



MEDIA FREEDOM IN ALBANIA

Shadow Report 2024

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Media Freedom in Albania: Shadow Report 2024

Introduction	4
Media freedom in Albania: contribution to the EU Rule of Law Report	6
2.1 Threats to media pluralism and the journalistic profession	6
2.2 Access to information	8
2.4 Progress in the area of media freedom	12
2.5 Roadmaps as part of the EU Accession Process	13
Recommendations	14
3.1 Structural challenges	14
3.2 Overall media quality	15
3.3 Safety of Journalists	15
3.4 Access to information	16
3.5 Lawsuits Against Journalists	17
3.6 Smear campaigns	17
3.7 Roadmaps for EU Accession	18

Introduction

For countries that aspire to join the European Union (EU) such as Albania and other candidates from the Western Balkans region, strengthening independent media is crucial for consolidating democratic institutions and for progress in the EU accession negotiations and related reforms.

Different indices and monitoring tools ([World Press Freedom Index](#)) point to a worrisome situation of media freedom in the country: in the first half of 2024, the [Mapping Media Freedom platform](#) has recorded 20 cases of press and media freedom violations affecting 22 Albanian journalists and/or media professionals, including 9 cases of verbal attacks, 4 physical assaults, 1 legal incident, 5 cases of censorship and 2 attacks on property. The capture of the media by political powers, financial unsustainability, and poor ethical standards are just some elements that characterize the Albanian media landscape and make it particularly alarming.

As a candidate for EU accession, Albania is subjected to the annual review of the reform process: in its Annual Report, the European Commission assesses the level of preparation and alignment with European standards, including those on media freedom, which are mostly covered by Chapter 23 of the *acquis communautaire* on Judiciary and Fundamental Rights.

In addition to the Annual Reports, starting this year, Albania and all the other candidate countries will be involved in the publication of the annual Rule of Law Reports, a mechanism first introduced in 2020 to monitor rule of law developments and potential risks across member states. The Commission's Rule of Law Reports cover four major areas: 1. Justice system; 2. Anti-corruption framework; 3. Media Freedom and Pluralism; 4. Institutional issues related to checks and balances. Since 2023, alongside the Reports, the European Commission has provided recommendations addressed to member states, calling on competent authorities to address and solve potential problems identified in the Reports promptly.

The Rule of Law Reports for candidate countries - which should be published in July 2024 - will thus complement and inform the traditional Annual Reports that the European Commission usually publishes towards the end of each year.

As part of the European Commission's consultations for the Rule of Law Report for Albania, this Shadow Report provides an updated analysis of the Albanian media landscape, pointing out positive steps forward and above all remaining and emerging challenges that need to be addressed. A set of detailed recommendations complements the analysis addressed to national authorities and relevant EU stakeholders, urging them to take action and strengthen their commitment to protecting media freedom in line with European and international standards.

Media freedom in Albania: contribution to the EU Rule of Law Report

2.1 Threats to media pluralism and the journalistic profession

The challenges to media freedom in Albania are largely **structural in nature**. The media ecosystem is characterized by a symbiotic relationship between powerful economic and political vested interests, which might sometimes include organized crime. A detailed account can be found in the [Safe Journalists Indicators Report 2022](#) and the upcoming Report on the Indicators on Media Freedom and Safety of Journalists Index 2023.

Despite the proliferation of media outlets, **media ownership** is highly concentrated among a small number of individuals or family media groups. These owners often wield media as a tool to exert political and economic influence, exerting strong control over reporting, editorial line, and agenda setting (More details can be found at [MOMA 2023](#)).

The **quality of media** content has deteriorated, with increased self-censorship of journalists and shrinking space for independent, critical, and investigative journalism due to structural issues, working conditions, and pressures. The practice of using media outlets for blackmailing risks becoming normalized. Information disorder with issues such as fake news, hate speech, disinformation, conspiracy theories, and propaganda deteriorates the overall media landscape in Albania (More at [Safe Journalists Indicators Report 2022](#) and [Vibrant Information Barometer 2023](#)).

