

BALKAN MEDIA BAROMETER



**BALKAN
MEDIA
BAROMETER**

ALBANIA 2013

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Edited by Remzi Lani

Tirana, 2013

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Introduction

The *Balkan Media Barometer (BMB)* is an in-depth and comprehensive description and measurement system for national media environments in South East Europe. Unlike other press surveys or media indices the BMB is a self-assessment exercise based on homegrown criteria derived from European standards as developed by the European Union and the Council of Europe. The first pilot Balkan Media Barometer was launched in Bosnia and Herzegovina in 2011, followed by Bulgaria in 2012.

The *Balkan Media Barometer* is an analytical exercise to measure the media situation in a given country which at the same time serves as a practical lobbying tool for media reform. The BMB consists of a set of 45 indicators derived from European standards referenced in European Union and Council of Europe documents. Its results are presented to the public of the respective country to push for an improvement of the media situation using European standards as benchmarks.

The methodology consists in in-depth panel discussions of the 45 indicators used to assess the media situation in their own country. The panel consists of five to six media practitioners and five to six representatives of civil society. The reason for this composition of the panel is to have a complete perspective from both practitioners of the profession and from other knowledgeable citizens, who closely follow the media. In this way, the final discussion combines the reflections and concerns of journalists to the perceptions of representatives from universities, human rights organizations, trade unions, etc.

In September 2013 the panel discussed the national media environment according to the pre-determined indicators over 1 and ½ days. After the discussion of each indicator, panel members, in an anonymous vote, award a score on a scale from 1 to 5 to each indicator. The minimum score is 1, while the maximum score is 5 according to the following scale:

1	Country does not meet indicator	
2	Country meets only a few aspects of indicator	
3	Country meets some aspects of indicator	
4	Country meets most aspects of indicator	
5	Country meets all aspects of the indicator	

The sum of all individual indicator scores is then divided by the number of panel members to determine the average score for each indicator. These average indicator scores are added up to form average sector scores which then make up the overall country score.

At the end of the discussion the panel identifies the positive and negative trends in media development in the past years, proposing also the respective recommendations for improving the situation. In this way, the Barometer is not meant to be just an exercise in data collection, but rather a tool used for advocacy, media reforms, and lobbying.

The concept of the *Balkan Media Barometer* aims to repeat this exercise every two to three years, so that the progress in media reform can be tracked, along with the future needs in media policy. This practice has successfully taken root in other parts of the world such as in Africa and Asia.

The Friedrich-Ebert-Foundation (FES) only facilitates the process and guarantees the methodology of the *Balkan Media Barometer*. The content of the discussion and the report is owned by the panel of local experts and does not necessarily represent or reflect the view of FES.

Friedrich Ebert Stiftung

Executive Summary

Albania is a parliamentary republic, with a population of just under three million, according to 2011 census. The country's current Constitution was adopted in 1998. Albania was admitted to NATO in 2009 and is currently a potential candidate country to European Union. The country has experienced significant economic transformation over the past two decades, from a centrally planned to a free-market economy. However, the disparity between the capital, Tirana, and other nearby, developed cities, compared to more remote areas is serious.

For a country with approximately 3 million Albania has a developed and rich media landscape. There are no official figures on the circulation of print media in Albania. There are more than 20 existing daily newspapers. However, in the absence of certified public data, it is believed that only a few newspapers reach a significant audience. According to the Authority on Audiovisual Media there are 56 local radio stations and two national ones. The number of registered television stations is 71 for local stations and two for national ones. In addition there are 83 cable stations operating all over the territory. Meanwhile the public radio operates in two national programs, as well as programs addressed to compatriots. The public television operates in two national programs and in view of the preparations for digital switchover has started five thematic channels. Access to international media is unlimited. According to the Authority on Electronic and Postal Communications about 215,000 subscribers had access to broadband internet in 2012, while 1.4 million subscribers accessed internet through their mobile, meaning almost half of the population.

The overall context indicates that there exists a rich variety of sources of information and access costs are considered generally affordable. Compared to other actors, public opinion surveys rank media as enjoying greater trust and credibility with the population. Nonetheless, criticism over media reports has increased through the years, indicating that the sheer variety of sources of information does not guarantee quality of information. By examining the Albanian media landscape in-depth, the Balkan Media Barometer (BMB) panelists have identified a number of problems and issues that interfere with media professionalism.

According to the BMB panelists the legal framework in place for protection of human rights and freedom of expression is generally good, especially with the introduction of new laws and amendments and ongoing efforts in this field. However, these laws have proven difficult to implement in the practice of the Albanian media landscape on a daily basis. The low trust and efficiency of the judiciary has also contributed to a general climate of distrust, contributing to other existing problems with rule of law. While lawsuits on freedom of speech are not abounding in Albanian courts, the panelists observed a worrying tendency of favoring values such as reputation over freedom of expression. Protection of sources

is guaranteed for journalists by legal framework, but cases when the spirit of the law has been overruled also exist. Access to information also suffers in practice, with public institutions tending to preserve information as their prerogative rather than as a public good. Often these institutions lack the capacities to provide information, while public awareness on exerting the right to information is low.

