote ethical, professional, and independent journalism in Albania. In 2020, the council established the Albanian Alliance for Ethical Media as a self-regulation mechanism to reinforce the media Code of Ethics in the country. The alliance comprises a voluntary group of Albanian media outlets committed to rigorously implementing the Code of Ethics for Journalists.

To enforce a functioning self-regulation mechanism, the alliance reviews complaints from the public regarding ethical violations of online media and provides recommendations to media outlets. However, these recommendations are not mandatory. The alliance also introduced the “Ethical Guidelines for Online Journalism” to ensure ethical practices are adhered to by online media. The alliance’s logo serves as a seal of ethical media and can be displayed on the websites of the participating media outlets. As of 2022, there are no reports of pressures on the representatives of the Press Council or the Albanian Alliance for Ethical Media.

A5 Legal protection of journalists’ sources

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

In 2022, there were no legal changes regarding the protection of confidential sources of information for journalists in Albania. The current legal framework emphasizes the importance of this principle. It even includes journalists among the professions that are not required to disclose their sources of information, considering it a professional secret.⁷³ However, journalists may be required to disclose their sources if a court decision (criminal judgment) deems it necessary⁷⁴. Despite this legal protection, journalists are also bound by ethical obligations not to reveal their sources of information unless the concerned person gives explicit consent.⁷⁵

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

In 2022, no cases of sanctions against journalists who refused to disclose the identity of source were registered.

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

In 2022, journalists in Albania faced challenges when seeking access to and maintaining contacts with sources of information, especially those covering organized crime and engaging in investigative journalism. This issue is compounded by broader safety concerns faced by journalists and their working conditions.

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

74 Article 159 of the Criminal Procedures Code stipulates in principle that journalists are not obliged to disclose the source of information, considering it a professional secret. However, in the criminal proceedings, when the data are necessary to prove the criminal offense and the veracity of these data can only come out through disclosure of the source, the court orders the journalist to disclose the source of his information.

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

A6 Protection of the right to access to information

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

Law No. 119/2014 provides transparency requirements for public authorities and provisions for freedom of information (FOI) requests. The law also establishes the Commissioner for the Right of Information and Personal Data Protection as the authority responsible for monitoring compliance with the law and imposing sanctions on public authorities that refuse to provide the requested information without justification.⁷⁶ However, public authorities may withhold information related to national security, trade secrets, privacy, copyright, fiscal policies, ongoing criminal or administrative investigations, and intra-governmental consultations. The lack of a clear definition of the “public interest” provision gives public institutions significant discretion to legally restrict or deny information.

It is worth noting that journalists in Albania have faced challenges in accessing information, particularly in cases involving high-level officials or sensitive topics. While the law establishes a framework for accessing information, the lack of enforcement and the possibility of withholding information under broad provisions may deter journalists from seeking information. In addition, the safety of journalists and the protection of their sources may be at risk when investigating sensitive issues.

In 2022, proposed changes to the Law No. 119/2014 on public consultations raised serious concerns. In October 2022, the Ministry of Justice published a draft law to improve and strengthen the current legislation on the right to information. However, the proposed law raised some concerns. The proposal to decrease the levels of fines (sanctions) for the public authorities that do not guarantee access to information and the proposal about “abusive requests” that allow public authorities to dismiss automatically the repeated requests from journalists without justification, hindering investigative journalism and government transparency. At overall assessment, such provisions constitute concerning regress in terms of the existing standards in the law that is in force. The proposed sanctions for non-implementation of the Commissioner’s decisions fall short of addressing civil society’s recommendation for executive titles. The low number of decisions and consequently lack of sanctions imposed by the Commissioner and lack of executive

⁷⁶ Article 17, Law on the Right to Information No. 119/2014, accessed 24.03.2023, https://www.idp.al/wp-content/uploads/2016/11/LAW_119-2014.pdf

titles are also critical issues not addressed in the proposed changes. The Safe Journalists Network urged authorities to reconsider civil society’s proposals to realize this right.⁷⁷ Other media organisations have also expressed concerns.⁷⁸ The proposed changes have not been adopted yet, and a broad consultation meeting has been announced for 11 April 2023.

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

While the Law on the Right to Information provides a framework for requesting and obtaining information, institutions tend to use the maximum allowed timeframe to respond or provide difficult-to-use data. This can delay journalists’ reporting, as well undermines the actuality of the news, leading them to seek information from alternative sources. The inefficiency of mechanisms in place, also highlighted by the EC Report, means that decisions made by the Commissioner on the Right to Information and Data Protection (Commissioner) are not binding on public administration officials.⁷⁹ In 2022, the European Commission initiated a peer review mission of independent institutions in Albania including the Commissioner for the Right to Information and Data Protection, including holding consultations with media organisations and civil society.

More concretely, in 2022, the Commissioner’s office received a total of 1032 complaints and reviewed 49 procedures from 2021, making it a total of 1081 complaints. Out of these complaints, 456 were from journalists who were denied access to information by public institutions, increasing from 409 complaints in 2021. The Commissioner’s Office managed to resolve slightly more than half of the complaints by making the requested information available to the complainants during the administrative investigation process. Out of the 1081 total complaints, 643 were resolved in this manner. Additionally, the Commissioner’s Office issued 51 decisions for 61 complaints.⁸⁰ These figures suggest that access to information remains an issue in Albania, particularly for journalists. Also, the Commissioner has taken a mediator role for those institutions that do not apply properly their obligation, rather than a strong independent

⁷⁷ More information available here <https://safejournalists.net/portfolios/safejournalists-concerns-about-the-proposed-changes-to-access-the-information/>

⁷⁸ See more details on the concerns of media organisations available at <https://balkaninsight.com/2022/10/24/albania-gov-attempt-to-block-abusive-foia-s-criticized/>

⁷⁹ European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

⁸⁰ Commissioner on the Right to Information and Data Protection, 2023. Annual Report IDP 2022, accessed 30.03.2023 available at <https://www.idp.al/wp-content/uploads/2016/10/Raporti-Vjetor-2022.pdf>

ent mechanism which has all tools to apply sanctions in these cases

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

The limited implementation of the legal framework on freedom of information primarily due to a lack of political will, a culture of secrecy, and retaining public information affects the quality and independence of reporting. Civil society organizations, media associations, and international press freedom organizations have expressed concerns about the government's public relations and public information centralization through the newly established Media and Information Agency (MIA) and limitations of access to information.

In September 2021, the Government of Albania (GoA) announced the establishment of a Media and Information Agency (MIA),⁸¹ which has raised concerns among civil society organizations, media associations, and press freedom advocates about the potential impact on access to public information.⁸²

The director of MIA claimed a qualitative leap in the transparency of GoA after its creation, citing achievements such as reorganizing ministry webpages and direct communication of new decisions to the media.⁸³ However, concerns have been raised about the centralization of public information and obstacles to accessing information, with questions raised about the agency's model and lack of specific staff information.⁸⁴ The agency also controls the appointment and dismissal of spokespersons and monitors the public activity of ministers, raising further concerns about government control over information.

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

In 2022, no significant changes have occurred regarding media access to legal proceedings. In principle, in Albania there is non-discriminatory and unrestricted access to legal proceedings for media in accordance with the law. In practice, obstacles for accessing legal proceedings before the court, consists in the taxes that journalists must pay, 1% of the compensation they seek⁸⁵ (eg in cases of dismissal from work or when they are restricted, obstructed or accompanied in an illegal manner or violated by police forces). This has caused that for some of them to ask for small rewards, which do not respond to the damage they faced⁸⁶. It is worth mentioning that Law no. 111/2017 "On the free legal aid guaranteed from state" is the only legislation that foresee opportunity for being excluded from judicial taxes and to benefit free legal aid. Unfortunately, the categories that are beneficiaries from this law do not include journalists.