Regarding safety of journalists, actual attacks on the physical safety and life of journalists and their kin remain limited in Albania as regularly monitored and reported by the [Safe Journalists Network](#). Safe Journalists Network with the local support of SCiDEV has recorded and reported 18 attacks against journalists in 2022, 24 cases in 2023, and 19 cases from January to July 2024. 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 Platform for the Safety of Journalists](#), [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 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 (More on this [here](#) and [here](#)).

The reports of the Safe Journalists Network on the safety of journalists in Albania indicate 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 (More about the due process in the [Narrative Report for Albania - Journalists' Safety Index](#) published in 2023).

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 (More about the due process in the [Narrative Report for Albania - Journalists' Safety Index](#) published in 2023 and [here](#)).

Regarding, **working conditions and labor rights**, journalists' safety is threatened by weak implementation of labor codes, gender-specific challenges in the media sector, digital safety concerns, gendered disinformation, and general anti-media sentiment and pressures. Journalists working in local media, young journalists, women journalists face more challenges (More at [Safe Journalists Indicators Report 2022](#)). Working conditions of journalists and economic security are dire; in 2023, there were 26 complaints filed with the State Labor Inspectorate from media employees against 5 entities, primarily concerning violations like unpaid salaries, unpaid overtime, and holiday work, alongside issues with employment termination. Despite the significant number of complaints, including those from [public broadcaster employees](#), many journalists and

media workers hesitate to come forward due to fears of repercussions, resource constraints, and concerns about future employment opportunities (More [here](#), [here](#), and [here](#)).

2.2 Access to information

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. 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 (More at [Safe Journalists Indicators Report 2022](#)).

It is worth noting that journalists in Albania have faced challenges in accessing information, particularly in cases involving high-level officials or sensitive topics ([Right to Information 2023 Report](#) and [Reporters without Borders Right to Information Conference in Tirana](#)). 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 (More [here](#)).

Access to information is restricted due to a lack of political will, a pervasive culture of secrecy by public authorities, and weak accountability and transparency measures. The impact of these restrictions is especially acute on investigative journalism, which plays a crucial role in uncovering corruption and promoting government accountability. For example, the changes to the Law on Access to Information in 2023 were criticized for failing to fully address the requirements of media organizations and civil society groups (for instance, one of the criticisms related to the fact that the Commissioner's decisions do not have an executive power). Public authorities, including new justice institutions, have also attempted to introduce media accreditation regulations that limit journalists' ability to access information.

In terms of access to information, the Commissioner's Office processed **957 complaints throughout 2023**, approximately 390 of which were filed by journalists and 170 by civil society organizations. This highlights ongoing challenges in transparency and information accessibility ([IDP Report](#)).

The concentration of public information continued in 2023, exacerbated by intensive propaganda efforts by the government, disinformation campaigns by opposition groups, and systemic attempts by political actors at both the local and central levels to supplant genuine journalism with pre-prepared media content, have significantly impaired the capacity of professional media to report independently and accurately. This worrisome trend has resulted in a highly centralized media landscape dominated by a narrow range of viewpoints and perspectives. It has eroded the diversity of voices necessary for a healthy democracy.

2.3. Protection of journalists, including the protection of whistleblowers and protection of female journalists or journalists belonging to minorities

In 2023, the Safe Journalists Network documented 24 cases of attacks against journalists and media professionals, 9 of which were direct attacks on individual journalists or groups of media professionals. From January to July 2024, 19 cases were recorded.

There is a notable discrepancy in the number reported by institutions with the police reporting 5 cases of attacks in 2023 and the prosecutor's office 7. This discrepancy underscores the need for systematic and accurate recording and publishing of data on attacks against journalists and media workers by both the police and the prosecutor's office.

In 2024, cyberattacks posed significant challenges to independent media (the case of [Citizens](#)). It underscores the necessity for law enforcement agencies to be equipped with adequate resources to address the growing number of these incidents targeting journalists, as well as citizens in general. Political figures mostly perpetrate attacks against critical, investigative media outlets or independent journalists (for example, the [case of Ola Xama](#), and the [case of BIRN](#)).

