

A blueprint to ensuring the right to information in Albania

Recommendations to feed into the EU - Albania “Structured Dialogue on Media Freedom”

Introduction

One of the lowest in Europe, the level of press freedom in Albania has been deteriorating in the long-term. Albania is ranked 99th out of 180 countries in the World Press Freedom Index established by Reporters Without Borders (RSF) in 2024, the last in the EU-Balkans area. During the Conference on the right to information organised by RSF and the Albanian Media Council in April 2024, the following main issues were identified:

- media professionals are regularly victims of violent attacks, including sometimes physical but for a large part verbal attacks, as well as legal pressures including abusive lawsuits (SLAPPs) and illegitimate attempts to reveal their sources;
- economic pressures on media lead to job insecurity for journalists which in return affect their ability to report freely and independently and encourages self-censorship;
- access to public interest information is too often subject to undue obstruction from the public administration;
- the advertising-reliant economic model of the media undermines their independence from businesses' interests whereas alternative revenue streams (e.g. subscriptions) are insufficiently developed;
- the deeply-rooted collusion of political, business and media interests in the country greatly affects editorial independence and journalists' ability to carry out investigations;
- the procedure for the appointment of RTSH director is not free from political interference and lacks transparency;
- the media market is concentrated in the hands of a small number of individual owners/families limiting the development of a pluralistic media landscape;
- the weakening of editorial practices and ethical standards in the news media undermines public trust and information integrity;
- trustworthy media outlets are sometimes victims of discretionary and excessive moderation policy measures by online platforms.

The following list of policy recommendations are brought to the attention of the public and of the government of Albania. They together form a comprehensive Roadmap to foster an independent, pluralistic and trusted media landscape and guarantee citizens’ right to information in the country. They are intended to overcome some structural challenges faced by the whole media ecosystem, currently limiting its capacity to thrive.

The EU accession process provides a unique opportunity for Albania to upgrade its law and press freedom standards so as to effectively support free, independent, and reliable journalism in the country. RSF welcomes the decision to open up a “Structured Dialogue on Media Freedom” between media and public authorities on these questions under the leadership of Dean Mark Marku. The recommendations are aimed at feeding into this process.

Objectives	Policy recommendations	International Benchmarks
I. Journalists safety is guaranteed	1. Strengthen existing legal framework to counter SLAPPs, including but not limited to: <ul style="list-style-type: none"> - requiring that the defamatory complaint is filed through a self-regulatory mechanism before it is examined by a court; - introducing the possibility of an early rejection of the complaint in case it is based on manifestly abusive grounds; - providing for a State policy on remedies, support for victims and sanctions. 	Council of Europe recommendations on countering the use of SLAPPs ¹
	2. Review the application of existing legislation on the protection of the confidentiality of sources to correct identifier loopholes in recent case-law and ensure that victims of illegitimate attempts to reveal sources and of undue surveillance have a right to effective judicial remedy.	European Media Freedom Act - article 4 ²
	3. Adopt a National Action Plan on the Safety of Journalists (NAPSJ) that includes	PersVeiling in the Netherlands

¹ Recommendation CM/Rec(2024)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation (SLAPPs)

² Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

	measures to ensure the prosecution of crimes committed against journalists (sufficient capacities, priority treatment, training for law-enforcement authorities etc.) as recommended per the Council of Europe' campaign on the Safety of Journalists	
II. Media independence and pluralism is protected from undue interference and censorship	<p>4. Provide for a legal obligation on media service providers to adopt measures protecting the editorial independence of newsrooms, in particular with a view to guarantee that editorial decisions can be taken without interference from the media's shareholders and that actual or potential conflicts of interest are disclosed</p> <p>5. Establish stronger safeguards for the editorial and financial independence of the public service media (RTSH), including through the provision of a pluriannual and stable budget and an independent procedure for the nomination of RTSH CEO and of the Steering Committee Members.</p> <p>6. Provide for a legal obligation on media service providers to publicly disclose information relating to their direct or indirect owners, including about their direct or indirect ownership of other businesses, as well as their actual beneficiaries</p>	<p>European Media Freedom Act - article 6</p> <p>European Media Freedom Act - article 5 and Recommendation of the Committee of Ministers of the Council of Europe on the governance of public service media (2012)³</p>
III. The long-term sustainability of journalism is supported and public trust in media is restored	<p>7. Develop economic incentives (tax breaks, exemptions from social security contributions on net jobs creation, interest-free loans to cover certification costs, remission of tax penalties etc.) for news media which are committed to join the Journalism Trust Initiative (JTI)⁴ certification process.</p> <p>8. Incentivise the banking sector to provide technical solutions designed for the development of media online subscriptions</p>	<p>Appel de Villers-Cotterêts - For a digital space of integrity and trust in the French-speaking world⁵</p> <p>G20 Ministerial Declaration -</p>

³ Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance

⁴ The Journalism Trust Initiative is a normative instrument to turn accountability and transparency of news media into a competitive advantage and thus, incentivize compliance with ethical norms in journalism. As a means of actively rewarding trustworthiness in the digital information space, the JTI aims at fighting disinformation by driving out the bad with the good. The JTI is based on an official standardisation deliverable developed under the guidelines of ISO, the CEN Workshop Agreement CWA 17493:2019, which was published in December 2019. <https://www.journalismtrustinitiative.org/>

⁵ <https://www.elysee.fr/emmanuel-macron/2024/10/04/appel-de-villers-cotterets-pour-un-espace-numerique-integre-et-de-confiance-dans-lespace-francophone>

	<p>9. Incentivise the business community to support trustworthy journalism by increasing advertising spending to ethical media, identified as such on the basis of widely-recognized industry standard such as the JTI</p> <p>10. Review existing copyright legislation and judicial reviews to ensure there is a more effective protection of media content online without prejudice to respect for freedom of expression</p>	<p>Chapter on “Integrity of Information Online and trust in the digital economy”⁶</p> <p>Guidance Note of the Council of Europe Steering Committee for Media and Information Society ‘Countering the spread of online mis- and disinformation through fact-checking and platforms design solutions in a human rights compliant manner’ (2023)</p>
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⁶ Paragraph 14 of the Declaration: ‘ (...) *In parallel, promoting a sustainable and robust digital ecosystem and diverse and resilient information environment is key, including through access to independent, factual and evidence-based information to counter mis- and disinformation (...)*’