81 More <https://mia.gov.al/>

82 European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

83 More <https://www.reporteral/2022/04/13/dukem-naivpor-jam-idealist-endri-fuga-mbron-agjencine-e-medias-dhe-informimit/>

84 More <https://rsf.org/en/albania-media-pluralism-and-transparency-concerns-fuel-deterioration-media-freedom>

85 Decision of HJC No. 641, dated 23.12.2020 "On the proposal for the types and scales of court' fees and the procedure for their collection", available at <https://klgj.al/wp-content/uploads/2020/12/VENDIM-NR.641-DAT%C3%8B-23.12.2020-MBI-PROPOZIMIN-P%C3%8BR-LLOJET-DHE-MASAT-E-TARIFAVE-GJYQ%C3%8BSORE-DHE-PROCEDUR%C3%8BN.pdf>

86 Source of information: cases of journalists represented by the attorneys of Albanian Helsinki Committee, before the court in 2021 and 2022.

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

In 2021, the Parliament of Albania implemented new regulations on the Accreditation, Accommodation, and Orientation of Mass Media without seeking input from journalists, media workers' associations and unions, civil society, or other stakeholders. The new rules limit the freedom of movement for journalists and media workers, reducing the Parliament's transparency level. Journalists from private media outlets are only permitted to report from a designated newsroom. They are not allowed to directly report from plenary or committee meetings or move freely throughout the building, as they previously could. This has raised concerns about a dual system of access, where public broadcasters RTSH and public news agency ATSH can continue to have access while private media outlets are restricted.

The current legislature of the Albanian Parliament has taken steps toward increasing transparency by providing more statistical data on parliamentary activity. The Parliament has consulted with civil society and media regarding transparency standards, which are yet to be adopted.⁸⁷ However, the publication of parliamentary documentation, including minutes of plenary sessions and committee meetings, needs improvement in terms of timeliness and user-friendliness. The Parliament has a revamped website and is attempting to improve access to information by regularly publishing the register of requests for information, responses, and annual reports on engagement with civil society.⁸⁸ The Parliamentary Committee meetings and General Assembly are broadcasted live on the official Facebook page of the Parliament. Despite the formal public consultation with civil society and interest groups, further efforts are needed to enhance the transparency and accessibility of parliamentary proceedings.

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

The GoA and respective ministries in Albania are not very open to the public. While there are legal provisions for transparency and access to information, their implementation is inconsistent and often hindered by bureaucratic obstacles. Journalists and civil society organizations have reported difficulties in obtaining information from government institutions, particularly regarding procurement contracts and salaries of officials. The recent establishment of the MIA, as argued above, has raised concerns about limiting access to public information, including limited opportunities for critical questioning by journalists, the practice of distributing pre-prepared materials instead of engaging directly with journalists, and a limited number of press conferences that allow for substantial engagement. Furthermore, the Commissioner has received numerous complaints regarding access to information, indicating a need for further improvement in this area.

In November 2021, Albania's Parliament passed the law 107/2021 "On co-governance", granting significant powers to the Agency for Dialogue and Co-governance, which was previously responsible for an online platform for citizen complaints. Reporting directly to the Prime Minister, the agency is authorized to conduct inspections of public institutions based on citizen complaints and can propose disciplinary measures or apply administrative sanctions. However, concerns have been raised about the potential impact of this reform on (i) policy planning and coordination, (ii) the Administrative Procedures Code, and (iii) the separation of powers between the executive and judicial branches.⁸⁹ The law is contradictory as it aims at the inclusiveness of every citizen in policy-making, to increase the responsibility and accountability of the state administration, on the other hand, it turns out that the government has not made sufficient efforts to strengthen the existing legal mechanisms that guarantee similar access such as the law for public notification and consultation. It is also unclear how the concept of co-governance can be achieved in an environment where institutions are not completely transparent and the basic law that guarantees citizens' access to information from state institutions encounters a number of problems. Still, the new law's implications for government transparency and accountability remain to be seen, and its effects will need to be closely monitored.

⁸⁷ European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

⁸⁸ See here: <https://www.parlament.al/>

⁸⁹ European Commission, 2022. Annual Report Albania, accessed on 25.03.2023 available at <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/Albania%20Report%202022.pdf>

B

Journalists' Position in the Newsrooms

B1 Economic restrictions on journalists' freedom

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

In 2022, there were no improvements in the labour rights of journalists in Albania. Despite formal employment contracts being in place for most journalists in Albania, challenges persist with implementing labour rights. These challenges include delayed payments, informal payments, inadequate social security benefits, long working hours, lack of full weekly and annual' holidays and the issue of unlawful dismissal. A 2022 report highlights that young, women journalists working for online media are particularly vulnerable to a lack of employment contracts, and payment frequency is a concern for newspapers, online media, and local media outlets.⁹⁰ These findings suggest that formal contracts alone are insufficient to ensure full labour rights implementation. Reforms are needed to strengthen labour protections and improve the implementation of existing regulations to ensure better working conditions for journalists in Albania.

⁹⁰ Study by Lajmetarja, 2023, available at <https://lajmetarja.al/wp-content/uploads/2023/03/Gjetjet-kryesore-raport-final-Mars-2023-1.pdf>

Inconsistencies in journalists' salaries have been brought to light, with leaked data revealing a significant disparity in pay among media workers.⁹¹ While some presenters, producers, and journalists receive exorbitant salaries of up to 20,000 Euros per month, others are paid minimally. These discrepancies highlight the presence of informal practices in the media industry. Interviews and focus groups with journalists suggest that their average salary is approximately 500 Euros per month, twice the minimum wage. This disparity in pay not only perpetuates income inequality but also risks compromising the independence and integrity of journalism, as financial pressures and informal practices may influence news reporting. Therefore, the media industry and regulatory bodies must ensure transparency and fairness in salary practices, which will promote a more equitable and professional journalism sector.

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

Journalists' working conditions in Albania have remained largely unchanged in 2022, with several ongoing issues including non-compliance with Labor Code, safety concerns, and copyright infringement.

In 2022, Safe Journalists Network witnessed multiple instances of journalists' rights being violated in Albania. The Safe Journalists in Albania received reports in January 2023 from RTSH reporters and media workers indicating dismissals due to a restructuring of the RTSH structure following the arrival of a new Director General. While the Director General has the right to appoint and dismiss RTSH head of directors/sectors, as outlined in Law Nr. 97/2013 on "Audiovisual Media in the Republic of Albania" (Articles 105, point 1), it must be done with full transparency and respect for journalists' labour rights. Safe Journalists requested information on the number of laid-off journalists and media staff, but RTSH responded, stating that all procedures were followed as per the Labour Code, and no journalists were laid off. Despite the numerous reported cases, no media staff or journalists have come forward publicly to speak about these issues. The reluctance to do so is likely due to fear of retribution and the desire to maintain their jobs in a challenging media sector, where the owners of the media stand in solidarity against the violated interests of a journalist unjustly dismissed.