Diversity of media and information seems a well-established fact in view of the high number of media outlets. However, panelists also pointed out that there is a division and polarization of media in accordance with their political and economic interests, which often overlook public interest in reporting. Reigning of political voices and debate in the media outlets has led to overall tabloidization of the media, affecting the quality of media content. Problems in media content are also deeply related to economic dependency of the media and the pattern of their ownership. Distribution of print media is controlled by a few players and there is a tendency to media concentration, although not a serious one. Though transparency of media ownership might seem to have improved, the ways of knowing the real owners and the functioning of the media market are still obscure ones. Transparency on advertising market, audience, and circulation is almost inexistent, making the way the market works a quite chaotic and arbitrary one. So far the regulators, public institutions, media, and other relevant actors have not been interested in shedding light and improving this dependency scheme. As a result, while transparency of media functioning remains low, media independence inevitably suffers.

Albanian media have progressed in their efforts to provide equal opportunities for minorities and marginalized groups. However, being highly focused on public life, their coverage is also confined mainly to representatives of the majority groups.

The debate on regulatory authority of audiovisual media and the governance structure of the public broadcaster has been a continuous source of political fight. With the new Law on Audiovisual Media, approved in 2013, both political wings could not agree on the specific formula of appointment of members in these bodies. As a result, doubts on political affiliation of the members of these councils remain unsolved. In addition, since smooth functioning of their daily operations sometimes is dependent on political will, appointment of these bodies has often been used as a means for political leverage first, while having in place regulators that offer guidance to media development in the sector has come second.

The public broadcaster has found itself in a similar situation. Inefficiency in collecting the license fees and decreased funding from state budget has put financial pressure on the broadcaster, also slowing down the preparations for digital switchover. Meanwhile, public broadcaster generally lacks public support, in view of the continuous problems with independence in its information, clearly favoring the ruling majority. Political will to transform this broadcaster into a genuinely public one has lacked.

In terms of professional standards in Albanian media panelists identified the lack of solidarity and poor organization record in media self-regulation initiatives as indicators of low activism among the media community. Faced also with problematic labor relations, respecting ethics and organizing in professional bodies has ranked rather low among the priorities of journalists. Political and economic interference, coupled also with self-censorship, are among the key factors that shape the media content. While the Union of Albanian Journalists has been more active in protecting journalists' rights, overall organization of journalists remains quite low, leading to marked self-censorship as a way of "settling" with professionalism.

From this discussion it was clear that media face both external and internal pressures, which affect its independence, quality, and protection of public interest. However, despite these deep-seated negative trends, panelists agreed that media represent a "progressive part of the society."

SECTOR 1:

**Freedom of expression, including
freedom of the media, is effectively
protected and promoted**

Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1. Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

The Constitution of Albania, approved in 1998, states that Albania is a parliamentary democracy. The freedom of expression and the right to access official information are included as personal rights and freedoms. More specifically, Article 22 of the Constitution states:

- (1) Freedom of expression is guaranteed.
- (2) The freedom of the press, radio and television are guaranteed.
- (3) Prior censorship of a means of communication is prohibited.
- (4) The law may require the granting of authorization for the operation of radio or television stations¹.

In addition, Article 23 of the Constitution guarantees the right to access to official documents:

- (1) The right to information is guaranteed.
- (2) Everyone has the right, in compliance with law, to get information about the activity of state organs, as well as of persons who exercise state functions.
- (3) Everybody is given the possibility to follow the meetings of collectively elected organs².

Albania has also ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1996, making it an important part of statutory framework on media freedom in Albania. According to Article 5 of the Constitution, Albania abides by the international jurisprudence in accordance with its obligations, which means the Convention becomes automatically part of Albanian legislation. Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms protects the right to freedom of expression.

¹ Constitution of Albania, 1998.

² Ibid.

Other media-specific laws also guarantee freedom of expression, such as the Law on Press and the Law on Audiovisual Media. The Law on the Press states: “The press is free. Freedom of the press is protected by law.”³ Furthermore, Article 4 of the Law on Audiovisual Media⁴ ranks freedom of expression and freedom of audiovisual media operators among the fundamental principles of audiovisual broadcast:

- (1) Audiovisual broadcasting activity shall be pursued on the basis of the following principles:
 - a) Audiovisual broadcasting activity shall be free.
- (2) The audiovisual service operators during the exercise of their activity shall be also guided by the following principles:
 - a) Guaranteeing of the freedom of expression.
 - b) Guaranteeing of the right to information.

In early 2012, Albania adopted comprehensive reforms of its criminal and civil defamation laws, bringing them into much closer alignment with European democratic standards. Sources are protected and journalists are not forced to reveal their confidentiality. Access to official documents is also guaranteed by law. “Everyone has the right to request information on official documents, pertaining to the activity of state organs and persons that exercise state functions, without being obliged to explain the motives.”⁵

Overall the legislation guarantees freedom of expression, including media freedom, in a satisfactory way. However, in practice the implementation of legislation needs to be improved, both in the overall abundance by these laws from state and public institutions, and in the following of these principles of freedom of expression by the judicial practice.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Country meets all aspects of the indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

4.2

3 Law no.8239, “On Press,” 1997.

4 Law on Audiovisual Media 97/2013.

5 Law no.8503, 1999, Article 3.

1.2. The right to freedom of expression is practiced and citizens, including journalists, are asserting their rights without fear.