The actual number of incidents likely exceeds those documented, emphasizing the importance of empowering journalists in their rights and protection. In the absence of consolidated journalists' unions or associations with the requisite resources and capacity to advocate for and

support journalists, informal groups, peer support, solidarity, and advocacy become crucial. Additionally, the engagement of civil society and other sectors, like academia, is vital in fostering a culture of zero tolerance toward intimidation and threats against journalists.

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 ([Safe Journalists Indicators Report](#)).

There was an increase in cases of intimidation and pressures from political actors and an increase of lawsuits against journalists during 2023. The data gathered by SCiDEV through official requests for information show a rise in lawsuits against journalists throughout 2023: the High Court handled two cases, one criminal and one administrative. The Court of Appeal saw 28 cases, with 21 being civil and 7 criminal. In the Court of General Jurisdiction in Tirana, there were 38 civil cases involving journalists and media workers. Additionally, there were five civil cases spread across Elbasan, Gjirokaster, Durrës, and Lezhë, with no reports of such cases in other courts for the year. There is an absence of a specialized electronic registry for journalist-related cases. However, the current system of the Court of General Jurisdiction in Tirana allows such categorization, as explained by the High Judiciary Council.

It is thus important for Albania to ensure complete decriminalization of defamation to protect freedom of expression aligning with the recommendations of Council of Europe and European Union, the establishment of a clear legal definition for Strategic Lawsuits Against Public Participation ([SLAPP](#)) also following the approval by the European Parliament of the [SLAPP directive](#) in early 2024, and the creation of a dedicated database to systematically monitor and analyze cases involving

journalists and media workers, aiming to enhance their protection and develop more effective response strategies.

Regarding personal data, there was one [notable case](#) related to the misuse of person data of journalists reported to the [Commissioner for Data Protection and Right to Information](#).

Challenges regarding the protection of journalists

- **No Free Legal Aid:** Journalists in Albania lack access to free legal aid, which is crucial for defending their rights and handling legal challenges related to their work. Media outlets usually leave them alone and refuse to provide financial or legal support in cases of attacks. Without this support, they may face legal battles alone, potentially leading to censorship or self-censorship.
- **Limited Access to Protection Mechanisms:** The absence of effective protection mechanisms leaves journalists vulnerable to threats and violence. Without reliable safeguards, they are at a heightened risk when reporting on sensitive or controversial issues.
- **Fear of Retaliation:** Journalists fear retaliation for reporting attacks to the authorities or publicly. This fear can stem from concerns that their complaints might not be taken seriously or could lead to further aggression from the perpetrators, who may have influential connections or power. This apprehension can discourage journalists from seeking justice or protection, potentially leaving them more vulnerable and undermining efforts to ensure their safety and uphold press freedom.
- **Not Trusting Institutions and Processes:** A lack of trust in institutions and processes can stem from a history of unresolved cases involving journalists and perceived biases or inefficiencies within the legal system.
- **Fear of Revictimization:** Journalists who have previously faced harassment or violence may fear being victimized again, particularly if their initial experiences were not adequately addressed.

Specific challenges in cases of smear campaigns

- Albanian journalists targeted by smear campaigns struggle with damage to their professional reputations, which can lead to public distrust and possibly undermining their reporting.

- The impact of a smear campaign, where support systems may be less robust such as in Albania, takes a significant psychological toll on journalists.
- In Albania, where resources for independent journalism are more limited, dealing with smear campaigns can divert vital efforts and funds from investigative work.
- Self-censorship and chilling effect: Observing smear campaigns can instill a sense of fear among other Albanian journalists, leading to self-censorship to avoid becoming targets themselves.
- Confronting smear campaigns legally in Albania is particularly challenging given perceptions about the judicial system as not impartial, the backlog of cases, and the high costs associated with a legal defense.
- Journalists in Albania who are victims of smear campaigns do not always receive solidarity and support from peers and the community, exacerbating the effects of the campaign and possibly leading to a loss of valuable sources and contacts.
- Ombudsman, Commissioner against Discrimination, media authority: – limited competencies/reactions.
- Solidarity and support networks are limited.