In the latter part of 2022, Safe Journalists received reports from media staff at Euronews Albania indicating the alleged dismissal of approximately 30 employees

as a result of changes in the organization's senior management. Most affected personnel were coerced into resigning, while a small number were dismissed outright. Jetmira Kaçi, a former executive producer with a permanent employment contract, publicly asserted that her dismissal occurred without justifiable grounds. She has emerged as one of the limited numbers of media workers to come forward publicly and initiate legal proceedings. The potential existence of informal pressures on journalists and the fear of professional retribution appear to have deterred most other individuals from publicly disclosing similar instances of an unlawful dismissal or forced resignation. It should be noted that the Labour Inspectorate has reported no issues at Euronews Albania. The presence of contradictory accounts from journalists and information from public authorities has added to the situation's complexity.

Furthermore, several other media organizations, such as FaxNews, Oranews, and RTV Ora, encountered notable challenges during the year. FaxNews experienced substantial delays in salary payments to its journalists and media staff, a situation that arose following the passing of the owner and amidst severe financial constraints faced by the outlet. Similarly, Oranews and RTV Ora encountered delays in payments to their personnel, with the latter even being seized by the state due to the implementation of the Mafia Law against its owner.

These incidents highlight the need for transparency, accountability, and respect for labour rights in the media industry. It is the responsibility of media owners, regulatory bodies, and the government to ensure such protection. However, few cases are reported to institutions. Data obtained by means of a request for information to State Inspectorate of Labour and Social Services shows that in 2022 only six complaints were filed with this authority by media workers or journalists. These complaints were mainly related to problems encountered in the termination of employment relations, delays or non-payment of wages or social and health contributions, and violations during employment relations. The data shows that complaints were resolved in favour of employees where violations were found and resolved during the inspection procedure.⁹² Furthermore, the Inspectorate confirms that media companies are within the grey zone of informality due to issues with the labour relations and conditions. As a result, these subjects will continue to be inspected as part of the "Grey Informality" risk plan to improve compliance with labour legislation.⁹³

⁹¹ More on massive data leaks available at <https://balkaninsight.com/2021/12/22/albanian-prosecutors-probe-huge-suspected-leak-of-personal-data/>

⁹² Response received after the Request for Information was sent to State Inspectorate of Labor and Social Services, January 2023.

⁹³ Ibid.

In addition to these challenges, journalists are increasingly facing digital security threats, including hacking, phishing, and surveillance. Journalists working for online media outlets are particularly vulnerable due to the prevalence of informality in their employment status. This lack of formal contracts can lead to difficulties in protecting their intellectual property rights and building their professional profile. In 2021 Albania saw major personal data leaks and in 2022, a massive cyberattack in Albania resulted in the leaking of additional personal data of citizens, including bank accounts. This has raised concerns about the safety and privacy of journalists and their sources, as well as the ability of media organizations to protect their sensitive data. As a result, there is a growing need for journalists to prioritize digital security and for media organizations to implement better cybersecurity measures to protect their employees and their data.

B2 Editorial independence in the private media

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

In 2022, there has been no notable improvement in editorial independence in private media outlets in Albania. Limited resources often mean that the same individuals are responsible for multiple roles, making it challenging to maintain a clear separation between newsrooms and management/marketing functions. While some larger private media outlets have established organizational documents to guarantee editorial independence, it is not always enforced in practice. Partisan media and the connections among media owners and politics, business interests, and organized crime continue to undermine editorial independence.

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

Editorial independence is a crucial component of media integrity and a fundamental condition for building trust in media and producing quality content. In Albania, however, editorial independence remains precarious and the most influential private media outlets are owned by just a few companies with links to politicians. These companies also operate in highly regulated sectors, such

as construction, which can further compromise editorial independence. While some large private media outlets have adopted organizational documents on paper to ensure editorial independence, in practice, the latter is often compromised by partisan media, business interests, and even organized crime. This situation undermines the media's ability to serve as an independent watchdog and provide unbiased and accurate information to the public. There is no proactive transparency about media ownership and editorial independence in most private media.

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

Private media outlets in Albania continue to rely on external codes of ethics rather than having their own internal policies. While there is no significant change in this practice from the previous year, it remains a cause for concern as it leaves newsrooms without a clear, tailored set of guidelines to ensure ethical standards are upheld. The Albanian Media Council's Code of Ethics is often used as a point of reference, but adherence to it is voluntary, and not all media outlets comply with its recommendations.⁹⁴ In addition, compliance with ethical standards can be compromised by external pressures, including political and economic interests. Thus, without a well-established and enforced internal code of ethics, private media outlets' editorial independence and credibility may be at risk.

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

Media owners and managers in Albania have been known to use various tactics to influence the editorial line of their outlets. One of the most common forms of pressure is to shut down shows or cancel reporting if they go against the interests of the media owner or their political or business allies. This has led to self-censorship among journalists, who are hesitant to report on sensitive issues for fear of reprisals. In addition to shutting down shows or canceling reports, media owners and managers may also use intimidation tactics to pressure journalists. This can include verbal or physical threats and harassment, which can create a hostile work environment for journalists.

Economic insecurity is another tactic that media owners and managers frequently use. Journalists may be threat-

⁹⁴ Albanian Media Institute, "Code of Ethics for Journalists in Albania". Accessed 15.3.2021. <https://kshm.al/en/code-of-ethics-for-journalists/>

ened with job loss or have their salaries withheld if they do not comply with the editorial line set by the media owner. This can lead to self-censorship or a lack of critical reporting on certain issues. Control over content and framing is another form of pressure that media owners and managers exert over their newsrooms. They may instruct journalists to cover certain issues in a specific way or to present a particular point of view. This can compromise the objectivity and independence of the newsroom and lead to biased reporting. In extreme cases, media owners and managers may resort to blackmail to pressure journalists to comply with their wishes. This can include threats to release personal information or other sensitive materials if the journalist does not comply with the media owner's demands.

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

In the Autumn of 2022, ABC News changed ownership, which precipitated a shift in the media's editorial line in support of the ruling political party. As a result of this change, three shows - Piranjat (investigative), LOG (talk show), VETING (Analytical, investigative show) - were cancelled, and numerous journalists were compelled to resign or saw their programming discontinued. Enkel Demi, a respected journalist, has since spoken out about the impact of these changes, publicly declaring that he now feels "isolated" and without friends, as many of his former colleagues have been fired. Additionally, on December 5th, journalist Endri Xhafo announced on social media that his "Log" show would no longer be broadcast on ABC News with immediate effect, as part of what was described as a "program restructuring" initiative.

B3 Editorial independence of the public service broadcaster

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

The Albanian Public Service Broadcaster (PSB) is mandated by law on audio visual media to have a code of conduct and code of ethics in place, and to ensure editorial independence. In recent years, PSB has participated in various donor-funded projects that sought to develop journalists' capacities and their editorial independence. In 2020, PSB published its editorial poli-

cy online, which outlines the fundamental principles of its editorial independence, including the code of ethics and professional standards.⁹⁵ However, in practice, there are still concerns that the PSB is perceived as favoring the ruling party in its news coverage, despite the progress made in transforming it into a public service media. It is important to note that compliance with the PSB's Code of Conduct and Ethics by journalists is crucial to ensure its effectiveness in promoting editorial independence and unbiased reporting.

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

PSB is supposed to have a separate newsroom from the managing bodies, as outlined in the 2013 Law on Audiovisual Media. The Governing Council, the highest governing body, is responsible for overseeing PSB, while the Director-General is in charge of daily management and the Administration Board provides advice on financial and administrative issues unrelated to programming and content. These structures are designed to safeguard the newsroom's independence and uphold editorial policies, codes of ethics, and professional standards. However, in practice, managers have been known to exert influence over the work of editorial departments and journalists.