Journalists and citizens practice their right to freedom of expression, but not without limitations. The great number of media outlets and the fact that media that seem to be closer to the opposition exist and are relatively strong is an indicator that there is media freedom. In addition, incidents involving physical assaults against journalists from state or private persons are isolated events, rather than a discernible trend.

Formally censorship is prohibited by law and is not applied. However, there is constant pressure from ruling elites on both commercial and public media. This pressure has also led to widespread self-censorship among journalists and media outlets. “Each media outlet has a particular editorial line, closer to a particular political wing. This line sets the invisible limit for journalists on what they can say and on what they cannot say, said one of the panelists.

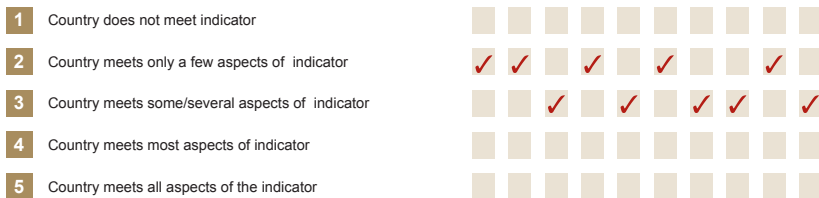
The situation with freedom of expression of citizens is not significantly different. “The fact that denouncements on misdeeds of public administration take place by employees that have been fired shows that there is fear to speak out against wrongdoing among the public administration and citizens,” noted one of the panelists. This problem becomes more pronounced in periods of electoral campaign. Although there is a law on protecting whistleblowers, it is hardly ever applied, which discourages civil servants from speaking up in cases of abuse or wrongdoing.

Hidden threats to journalists from public authorities or private persons exist and they are a genuine problem to freedom of expression. The situation is even more difficult in small cities and towns, where the communities are small, pressure is greater and journalists have fewer possibilities to defend themselves.

The panel noted the recent positive effect of social media and networks on freedom of expression. Many journalists and citizens state their opinions without hesitation in these networks, unlike traditional media, where some unwritten rules and restrictions apply.

Scores:

Individual scores:



Average score:

2.5

1.3. There are no laws or parts of laws restricting freedom of expression such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

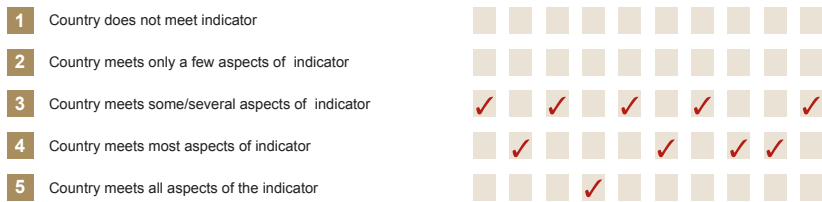
Albania reformed its provisions on insult and libel in 2012. Insult and libel are still considered as misdemeanors, subject to a fine, in the Penal code. Prison terms were abolished but maximum fine amounts were increased to 3 million leke (21,000 Euros). The amendments clarified that, to be found guilty of calumny, a defendant must have acted with “knowledge of the falsity” of the defamatory utterances. This is considered to be a pretty high bar for the prosecution, if properly applied by the courts. The new provisions also set out eleven specific and non-exhaustive factors to be taken into account by the courts in determining liability.

With respect to the amount of compensation awarded, courts are required to consider a mechanism of proportional damage and consider whether the damages “may significantly worsen the financial condition” of the defendant. This would apply, for example, where high damages might send a small media outlet bankrupt. Although the amendments to these provisions are considered very good, the proper application of the articles by the judiciary is questionable without the proper training. In addition, a worrying trend is that “when offenses to reputation are considered, judges tend to set out the maximum fine and value honor more than freedom of expression, which goes against the European Court of Human Rights practice and standards,” said one of the panelists.

Albania has also not escaped the current global tendency to limit freedom of expression in the name of anti-terrorism efforts or laws protecting privacy. The Law on Protection of Personal Data⁶ was amended in 2008, increasing protection criteria and also defining sanctions for violations. In addition, in 2006, an additional level of classification of information considered state secret was added to the three existing levels of classification, in the name of security requirements in the framework of NATO membership.

Scores:

Individual scores:



Average score:

3.6

1.4. Government makes every effort to honor regional and international instruments on freedom of expression and freedom of the media.

In terms of legislative amendments there have been significant efforts to honor regional and international instruments of freedom of expression, even though shortcomings are still present. The latest amendments to defamation and libel provisions and the approval of the new audiovisual media regulation are considered as generally positive efforts.

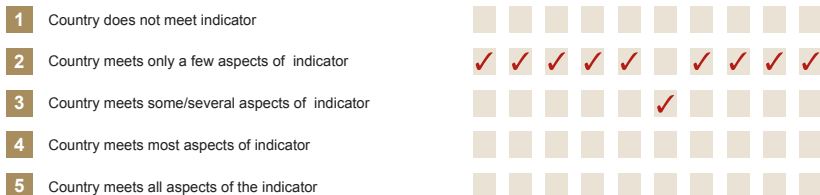
However, when it comes to implementation of these laws and honoring of the international instruments, the attempts are minimal. Direct government influence is noted in the editorial policy of the public broadcaster. Preferential distribution of state advertising to media close to the government has also been a worrying trend that affects editorial independence and freedom of the media. The panelists also noted that even though there are cases of massive dismissals of journalists, the government does not act to guarantee a safe

⁶ Law on Protection of Personal Data, no.9887, 2008.

media environment and enforce the Code of Labour, adding up to the climate of fear and self-censorship among journalists.