2.4 Progress in the area of media freedom

Changes to Law No. 97/2013 "On audiovisual media in the Republic of Albania", as amended, to transpose Directive (EU) 2018/1808 aim to revise the rules for audiovisual broadcasters to protect children from harmful content, including rules for ensuring access to information for persons with special needs, increase the transparency of ownership of media service providers, and strengthen obligations for on-demand audiovisual service providers. It also addresses new concepts such as co-regulation, self-regulation, and media literacy.

In addition, in 2023, five years after its implementation, the Audiovisual Media Authority approved a new Audiovisual Broadcasting Code to enhance provisions related to gender equality, tackle hate speech, and address disinformation. This revision process has been carried out in consultation with civil society, media organizations, and international donors.

On a positive note, there are some attempts to set up networks of young journalists or women in media and a new journalists' association to lobby for labor rights and the safety of journalists.

2.5 Roadmaps as part of the EU Accession Process

In November 2023, SCiDEV provided [inputs](#) to the consultation of the Roadmap on "Chapter 23 Judiciary and fundamental rights". SCiDEV urged for the establishment of a comprehensive national framework dedicated to ensuring the safety of journalists, addressing awareness, prevention, protection, and prosecution, with particular attention to the unique vulnerabilities of women journalists and the need for robust protective measures for journalists in the digital realm facing the growing menace of cyber threats and surveillance.

In January 2024, SCiDEV presented its [comments](#) regarding the Roadmap for the Functioning of Democratic Institutions. SCiDEV notes that the measures are generally declarative, non-specific, and unclear, which may affect how they are interpreted and implemented. SCiDEV reiterates the vital importance of a transparent and comprehensive consultation process again through structured dialogue tables such as the European Integration Partnership Platform, the National Council of European Integration, specific discussion tables and forums set together with the relevant actors of the media, civil society, media organizations, experts, independent institutions, and academia to consult the roadmap for the functioning of democracy.

Recommendations

3.1 Structural challenges

An independent and pluralistic media sector is a cornerstone of a democratic system based on the rule of law. Albanian authorities should commit to creating an enabling environment for journalists and media professionals, allowing them to act as public watchdogs and hold decision-makers accountable. Political and economic actors should refrain from exerting undue interference in the media sector, and public authorities should increase their efforts to promote media pluralism.

To this aim, we call on Albanian authorities to:

- Encouraging and promoting a less concentrated media market by adopting and implementing adequate legislation against media concentration;
- Respect the independence of all media outlets and refrain from any form of political or financial interference on editorial policies for propaganda purposes;
- Promote clarity and transparency in media ownership, improving the functioning of the National Business Centre so that it provides updated, transparent, and comprehensive information on media owners to avoid the risk of media capture by political and economic powers who may interfere with editorial decisions to silence critical voices.

3.2 Overall media quality

Quality journalism is fundamental to ensuring citizens' right to information. Hence, it is in the overall interest of the Albanian society to improve the quality of the media sector. In this regard, we call on Albanian authorities to:

- Publicly recognize the key role of the media for a stable democratic society, ensuring adequate working conditions for all journalists and media professionals;

- encouraging investigative journalism by showing public support for its function in covering public interest issues and acting as a public watchdog for political and economic powers;
- refrain from exercising control on media outlets for propaganda or personal purposes, and publicly condemning the use of the media for blackmailing purposes.

3.3 Safety of Journalists

While a relatively low number of attacks against journalists is recorded in Albania, the lack of comprehensive information may lead decision-makers to underestimate the problem connected to journalists' safety. To remedy this situation, we call on Albanian authorities to:

- Implement an effective monitoring system to collect information on attacks against journalists, including information on attacks that happened in the past year/s by adopting a series of systematic and institutionalized protocols to collect data. This information should be made available to the public promptly to allow public scrutiny;
- Take specific measures to tackle threats, harassment, and intimidation directed against women. Data on violence against women should be disaggregated. Public authorities should promote the creation of special channels for women journalists to report cases of violence or harassment;
- Amend the criminal code to foresee special protection for journalists in case of attacks against them, ensuring that prosecutors prioritize such cases in the same way as in other countries in the region. They should also follow up with competent domestic authorities to ensure that the measures become effective and that legislation is implemented;
- Broadly inform the public about the outcome of cases against journalists to send a clear message to discourage violence and encourage journalists to report cases to competent law enforcement authorities;
- Ensure adequate funding and training to law enforcement agencies to strengthen their capacity to deal with cases of media freedom violations and attacks against journalists;
- Develop capacities to investigate online threats and equip law enforcement agencies with resources to tackle cases of cybersecurity;
- Support journalists by taking concrete measures such as:

- o Adjust existing victim protection schemes to the needs of journalists in a way that is compatible with their profession;
- o Establish specific mechanisms to provide protective measures when a journalist is threatened, including the possibility of requesting a residence abroad;
- o create a specialized and free legal aid center to assist journalists in protecting their rights and dealing with legal challenges. Such centers should have adequate resources independent from state funding;
- Take a proactive approach to tackle safety issues arising from poor working conditions and non-respect for labor rights. In particular:
 - o Ensure respect and strict implementation of labor codes;
 - o Follow up on complaints of journalists filed with the labor inspection;
 - o Acknowledge the seriousness of gender-specific challenges in the media sector, ensure specific measures for women journalists, and collect disaggregated data to gather specific information on discrimination, including intersectional discrimination (i.e., young women journalists), affecting women.

3.4 Access to information

The framework for the law on access to information in Albania needs to be improved. Albanian authorities shall:

- Clarify the definition of public interest in line with applicable standards in Europe. The current definition is indeed too wide and grants too much discretion to the authorities;
- Show a clear commitment to protect the right to access to information, strictly applying the law on Freedom of Information, respecting deadlines, and providing clear and transparent information when FOIA requests are denied;
- verify the need for media accreditation regulations and ensure that they don't unnecessarily limit journalists' ability to access information to allow them to do their job properly.

3.5 Lawsuits Against Journalists

Lawsuits against journalists are on the increase. Albanian authorities shall:

- Create a special registry on this type of lawsuit, proactively seeking information from all courts in Albania, entering the information in an ad hoc database;
- Align Albanian legislation with the recently adopted EU anti-SLAPP directive and the relative Recommendations of the Council of Europe;
- Commit to a credible reform of the defamation regime in the country, introducing legislation to decriminalize it.

3.6 Smear campaigns

Albanian authorities need to become aware of the negative impact of smear campaigns on free journalism. For these reasons, they shall:

- Exert self-restraint and refrain from initiating smear campaigns publicly state their support for free and independent journalism, and encourage political parties to exert the same restraint;
- Support the creation of a center for psychological support for journalists targeted by smear campaigns and lawsuits;
- Give wide publicity to any reaction by independent human rights bodies, like the Ombudsman or the Commissioner Against Discrimination for any report they might publish on the issue.

3.7 Roadmaps for EU Accession

Concerning the existence of roadmaps for the functioning of democratic institutions, Albanian authorities shall

- Cooperate with civil society organizations in good faith for the implementation of the measures foreseen in the roadmap;
- Ensure a genuine consultative process with civil society;
- Allow transparency and scrutiny by civil society actors to progress along the roadmap implementation.

Finally, we call on the European Union to prioritize the protection of media freedom in accession negotiations, recognizing that attacks on journalists and the media are direct attacks against democracy. Alongside the dialogue

with national authorities, EU institutions should strengthen the cooperation with civil society organizations, media, and journalists' associations, recognizing their role as reliable watchdogs of political power and competent interlocutors for implementing the reform process.

The shadow report and its recommendations are produced as part of the [Media Freedom Rapid Response](#), a Europe-wide mechanism that tracks, monitors, and responds to violations of press and media freedom in EU Member States and candidate countries. It also draws on the research and advocacy activities supported by the project “[Transnational Advocacy for Freedom of Information in the Western Balkans - ATLIB](#)” co-funded by the Italian Ministry of Foreign Affairs and International Cooperation.

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