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

The government's influence is primarily indirect and related to the perception that RTSH favors the ruling party in its news coverage, given that its Governing Council is elected by the majority in Parliament.

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

The primary concerns regarding pressure on journalism do not stem from direct government pressure but rather from the complex and intertwined relationships between PSB management, politicians, and other influential actors. Furthermore, the government indirectly exerts pressure on journalists by devaluing profession-

⁹⁵ RTSH Editorial Policy can be accessed at: https://rts.sh.s3.eu-central-1.amazonaws.com/4fe8d4a805a246d7a33ff6dc658036e9_202004071647.pdf

al journalism and using smear campaigns and anti-media rhetoric. Other forms of pressure include defamation lawsuits, legal threats against investigative journalists, and cyberattacks and breaches of digital safety.

B4 Editorial independence in the non-profit sector

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

Non-profit media outlets in Albania have a better record of editorial independence compared to their for-profit counterparts. These media outlets typically include investigative and fact-checking media and mission-oriented media that serve the community. To ensure editorial independence, these media have adopted a Code of Journalists' Conduct⁹⁶, which is usually adhered to by journalists. The Albanian Media Institute's Code of Ethics, revised in 2018, is typically followed by non-profit media outlets. The Albanian Media Council was part of the working group that created this code.⁹⁷

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

In Albania, non-profit media outlets are outnumbered and smaller in scale than their private counterparts. These organizations confront significant difficulties linked to media freedom, financial viability, and security. One example of the most prevalent pressures faced by non-profit media is the inadequacy of funding for content creation and growth. Additionally, Strategic Lawsuits Against Public Participation (SLAPP) are frequently utilized to intimidate and dissuade investigative journalism. Limited access to public information is another obstacle experienced by non-profit media due to the insufficient transparency of public institutions and journalists' intimidation.

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

In 2022 there were no significant examples of pressure exerted on the non-profit media. The key illustrative cases remained the SLAPP cases against BIRN Albania

journalists in December 2020 and local reporter Artan Rama that were covered in our previous report.

B5 Freedom of journalists in the news production process

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

Editorial independence and freedom of the press are crucial for maintaining a functioning democracy and ensuring that the public can access reliable and accurate information. However, in Albania, journalists often face challenges when selecting news stories, as their choices may conflict with the interests of media owners, political figures, or other influential individuals. The editorial policy of media outlets, the position of newsroom vs. owners and managers, and the media ownership structure and revenue streams are all factors that can impact the freedom of journalists to select news stories or their frames. Additionally, self-censorship remains a prevalent issue in the industry, with many journalists choosing to withhold certain aspects of stories or altering content to avoid potential backlash or harm to themselves or their outlets. Despite efforts to combat self-censorship and promote editorial independence, the practice persists in the Albanian media landscape. It is essential to establish and maintain a strong culture of independent journalism to uphold the values of democracy and protect the public's right to access reliable and accurate information.

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

In 2022, the trend of journalists participating in daily editorial and newsroom coordination meetings to decide on the stories and topics to be covered remained the same. While this is the case for most media outlets, small private and local media may not have such formalized meetings and instead organize ad hoc informal meetings. However, online media portals operate anonymously and have a different situation with low production of original content and news stories. Instead, their staff mostly copy-paste or translate news from foreign portals or media outlets, indicating a deterioration in media quality and reporting and copyright infringement issues.

⁹⁶ LINK to the Code.

⁹⁷ Code of Ethics available at <https://kshm.al/wp-content/uploads/2018/04/Kodi-i-Etikes-final-shqip-3.pdf>

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

Journalists in Albania generally acknowledge the importance of adhering to a code of ethics and are in favour of strengthening its implementation. However, the level of knowledge and understanding of the code of ethics varies among journalists and continuous training on ethical reporting is often lacking. Even with good intentions, journalists sometimes fall short of ethical standards, particularly in reporting on sensitive social issues involving drama, violence, and conflict. This is a cause for concern, as it can undermine the credibility and trustworthiness of the media. Furthermore, there are cases where media owners and managers pressure journalists to prioritize sensationalism over ethical reporting, further eroding journalistic integrity. It is, therefore, important for media organizations and journalists' associations to prioritize continuous training and education on ethical reporting to ensure that high standards of journalism are upheld.

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

According to the assessment, journalists are aware of the extent to which they have been influenced by risks and sources of influence, particularly in terms of safety, government pressure, and other forms of intimidation by media owners. As a result, self-censorship has become a normalized practice among journalists in Albania. However, it is important to note that not all journalists have the same capacity or knowledge about ethical standards and codes, and continuous training in this area is lacking. Some journalists may also engage in unethical reporting practices, particularly when reporting on social issues involving drama, violence, and conflict.

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

In 2022, censorship and self-censorship continued to be a major issue in Albania's media landscape, as they have been in previous years. Studies have consistently shown that the primary drivers of censorship and self-censorship are political and economic pressures, a lack of financial sustainability for media outlets, a lack of professionalism, and a disregard for journalists' rights.

Censorship and self-censorship are particularly prevalent in Albania's broadcast media and print media, which are controlled mainly by a few powerful families with in-

terests in regulated markets. The concentration of media ownership in the hands of a few individuals and families has created an environment where media outlets are often used as tools to further political or business interests rather than serving the public interest.

Journalists are under constant pressure from owners, editors, and politicians to avoid certain topics and adopt a biased editorial line in order to maintain good relations with the government or business interests. This self-censorship is a major threat to the freedom of the press and the ability of journalists to provide impartial and accurate reporting. Additionally, journalists face security challenges while reporting, particularly during crises, such as natural disasters and protests. There have been reports of journalists being physically assaulted and threatened while covering protests or other sensitive issues. The lack of security measures and the failure of law enforcement authorities to ensure the safety of journalists remains a major concern.

On the other hand, online media outlets are generally more diverse and allow for a greater degree of editorial independence. Many online media outlets are start-ups run by professional journalists who prioritize journalistic integrity and independence. As such, these outlets offer more opportunities for journalists to report stories from multiple perspectives without the same level of pressure from owners or external interests. However, online media outlets face their own challenges, including financial sustainability and digital security threats.

B6 Economic position of women journalists

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

In Albania, women journalists often report worse working conditions compared to their male counterparts. In 2022, the issue of gender-based discrimination and harassment in the workplace came to the forefront, with women journalists raising concerns about cases of sexual harassment, online violence, and gender-based disinformation.⁹⁸ Despite the prevalence of these issues, there is minimal reporting to the authorities about such

98 Lajmetarja, (2023) "Women in Journalism - Successes and Challenges: Presenting the situation of Albanian journalists in the media landscape", accessed 30.03.2023, available at <https://lajmetarja.al/wp-content/uploads/2023/03/Gjetjet-kryesore-raport-final-Mars-2023-1.pdf>

cases, and many women journalists are hesitant to come forward for fear of retaliation. This indicates a need for greater support and protection for women journalists in Albania, including improved reporting mechanisms and measures to prevent and address gender-based discrimination and harassment in the workplace.

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

Even though women represent the majority of journalists in Albania, they are often underrepresented in leading editorial positions. This gender gap is also present in the decision-making processes within media outlets. Another issue related to the lack of gender parity in the media sector is the absence of gender-disaggregated data. Without accurate data, measuring progress and identifying areas requiring more attention and resources is difficult. This lack of data makes it challenging to implement targeted policies and programs to address gender-based discrimination and promote gender equality in the media sector.