Scores:

Individual scores:



Average score:

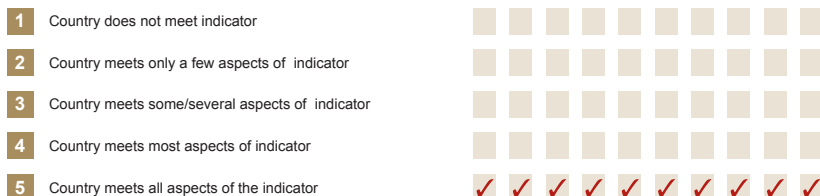
2.1

1.5. Print publications are not required to obtain permission to publish from state authorities.

Print publications do not need to obtain special permission from state authorities to be published in Albania.

Scores:

Individual scores:



Average score:

5

1.6. Entry into and practice of the journalistic profession is not restricted by law.

There are no legal restrictions or specific legal requirements to practice the profession of journalist.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Average score:

5

1.7. Confidential sources of information are protected by law and/or the courts.

Protecting confidential sources of information is one of the guiding principles for audiovisual media operators, as regulated by Law on Audiovisual Media.⁷ In addition, Article 159 of the Code of Penal Procedures⁸ also includes journalists among the professions that are not forced to reveal their sources of information, regarded as professional secret. However, it is upon the court discretion to determine whether the data are essential proof and then the court can order the journalists to reveal their sources.

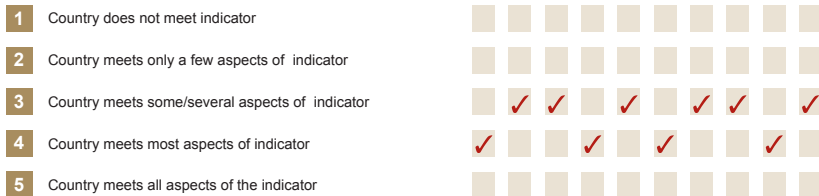
Although the courts are not abounding with cases that have forced journalists to reveal their sources, it has been known to happen in practice. “There have been a few cases when the courts have demanded from the editor of the newspaper I worked in to reveal the sources, but after our refusal the court has not insisted,” said one of the panelists. However, this means that it depends upon the discretion of the court to decide on the matter, which can be harmful to the protection of sources.

⁷ Law 97/2013, Art.4.

⁸ Code of Penal Procedures, 2012, Art.159.

Scores:

Individual scores:



Average score:

3.4

1.8. Public information is easily accessible, guaranteed by law, to all citizens.

Albanian legislation guarantees the right to access official documents, both in the Constitution and in the Law on Access to Official Documents⁹. According to this law “everyone is entitled, upon his request, to get information on an official document without being obliged to explain the motives of such request.” Excluded from availability are those documents that are classified based on other laws (such as the Law on State Secrets or the Law on Protection of Personal Data), but in cases of denial, the public authority should provide a written explanation of the cases of refusal. A sensitive issue on this law has been that of time limits, which might be up to 40 days.

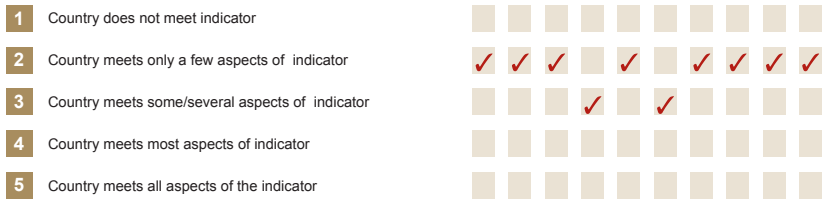
There is an ongoing initiative to introduce a new law, which would expand the information available to citizens and force the institutions to adopt a more proactive approach in offering information to citizens. The initiative has stemmed from the numerous problems noticed on the ground with implementation of the law. According to a test conducted by Albanian Media Institute out of every 10 requests only six received information. While the official authorities were more prone to respond to journalists, citizens found it significantly more difficult to obtain the information. Apart from general will of cooperation from institutions, they also lack the capacity and infrastructure to address requests for information.

⁹ Law no.8503, 1999.

In general the mentality that information belongs to the state rather than to the public prevails in state and public institutions. Selective use of transparency efforts is another problem. “The government itself hides its own decisions, omitting publication of decisions which are considered delicate,” said one of the panelists. Even when journalists receive information, it is often filtered by the administration, leaving out information they do not want the public to know. Progress has been made on publication of court decisions, which are published online.

Scores:

Individual scores:



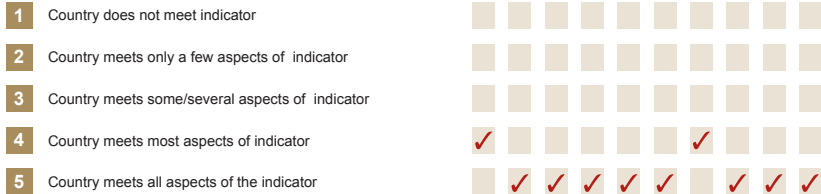
Average score: 2.2

1.9. Websites and blogs are not required to register with or obtain permission from state authorities.

Web portals and blogs are not required to register and they do not need to obtain any special permission from state authorities. The only shortcoming mentioned is that the regulator of electronic and postal communications, Authority on Electronic and Postal Communications (AKEP) is currently the only one that can authorize domains ending in .al, instead of allowing each Internet Service Provider to issue such domains. However, it is clear that this is a purely technical matter, with no ramifications of freedom of expression.

Scores:

Individual scores:



Average score:

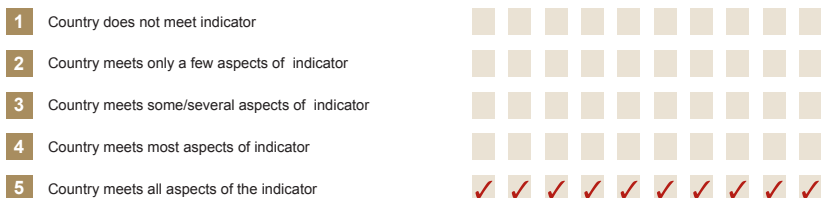
4.8

1.10. The State does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

Currently there have been no attempts from the state to block or filter Internet content, apart from the laws that restrict content in the name of a legitimate interest.

Scores:

Individual scores:



Average score:

5

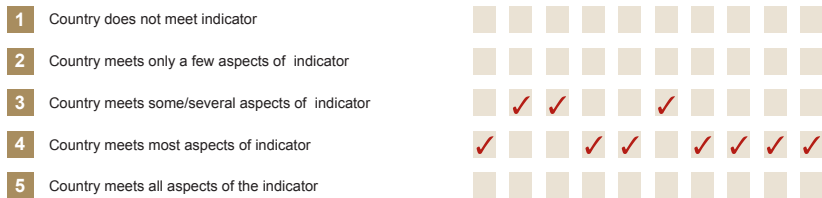
1.11. Civil society in general and media lobby groups actively advance the cause of media freedom.

There are several journalists associations and organizations in Albania. However, the Union of Albanian Journalists seems to be the most active and visible one in terms of protecting journalists' rights. The journalists' community is considered to be a fairly passive one, with a low turnout number in protests that affect directly the journalists' work and rights. However, the participants noted that both civil society and the public are in general weak and passive, not only regarding the media, but also on other issues that affect the whole population.

Apart from the trade union, other civil society organizations have been active in advancing media freedom, especially in regard to media policy formulation and debate. Recently the regulation on defamation and libel was decriminalized after a seven-year effort and lobbying by a group of civil society organizations. Similarly, a group of organizations is currently working on and advocating the approval of a new law on freedom of information.

Scores:

Individual scores:



Average score:

3.7

1.12. Media legislation evolves from meaningful consultations among state institutions, citizens and interest groups.

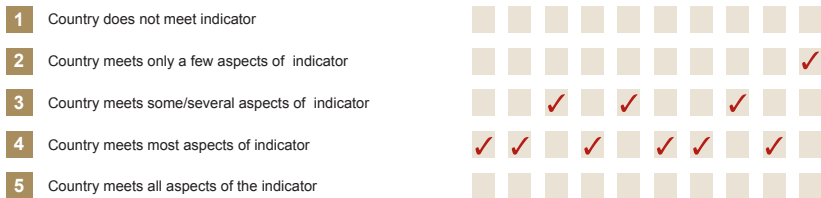
The legislators have required the feedback of interest groups in the process of discussing and passing the recent laws and amendments on media, while citizens' participation is not a familiar concept in policy-making. However,

the degree to which the final version of the law reflects the opinions of the actors consulted is questionable. The participants brought as an example the latest amendments to the Electoral Code, where the opinions of the actors consulted were not part of the final draft, which weakens the meaning of the consultation process.

However, there are civil society organizations that have initiated and lobbied on media legislation changes, such as in regard to defamation and access to information, cooperating with state institutions and other interest groups.

Scores:

Individual scores:



Average score: 3.5

Average Score for Sector 1: 3.8

SECTOR 2:

The media landscape, including new media, is characterized by diversity, independence and sustainability.

The media landscape, including new media, is characterized by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, internet, mobile phones) is accessible and affordable to citizens.

Print

There are no official figures on the circulation of print media in Albania. There are more than 20 existing daily newspapers, both of a general nature and thematic one, such as sports. It is believed that only a few newspapers reach a significant audience, while the rest sell only a few copies. There is also a range of entertainment-driven newspapers and magazines. Periodical general or political magazines are few and have struggled to survive in the market.

Broadcasting

According to the Authority on Audiovisual Media there are 56 radio stations with a local license and two radio stations with a national license. Moreover, 71 television stations have a local license, while two of them have a national one. In addition there are 83 cable stations operating all over the territory. Meanwhile the public radio operates in two national programs, as well as programs addressed to compatriots. The public television operates in two national programs and in view of the preparations for digital switchover has started five thematic channels.