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

The lack of gender-disaggregated data on journalists' salaries in Albania makes it difficult to accurately assess the gender pay gap in the media industry. However, according to reports and focus groups with journalists, women journalists are often paid less than their male counterparts for the same job. This is a major concern, as it not only perpetuates gender inequality in the workplace, but it also affects the economic empowerment of women journalists. The gender pay gap is also likely to contribute to the under-representation of women in leadership positions within media organizations. It is crucial to collect and analyze gender-disaggregated data on salaries to address this issue and promote gender equality in the media industry.

Are they subject to specific gender-based pressures?

Women journalists in Albania continue to report cases of sexual harassment, online violence, and smear campaigns as the most common forms of gender-based pressures they face. These pressures often go unreported, with many women journalists feeling that their complaints would not be taken seriously or that they would face retaliation for speaking out. Moreover, there are increasing concerns about gender disinformation and online violence against women journalists. Female journalists have reported receiving a higher volume of misogynistic and threatening comments on social media platforms, with some comments being explicitly violent or sexual by nature. This type of online harassment and disinformation can particularly damage women's careers, as it may discourage them from pursuing certain stories or taking on certain roles within the media industry.



C1 Safety and impunity statistics

Safe Journalists has recorded and reported 18 cases of attacks against journalists.

Non-physical threats and harassments

Several incidents were reported in 2022, including the case of Ms. Kostani, a police officer in the Elbasan Police Directorate, who publicly insulted journalists on social media, claiming they were hindering the work of the local police. The Head of the Albanian Police, Gledis Nano, suspended Officer Kostani and initiated an investigation into her actions against journalists.⁹⁹ In another incident, Prime Minister Edi Rama publicly designated Klevin Muka, a journalist with A2 CNN TV station, as not welcome at future press conferences after he asked a minister about her conflict of interest as a minister and her husband's involvement as a strategic investor in the government's tourism sector. Rama accused Muka of unethical behavior and ordered him to be sent for re-education.¹⁰⁰

Isa Myzyraj of Ora News faced pressure and intimidation from multiple sources linked to his reporting on the vetting process for Elizabeta Imeraj, former Head of the

⁹⁹ Alert <https://safejournalists.net/reports/threats-against-media-by-police-officer-kostani-19-08-2022-elbasan/>

¹⁰⁰ Alert <https://safejournalists.net/reports/other-threats-to-journalists-kelvin-muka-tirana-01-07-2022/>

Table 2: Number of registered attacks on journalists in 2022

Categories	Number	Description
<p>Non-physical threats and harass-ments</p> <p>The non-physical threats and harass-ments include:</p> <ul style="list-style-type: none"> – surveillance or trail-ing; – harassing phone calls; – arbitrary judi-cial or administrative harass-ment; – aggressive declarations by public officials; – other forms of pressure that can jeopardize the safety of journalists in pur-suing their work. <p>These types of threats do not include mobbing and bullying in the working environment.</p>	6 (1 F, 4M, 1 General)	<p>A police officer in the Elbasan Police Directorate, Ms. Kostani, publicly insulted journalists on social media, leading to her suspension and an investigation by the Albanian Police Head, Mr. Gledis Nano, on the same day, August 19th.</p> <p>Prime Minister Edi Rama banned journalist Klevin Muka from attending future press conferences for the next three months and ordered him to be “re-educated” for asking a conflict-of-interest question to Minister Olta Xhaçka during a press conference on the 1st of July.</p> <p>Journalist Isa Myzyraj faced pressure and intimidation for his reporting on the vetting process of Tirana Prosecution Office’s Head, Elizabeta Imeraj.</p> <p>A public notary generated a family certificate and payment receipt on the e-Albania portal for journalist Edmond Hoxhaj and his wife without their knowledge or consent.</p> <p>During the “File 184” court hearing, a judge acted as editor-in-chief and censored a BIRN reporter, demonstrating how the case should be reported.</p> <p>During an impromptu press conference on 30 March 2022, Albanian Prime Minister Edi Rama told journalist Ambrozia Meta of Syri.net TV that she needed “re-education” and refused to take any questions from her for 60 days due to what he considered to be ‘unprofessional behavior’.</p>
<p>Threats against the life and physical safety of journalists</p> <p>These may in-clude:</p> <ul style="list-style-type: none"> – references to killing journalists, journalists’ friends, family or sources; – references to making physical harm against journalists, journalists’ friends, family, or sources; <p>These threats may be:</p> <ul style="list-style-type: none"> – made directly or via third par-ties; – conveyed via electronic or face-to-face communications; – may be implicit as well as explicit. 	1 case against media crew (1 F and 1 M)	<p>During the Fiks Fare show’s reporting on the disposal of dead chickens by poultry breeding companies in Durres, Albania, representatives of the Obital Company broke the cameraman’s camera and threatened the journalist while on duty.</p>
<p>Actual attacks on journalists</p> <p>Types of actual attacks may include actual physical or mental harm, kidnapping, invasion of home/office, seized equipment, arbitrary detention, failed assassination attempts, etc.</p>	9 actual attacks (6 M, 3F)	<ul style="list-style-type: none"> – In January, Simon Shkreli, a journalist for TV Rozafa and ABC News, was stopped by a police officer in Shkodra while filming police and RENEA conducting controls and was told to stop filming and remove his phone. – In January, during a protest outside the Democratic Party headquarters in Tirana on January 8, 2022, journalists and media teams were targeted by a police water van and sprayed with tear gas. – In January, journalist Ledio Guni was stopped by Police while filming the eviction and demolition of citizens’ homes in the 5 Maji neighborhood in Tirana. – In February, Sonila Musai, a journalist, was violently dragged by police while reporting live on the resistance of Albanian residents against the demolition of their apartments in the “5 Maji” neighborhood in Tirana. – In March, Journalist Sami Curri was escorted to the Bulqiza Police Station after a protest against the increase in oil and food prices. – In March, Albanian State Police officers assaulted at least two journalists during demonstrations over the increased costs of food, fuel, and energy in Tirana and Durres, with a cameraman being hit and a female journalist being punched and pushed by police officers. Both journalists ended up in the emergency department of the hospital. – In May, photographer Gent Shkullaku was prevented by police from taking pictures of the clashes between Feyenoord hooligans and police officers, and had his camera taken and returned later with erased pictures. – In August, a 62-year-old man was arrested by local police in Korça for physically attacking his daughter and a journalist from the investigative show “Piranja” – In November, Adriatik Doçi, a journalist for Report TV and Shqiptarja.com, was physically assaulted by unidentified persons.
<p>Killings of journalists (in the past 15-20 years)</p> <p>Types of killings may include being killed in crossfire, assassinated, killed in a bomb explosion, beaten to death, etc.</p>	0	

Categories	Number	Description
Threats to and attacks on media institutions, organizations, media and journalists' associations Actual attacks on property of media outlets and organizations, their personnel, seized equipment, aggressive declarations by public officials etc. Also, threats and attacks might include some of the categories listed above.	2	Media outlets reported cyberattacks.

Tirana Prosecution Office.¹⁰¹ Myzyraj had been covering the high-profile public hearings in the vetting process in Imeraj being as part of a judicial reform project in Albania aimed at rooting out corrupt judges and prosecutors. Ms. Imeraj has filed a defamation lawsuit against Myzyraj in the District Court of Elbasan, dragging the young journalist into a legal battle lasting for months. Similarly, BIRN journalist Edmond Hoxha has reported that a public notary generated his personal data based on his professional engagement as a reporter in the case of Ms. Elisabeta Imeraj, the former Head of Tirana's Persecution Office.¹⁰² The case was reported to the Commissioner for the Protection of Personal Data but with no concrete results at the end.