Internet

The spread of the internet has been a very gradual process, with significant improvements over the last years. According to the Authority on Electronic and Postal Communications about 215,000 subscribers had access to broadband internet in 2012, while 1.4 million subscribers accessed internet through their mobile¹⁰. The number of subscribers to broadband connection was 7.6% of the

10 See *Statistical and Financial Indicators of the Electronic and Postal Market 2012*, by AKEP at: <http://akep.al/images/stories/AKEP/statistika/TREGUESIT-STATISTIKORE-2012-090713.pdf>

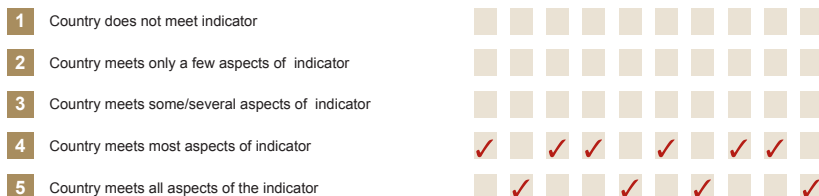
population in 2012. The number of subscribers with broadband connection through smart phones increased considerably in 2012 to 594,000 compared to 248,000 in 2011. While the fees for internet connection have generally been generally high, in the last year last year they were considered as average and affordable in the region.

The overall context indicates that there exists a rich variety of sources of information. There are no problems in accessing these sources and the costs are considered generally affordable. “There is a generous offer of sources of information, from all kinds of media. Even the most remote and poorest areas of Albania receive TV signal, have cable TV and can access news online,” noted one of the panelists.

While the access to a rich offer of information sources has improved steadily and is indisputable, the quality of content is debatable. The quality of print media has especially deteriorated, under the burden of financial crisis and continuous shortage of staff. In general media are also divided and their editorial policies are influenced by political and economic pressure, all of which leave an imprint on quality of information.

Scores:

Individual scores:



Average score:

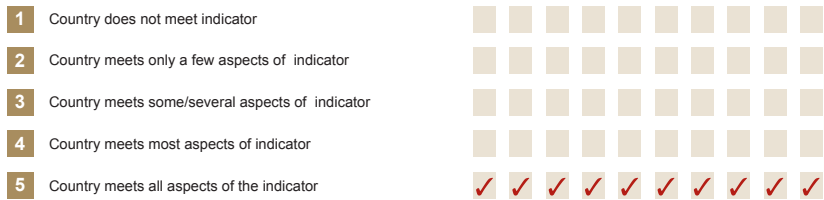
4.4

2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

The state does not restrict the access of citizens to any domestic or international media sources.

Scores:

Individual scores:



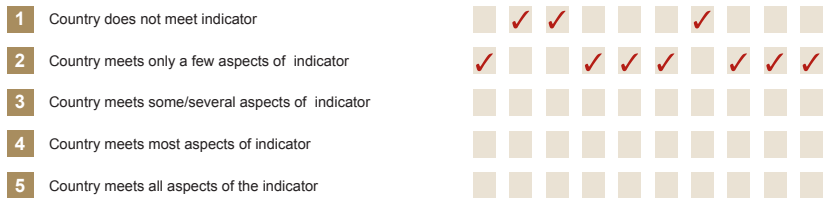
Average score: 5

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

There are no efforts to increase the scope of circulation of the print media. “This is one of the weakest systems of the Albanian media, there are monopoly tendencies and the system has hardly approved over the years,” said one of the panelists. The problem of distribution has existed since 1992 and very little has been done to improve it, with little success. In addition, media are increasingly investing and concentrating in the capital, while other cities and especially rural communities do not receive any attention.

Scores:

Individual scores:



Average score: 1.7

2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference.

This indicator does not apply as there are no state-owned print media in Albania.

2.5 Adequate competition legislation / regulation seeks to prevent media concentration and monopolies.

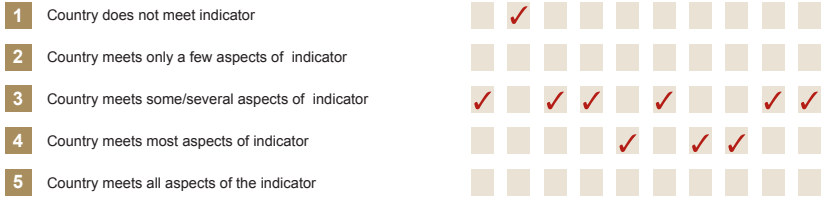
The Law on Protection of Competition regulates the whole Albanian market, while the Law on Audiovisual Media sets specific limits and criteria for media ownership¹¹. According to these criteria, the limit of ownership shares in a media with a national license is 40 percent, for both natural and legal persons. A person or company that has shares in a company that holds a national license cannot own more than 20% of shares in a second company, which holds a national license. Such a person cannot have a local or regional license. A natural or legal person cannot own more than two local or regional licenses, provided they are of a different nature, namely audio and audiovisual license. Owning two local or regional licenses of the same kind is allowed, providing that the limit of shares is 40% and 20 % in each license respectively. In addition, the owners of national licenses cannot broadcast more than 30% of the total advertising market.

The rules of ownership have been slightly restricted with the new law. While the legal criteria are considered sufficient to prevent media concentration, in practice these legal requirements are difficult to implement and monitor. Moreover, cross-ownership restrictions on print media do not exist. In addition, in the past there has been constant speculation about hidden ownership and ways to circumvent legal restrictions on media ownership. The limit on advertising market also poses challenges in implementation, in view of the lack of transparency of advertising market as a whole.

¹¹ Law 97/2013, Art.62.

Scores:

Individual scores:



Average score: 3.1

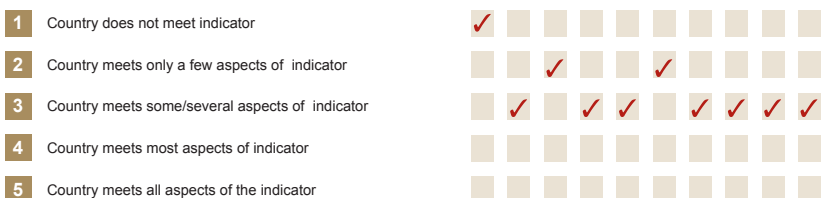
2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

The government has not taken any special measures to promote the economic sustainability and independence of media outlets. No particular policies that would assist to diversity of media assistance have been adopted. “While the government does not oppose such measures in principle, it has done nothing to facilitate the situation of the media landscape in practice,” noted one of the panelists. Local and minority media are particularly suffering economic hardship, in view of the smaller resources they have.

In addition, the panelists noted that there are unfair and non-transparent procedures in allocating state advertising and notifications. This indicates that there are no equal opportunities in supporting the media landscape, with pro-government media being favored, at the expense of other media.

Scores:

Individual scores:



Average score: 2.6

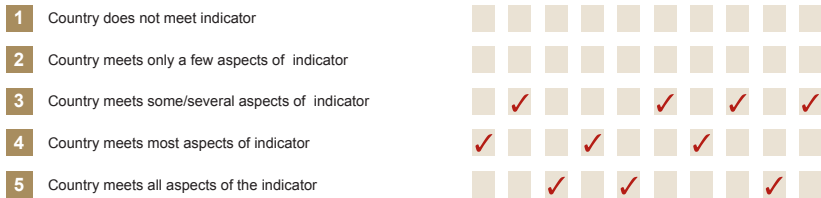
2.7 All media fairly reflect the voices of both women and men.

Statistics and detailed content analysis of media coverage on reflection of voices of women and men are lacking, both from media organizations and human rights activists. Gender issues are a constant social problem and as such are often addressed by the media. In general this coverage is limited to crime reporting, even though these matters have become part of a wider public debate in the last years.

The experts tended to conclude that even though there is no active discrimination from the media outlets, male sources prevail in the media and in the public debate. This tendency is also directly related to the lower presence of females in public life rather than to an intentional discriminatory policy from the media.

Scores:

Individual scores:



Average score:

3.9

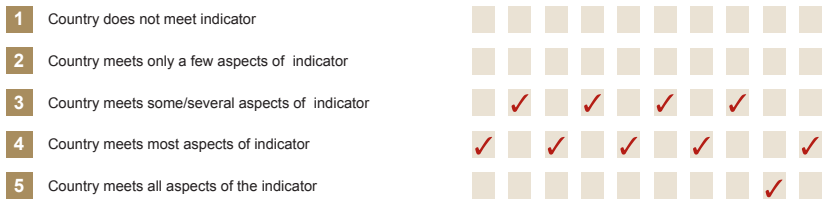
2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

Media coverage has gradually improved to reflect voices of different ethnic, linguistic, religious, or social diversity. Compared to some years ago there is greater attention and diversity in the media on the groups covered. “The coverage of LGBT community has changed significantly in the newspapers compared to a few years ago and seems to be more positive, thanks also to lobbying by this community,” said one of the panelists. Local branches of public broadcaster also have a fraction of their broadcasting time in the languages of ethnic minorities living in the area.

While the representation of different voices of society can be considered fair, the quality of coverage is often stereotypical and influenced by political factors. “Ethnic minorities and religious communities are still sensitive topics and there is often bias in reporting,” a panelist noted. In general the experts agreed that the diversity of voices is not lacking, but fairness of coverage is deficient, due to influence from politics and other factors.

Scores:

Individual scores:



Average score: 3.7

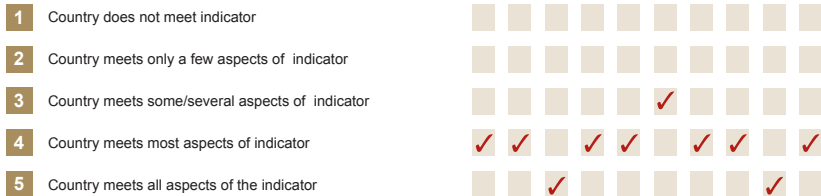
2.9 The country has a coherent ICT policy or the government implements promotional measures, which aim to meet the information needs of all citizens, including marginalised communities.

The country has adopted the Inter-Sectoral Strategy for Information Society for 2008-2013. The Ministry for Innovation and ICT has coordinated and implemented several projects, such as e-government and e-business, especially regarding government networks. The panelists agreed that even though there has been a lot of ongoing propaganda regarding digitalization and new technologies, progress in the last five years has been tangible. There is a significant increase in internet access from the population. The costs of access have also become more affordable.

The preparations for digital switchover have been lagging behind even though the Strategy has been approved in 2012. The Strategy provides for coverage of partial or all costs for decoders to families with economic needs.