In yet another incident, a BIRN reporter was censored by a judge of the Dibra District Court during the "File 184" court hearing. The defendant accused the journalist of eavesdropping and demanded that he be expelled from the hearing. The defendant and the former administrator of Lura are accused of abuse of office and involvement in a vote manipulation scheme in 2016.¹⁰³

During an impromptu press conference on March 30, 2022, Prime Minister Rama told journalist Ambrozia Meta that she needed "re-education" and that he would refuse to take any questions from her for 60 days due to what he considered to be unprofessional behavior.¹⁰⁴ Meta had asked several questions to the PM on matters of public interest, including the arrest of a Socialist Party MP and a corruption case linked to incinerators in Albania.

Threats against the lives and physical safety of journalists

While reporting outside the perimeter of the Obital Company in the village of Sukth, Durres, where the chickens were disposed of near inhabited areas, individuals claiming to be representatives of the company broke the camera of the cameraman and threatened the life of Fix Fare investigative show journalist.¹⁰⁵

Number of actual attacks

Journalists in Albania were subjected to various forms of violence and harassment in 2022. Simon Shkreli, a journalist for TV Rozafa and ABC News, was also told to stop filming by police officers while with his children in his hometown of Shkodra.¹⁰⁶ On January 8, 2022, journalists and media teams covering a protest outside the headquarters of the Democratic Party, part of the opposition party in Tirana, were targeted by a police water van and sprayed with tear gas.¹⁰⁷ Journalist Sami Curri was escorted on the 11th of March to the Bulqiza Police Station. This action took place after the closing of the protest of citizens against the increase of oil and food prices held on Arbri Street.¹⁰⁸ On 13th November, journalist Adriatik Doçi was physically assaulted by unidentified persons in Tirana,¹⁰⁹ and on 4th August, a 62-year-old man was arrested for physically attacking a journalist while on duty in Korça.¹¹⁰ In another incident, police officers confiscated the camera of photographer Gent Shkullaku during clashes between police and football

101 Alert <https://safejournalists.net/reports/other-attacks-to-journalist-isa-myzyraj-05-05-2022-tirana/>

102 Alert <https://safejournalists.net/reports/other-threats-digital-harassment-for-journalist-edmond-hoxha-23-04-2022-tirana/>

103 Alert <https://safejournalists.net/reports/direct-attack-on-birn-journalist-at-the-court-hearing/>

104 Alert <https://safejournalists.net/reports/other-threats-to-journalists-ambrozia-meta-30-03-2022-tirana/>

105 Alert <https://safejournalists.net/reports/fiks-fare-investigative-show-reporters-were-threatened/>

106 Alert <https://safejournalists.net/reports/36328/>

107 Alert <https://safejournalists.net/reports/albanian-journalists-hit-by-tear-gas-and-water-jets-while-covering-protest/>

108 Alert <https://safejournalists.net/reports/journalist-sami-cami-was-escorted-after-the-protests-in-bulqiza/>

109 Alert <https://safejournalists.net/reports/actual-attack-on-journalist-adriatik-doci-13-11-2022-tirana/>

110 Alert <https://safejournalists.net/reports/actual-attack-on-journalists-04-08-2022-devoll-korce/>

fans¹¹¹. Journalists covering protests against rising food, fuel, and energy costs in multiple Albanian cities were also targeted by police officers, with at least two being physically assaulted in Tirana and Durres.¹¹² In the neighbourhood of “5 Maji” in Tirana, journalist Ledio Guni was forcibly removed by police while filming the demolition of citizens’ houses.¹¹³ Also, Sonila Musai was violently dragged by the police while reporting live on the resistance of the Albanian residents against the demolition of their apartments in the “5 Maji” neighborhood in Tirana.¹¹⁴

Number and types of killings

None

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

In January 2022, several Albanian online media outlets, including dosja.al, syri.net, faktor.al, SportExpress, [Lapsi.al](https://lapsi.al), among others, have reported cyberattacks allegedly ordered by Mayor Erion Veliaj after publishing an audio recording of Veliaj using threats and foul language to get his man elected head of the country’s football governing body, claiming these cyberattacks are related to their ongoing criticism of the government and Mayor Veliaj, who has accepted that the audio recording is authentic but made no declaration regarding the cyberattacks, while Safe Journalists Networked has called for an investigation.

C2 State institutions and political actors’ behaviour concerning journalists’ protection

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

Journalists’ online and offline safety is theoretically guaranteed in Albania due to constitutional guarantees, the

country’s general commitments to comply with the EU and other international standards for freedom of expression. However, no specific laws are in place to address journalists’ safety concerns. According to the European Convention on Human Rights and the European Court of Human Rights case law, member states, including Albania, have both negative and positive obligations to protect journalists. This means that they must not only refrain from intimidating political declarations or judicial practices against media actors, but they also have a duty to actively ensure that journalists are fully protected under the law and that the judiciary creates an enabling environment for their journalistic activities. However, as previously reported, in 2022, it is observed that state institutions lack the necessary resources and capacities to protect journalists in both online and offline spaces. This puts journalists at risk of facing physical attacks, online harassment, and intimidation without real protection. Therefore, while the legal framework may exist, the lack of practical implementation leaves journalists vulnerable and exposed to threats.

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

Despite efforts to provide training and raise awareness among public authorities, such as the police, regarding the treatment of journalists and media professionals, there is still a lack of official protocols that are adopted in a systematic and institutionalized manner. This leads to inconsistencies in the treatment of journalists and a lack of accountability when incidents occur. The absence of clear protocols can also contribute to a climate of impunity, as those who perpetrate violence or harassment against journalists may not face appropriate consequences. As a result, journalists continue to face risks and threats while carrying out their work, with limited recourse for protection and justice.

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

In Albania, official data collection and publication on specific attacks against journalists and impunity are lacking. State institutions often lack the resources and capacity to collect and publish such data, which hinders efforts to address the issue. However, the Council of Europe, Rapid Media Freedom Response, and Safe Journalists Network are essential mechanisms for monitoring and reporting on threats to journalists in Albania. These organizations provide regular alerts and reports, which state authorities respond to. Nonetheless, the

¹¹¹ Alert <https://safejournalists.net/reports/actual-attack-on-albanian-reporter-gent-shkullaku-24-05-2022-tirana/>

¹¹² Alert <https://safejournalists.net/reports/journalists-assaulted-by-police-during-demonstrations/>

¹¹³ Alert <https://safejournalists.net/reports/albanian-journalist-ledio-guni-was-attacked-by-the-municipality-police-in-tirana/>

¹¹⁴ Alert <https://safejournalists.net/reports/sonila-musai-journalist-was-violently-dragged-away-by-police-while-on-duty/>

lack of systematic and institutionalized protocols and data collection mechanisms remains a major challenge for ensuring journalists' safety and addressing attacks against them in Albania.

The same as in the past, the data reflected in the annual report of the General Prosecutor on the state of criminality in the country during 2022, 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 workers¹¹⁵. With regard to the court data, the lack of a unified case management system, including criminal ones, makes difficult to track them in cases where they have been sent to court and consequently deprives the public of having access in unified data regarding the entire progress of the prosecution and trial examination of a case, its stage where it is, until the final decision of the court. The data of the National Barometer for Media Freedom in Albania, published by AHC in October 2022, again reveals that some courts such as those of the judicial districts of Shkodër, Durrës and Tirana continue to refer problematic, just like a year ago, the fact that due to the method of collection and data processing, a setting of the party's profession cannot be carried out and therefore not were able to identify issues with journalists or media workers¹¹⁶.

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

In 2022, while it is generally observed that attacks on journalists' safety of were condemned by some public authorities and considered a breach of freedom of expression, there is still a lack of concrete action taken to address these issues. Police have shown a swifter response to public attacks on journalists, but follow-up investigations are limited. The lack of accountability and impunity for those who perpetrate violence against journalists remains a serious concern. Additionally, the absence of systematic and institutionalized data collection on attacks against journalists further hinders the ability to monitor and effectively address these issues.

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

In 2022, there has been increased collaboration between independent institutions and journalists' organizations to address journalists' safety concerns. Institutions such as the Ombudsman, the Commissioner for the Protection against Discrimination, and the Commissioner for the Right to Information and Data Protection have worked closely with journalists' organizations to promote safety measures for journalists. Additionally, the General Prosecution and Police have shown a willingness to cooperate with journalists' organizations to address safety issues. However, despite such collaboration, there remains a need for more systematic and institutionalized protocols to ensure the safety of journalists. In addition, the MFRR monitor 2022 argues that "specially worrying was the number of incidents of police violence towards journalists, which was linked to 7 out of the 17 violations in 2022".¹¹⁷

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

There is no official or public case of electronic surveillance on journalists in 2022.

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

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

There are no specialized units within the civil justice system institutions that are dedicated to investigating and prosecuting threats and acts of violence against journalists. This lack of specialized units can lead to a lack of expertise in handling cases involving journalists' safety and may hinder effective and timely investigations.

¹¹⁵ https://www.pp.gov.al/Dokumente/RAPORTE_T_PROKURORIT_T_P_RGJITHSH_M/

¹¹⁶ <https://ahc.org.al/wp-content/uploads/2022/10/Barometri-Kombetar-per-Lirine-e-Medias-ne-Shajperi-Tetor-2022-KShH.pdf>, page 11

¹¹⁷ Media Freedom Rapid Response 2022 Albania, accessed 30.03.2023 available at <https://www.mappingmediafreedom.org/wp-content/uploads/2023/02/MFRR-Monitoring-Report-2022.pdf>

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

For the purposes of this report, it has been concluded through interviews that there are no specific provisions for additional resources to cover investigations into threats and acts of violence against journalists. However, there is some increased sensitivity to such cases. Law enforcement agencies are moderately equipped with the knowledge and resources to investigate attacks and violence against journalists. Unfortunately, specific investigation protocols that ensure efficient detection and prosecution of aggression and violence against journalists are lacking.

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

The report indicates that over the past five years, there have been prominent cases of physical attacks against journalists that have not been adequately investigated. The lack of explicit provisions in the Criminal Code to guarantee special protection for journalists in cases of violence or attacks committed against them due to their duty has created an environment where prosecutors are less likely to prioritize investigating these crimes. The investigation of the motives of these criminal offenses is weak or absent and consequently these motives die in an institutional silence that does not at least guarantee neither the truth before the public nor full punishment for their victims.

Obtaining information related to ongoing investigations is challenging due to the principle of secrecy that guides investigations. Nonetheless, the data collected for this report suggests that investigations into actual attacks against journalists are not assigned the highest priority and that securing quality evidence is not always ensured. The Albanian Helsinki Committee has pointed out attempts to delay investigations in cases represented by their lawyers, such as the physical attack against Xh.M., a reporter for Ora News, who was accompanied by the police during a demonstration on the killing of Klodian Rasha by a police officer in December 2020, and the case of M.K., a female intern who accused for sexual harassment during an internship the owner of a local TV station in Gjirokaster.¹¹⁸ Both cases continue to be investigated for more than 2 years at prosecutorial stage, while the case of the M.K has been returned several times by the judge of preliminary investigations for further investigations to the prosecutor, not accepting the latter's and repeated request of prosecution office to dismiss the criminal case. Reports indicate that procedural deadlines are stalled, and police resources and capacities are scarce, further hindering the investigation of attacks on journalists. As a result, investigating attacks on journalists does not always represent a priority.

¹¹⁸ *Western Balkans Journalists' Safety Index – Narrative Report Albania 2021* available at <https://safejournalists.net/resources/western-balkans-journalists-safety-index-narrative-report-albania-2021/>

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

The protection of journalists from harassment is addressed in various laws that define it in a narrow or very generalized manner, as is the case of articles 237 and 238 of the Criminal Code that were analyzed earlier in this report, which foresee hitting or threatening because of duty. Also, article 108/a of the Criminal Code, for example, only provides protection against sexual harassment. This includes any form of sexual behavior that violates a person's dignity by creating a hostile or offensive environment. It is punishable by imprisonment from one to five years. The language "by any means or form" also includes online sexual harassment. When this offense is committed in collaboration, against several persons, more than once, or against children, is punished with imprisonment from three to seven years. Article 32/a of the Labor Code provides a comprehensive definition of harassment in employment relations. It requires employers to take all necessary measures to prevent sexual and moral harassment of employees, including any form of harassment that degrades working conditions and harms employee's physical and mental health. Furthermore, Article 3, point 5 of the Law on Protection against Discrimination provides protection against "harassment" based on discriminatory grounds. Such harassment has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, contemptuous, humiliating, or offensive environment. Albania's state institutions have not yet established effective mechanisms specific for journalists and media staff to provide protective measures when threatened. No specialized legal service is available to journalists. State institutions lack the resources and capacities to protect journalists in the online and offline space. The victim protection and safety mechanisms envisaged in the law are not customized to journalists, and victims may not avail of sufficient protection or an internal relocation alternative.

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

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

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

With the support of international donors, training have been organized but there is need for more systematic approach towards capacity building and awareness raising. For ex, in the General Office Prosecutor Annual Report on the Criminality it's mentioned that on 23-24 March 2022, one prosecutor attended the training "Security of Journalists". These trainings should be part of the initial and continuing modules for prosecutors at the School of Magistrates.

Tabela 3: Overview of the status of some of the most severe attacks on journalists in the last three years

Cases	Years 2020.	2021.	2022.
Following the demolition of the National Theatre on 17.05.2020, the editor of Politiko.al , Alfred Lela, was violently arrested while reporting on the protests.		The case was dismissed.	
On 30.10.2020, at half past midnight, an explosion shook the house of Eldion Ndreka, the local reporter and journalist for News24, a major 24-hour news channel. At the moment of the blast, Ndreka was at home with his family. The explosion caused material damage only.			
Andi Bushati and Armand Shkullaku, owners and editors of the online publication Lapsi.al , were summoned for questioning at the prosecutor's office by the Special Prosecution Against Organized Crime and Corruption (SPAK) as part of an officially open investigation into the leak of a massive tracking system of 910,000 files of citizens' personal data – in April 2021.		The European Court of Human Rights (ECHR) immediately reacted by demanding the suspension of the measure on the grounds of journalists' freedom of speech and protection of confidential sources. In early May 2021, the Albanian judiciary heeded the ECHR's request.	
A police officer endangered the lives of two journalists: Top Channel journalist Anila Hoxha and A2CNN TV crew member Endri Aga. by pushing them toward the edge of an abyss while they reported on a murder case in the Qafë Molla area.		The incident was promptly reported, and later that day, the Ministry of Interior's Internal Affairs and Complaints Service confirmed they had launched an investigation into the officer's use of violence against journalist Hoxha and her colleague. The director of the local police directorate in Tirana reacted immediately, suspending the police officer against whom journalist Anila Hoxha and her colleague raised a complaint.	
Fax News reporter Ledio Guni was physically assaulted on October 11, 2021, in Tirana while covering a dispute between teachers and students' families near the "Çajupi" high school, as he was attacked by a man who threw a chair at him while he filmed from his media car.			
In February 2022, Sonila Musai, a journalist, was violently dragged by police while reporting live on the resistance of Albanian residents against the demolition of their apartments in the "5 Maji" neighborhood in Tirana.			Criminal complaint no. 2230/2022 has been registered, for which, on February 22, 2022, Prosecution decided not to file criminal charges.

Conclusions and Recommendations

CONCLUSIONS

Media freedom and the safety of journalists in Albania are facing ongoing challenges, with a significant impact on the ability of journalists to work independently, without fear of retribution, intimidation, pressures, and harassment. Despite constitutional guarantees of media freedom and freedom of expression, structural challenges continue to impede the ability of the media to operate freely and independently. Media ownership remains highly concentrated, and powerful economic and political interests exert significant control over the media landscape. This has resulted in a limited diversity of voices, a lack of transparency, and a decline in media trust.

The concentration of public information has also continued to increase in 2022, with both government propaganda and opposition disinformation campaigns further impairing the capacity of professional media to report independently and accurately. Access to information is restricted, and investigative journalism, which plays a crucial role in uncovering corruption and promoting government accountability, faces significant challenges. Proposed changes to the Law on Access to Information in 2022 have been criticized for failing to fully address the requirements of media organizations and civil society groups.

The quality of media content has deteriorated, with increased self-censorship of journalists and shrinking space for independent, critical, and investigative journalism. Journalists' safety is threatened by the weak implementation of labor codes, gender-specific challenges in the media sector, digital safety concerns, gendered disin-

formation, and general anti-media sentiment and pressures. Journalists working in local media, young journalists, and women journalists face more challenges.

There is concern regarding the safety of journalists in Albania, particularly regarding pressures and intimidation. While actual attacks on the physical safety and life of journalists and their kin remain limited, 18 attacks (12 men and 6 women) were registered in 2022. Despite general awareness, law enforcement agencies are not fully equipped with the knowledge, capacities, and resources to investigate attacks and violence fully, comprehensively and objectively against journalists. Investigations are often slow, with a tremendous length undermining their efficiency, with limited transparency on the investigation process due to the secrecy of the investigation. The lack of a special legal protection in the criminal code for victims, media workers, who are hit or threatened because of their duty, seems to create comfort zone for the authorities not to investigate the motives of these crimes, which also brings their impunity. Albania's legislation does not provide a comprehensive definition of harassment, including online harassment, and state authorities have limited knowledge, competences, resources, and procedures on the protection of journalists from online harassment.

Due to ongoing challenges, the environment for good quality, independent, watchdog journalism in the public interest remains significantly threatened in Albania. These challenges stem from a range of structural issues, including symbiotic relationships among politics, business, and media, ownership concentration, lack of transparency in funding sources, media being used for blackmail, conflict of interests, limited media plurality, limited access to information, decreased quality of media content, an increase in information disorders, and poor working conditions and labor rights. To create an enabling environment for journalism to thrive in Albania, there is an urgent need for significant improvements in these areas by relevant state and non-state actors. Also, self-regulation of media is critical and adherence to ethical code of journalism. Albanian authorities must take concrete steps to address these challenges by establishing effective mechanisms specifically for journalists and media staff to provide protective measures when threatened.

RECOMMENDATIONS

Given that the media situation did not improve in 2022, most of the recommendations from the previous report are still valid. Key recommendations for policy makers per each area include the following:

LEGAL PROTECTION

- Ensure full enforcement of legal guarantees for freedom of expression and freedom of media including on the Internet and an enabling media environment in line with international standards.
- Ensure full and proactive transparency of public and state advertising.
- Strengthen media proactive transparency about ownership and sources of funding avoiding conflict of interests.
- Support the setup and enhance self-regulatory mechanisms with executive capacities.
- The Electoral Code should be amended to guarantee equal opportunities for all contesting parties to access the media (print and online), including advertising space. Additional considerations could be given to allocating a certain amount of free airtime equally to all contestants during the campaign.
- Legislation should be amended in the line with repeated OSCE/ODIHR¹ recommendations to ensure that media are able to independently cover activities of electoral contestants with a view to limit the use of pre-prepared content in the news.
- Criminal Code shall be revised in order to provide special legal protection for media workers, who are hit or threatened because of their duty.
- Ensure that law enforcement agencies are adequately and systematically trained to investigate cases of media blackmailing and have the resources necessary to conduct thorough and impartial investigations.
- Provide legal and financial support to whistleblowers who are targeted for retaliation by their employers or other powerful actors within the media industry.

JOURNALISTS' POSITION IN THE NEWSROOMS

- Ensure the impartiality as well as improve the transparency and accountability of the regulatory authority of media to enhance media accountability.
- Strengthen the independence of public service broadcaster to ensure unbiased news reporting and prevent political influence.
- Ensure the enforcement of the decisions of the Commissioner on the Right to Information / Commissioner for Protection Against Discrimination to protect journalists' rights.
- Support and incentivize gender equality in the newsroom to promote diversity and equal opportunities.
- Encourage and incentivize diversity reporting to promote an inclusive and representative media industry.

JOURNALISTS' SAFETY

- Ensure a zero tolerance policy for intimidation and attacks against journalists, as well as for threats against the media, including in political discourse.
- Ensure protection and safe space for journalists.
- Ensure enforcement of the Labor Code and strengthen the protection of Albanian journalists' labor and social rights by encouraging the creation of journalists' union and strengthening journalists' associations.
- Create proper and reliable mechanisms in the relevant institutions for collecting and publish of regular and unified data on journalists' safety, working conditions, and other related issues.
- Development of special curricula for the safety of journalists, as part of the initial and ongoing training that the School of Magistrates must carry out with judges and prosecutors, when cooperation with international and local organizations for journalism issues is encouraged.
- Tackle the issue of digital safety of journalists and increase public institutions' capacities to address digital safety issues for journalists and media professionals.

Key recommendations for journalists' associations:

FOR JOURNALISTS' ASSOCIATIONS

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

ed actors must take a strong stance against such practices and ensure that they are not tolerated or enabled in any way. This includes implementing strict codes of ethics and conduct for journalists and media outlets, providing education and training on ethical journalism practices, and establishing mechanisms to investigate and address any allegations of blackmail or other forms of unethical behavior.

Key recommendations for international actors

INTERNATIONAL ACTORS

- Efforts to improve media freedom in Albania must prioritize inclusiveness, local ownership, and genuine consultation with relevant stakeholders such as media organizations, civil society, and other interest groups. It is essential to ensure transparency and a participatory approach throughout the process to build trust and credibility.
- Efforts to promote media pluralism and diversity of viewpoints, including measures to counter media ownership concentration and support the development of independent and alternative media outlets.
- Strengthen legal protections for journalists and freedom of expression, including measures to enhance access to information, protect whistleblowers, and combat disinformation and propaganda.
- Addressing issues related to media professionalism, such as improving journalistic standards and ethics, enhancing training and development opportunities for journalists, and promoting media and information literacy among the public.
- Advancing digitalization of the media sector including enforcing data protection legislation, strengthening digital security, countering gender disinformation, and exploring innovative models for sustainable media financing.
- Continue investment in media and information literacy programmes.