Scores:

Individual scores:



Average score:

4.1

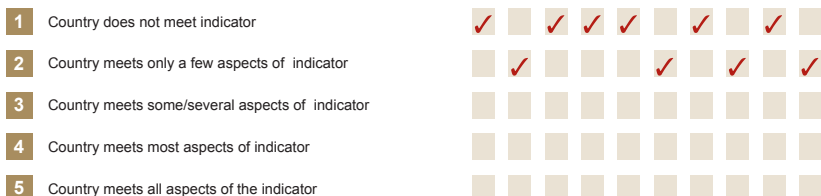
2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

The criteria used for distributing state advertising and the actual allocation have not been transparent processes. In the current media market there are no official and certified data on circulation or audience, which leads to a greater possibility of distributing advertising to media that do not tend to criticize the government without the need to justify the decision. In 2012 the then-opposition party published a series of cases when the ministries had awarded tenders and distributed state advertising to only a few media, which were considered very close to the government.

There is no clear evidence of a direct link between state advertisement and government influence on editorial policy. However, this dependency on state advertisement as an important source of funding certainly restricts the options for media freedom. Panelists all agreed that distribution of advertisement has always been preferential and not at all transparent, leading to unavoidable effects on media independence.

Scores:

Individual scores:



Average score:

1.4

2.11 The advertising market is large enough to support a diversity of media outlets.

There is no transparency on advertising data for the media market. There have been no joint efforts of the industry neither to measure audience, nor to publish data on advertising market. However, the general feeling is that the advertising market is rather small and cannot support the large number of media outlets. The size of the market is even more detrimental to media diversity, since minority media and local media are often the ones operating in poorer contexts and are hit harder by lack of advertising.

The panelists noted that in addition to the size of advertising market there are also clientelistic practices in distribution of advertising. Newspapers do not publish their circulation and sales, while public and certified audience research efforts do not exist. Neither the industry, nor other actors have managed to unite in this respect. Hence, the advertising market trends are unknown and unaccounted for, against a background when the basic information on which advertising cake is logically divided is lacking. In this context “it is difficult to speak of advertising market and its sustainability for media outlets when, in fact, there is no media market, or it is completely chaotic,” one of the participants noted.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score: 1.7

Average Score for Sector 2: 3.2

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster

Broadcasting regulation is transparent and independent; the State broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

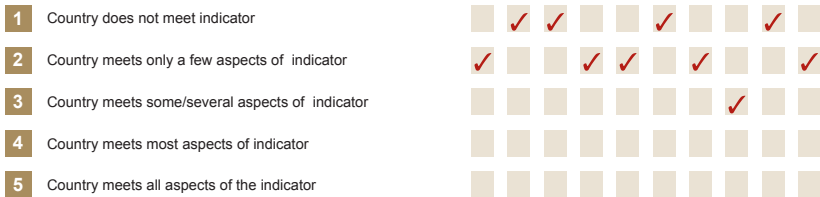
As a rule in Albania regulation has followed, rather than anticipated media on the ground. The first commercial TV station emerged in 1995, while the regulation on electronic media passed in 1998 and the regulatory authority was established only in 2000. Similarly, the first digital multiplex started operating in 2004, in the absence of the law. Currently there are three multiplexes, a Strategy on Digital Switchover and the Law on Audiovisual Media, but licensing process of the multiplexes has been slow.

The Parliament approved in 2013 the Law on Audiovisual Services, which replaced the broadcasting law. Both political wings agreed on the content of the law, with the exception of the formula on election of regulatory authority and the Steering Council of public broadcaster. This law tackles aspects that have been missing in previous regulation, such as licenses for digital broadcasting, the establishment of councils of viewers, a more interactive relation with the public and public broadcaster, etc. In addition, the law addresses the licensing of community media, which was lacking in previous legislation.

With the passing of this new law, the legal environment for broadcasting is considered generally adequate. Panelists all agreed that the true test of the legislation will be its implementation, which often faces challenges. The general problems with law enforcement have also affected the regulator and the media landscape. Operators are often late in paying their dues to the regulator. There is illegal occupation of frequencies and broadcasting rights are far from implemented. In addition, enforcement of fines on the operators is a lengthy and weak process, in view of the overall shortcomings the process has in the country. All of these factors might affect the way the legislation is implemented in the future.

Scores:

Individual scores:



Average score:

4.4

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed – in an open way - involving civil society and not dominated by any particular political party.

According to the Law on Audiovisual Media the regulatory body for audiovisual media is the Authority on Audiovisual Media. Article 8 states that AMA is composed of its Chairman, Deputy Chairman and 5 members. Eligibility to AMA is limited to citizens with no less than 10 years of experience in the areas of media, broadcasting, content, media technology, competition, Albanian language development, art, vulnerable groups, law, technological development, consumer protection. Excluded from membership into AMA are the following persons¹²:

- members of political parties and associations;
- candidates for MP or MP in the last two parliamentary terms;
- candidates for local government units in last elections or Mayors;
- members of Council of Ministers or prefects for the last three years;
- members of the Council of Complaint or AKEP (including employees);
- owners of shares in commercial associations related to audiovisual media, advertisement, content production, electronic communication networks, members of directing or advisory bodies to these associations.

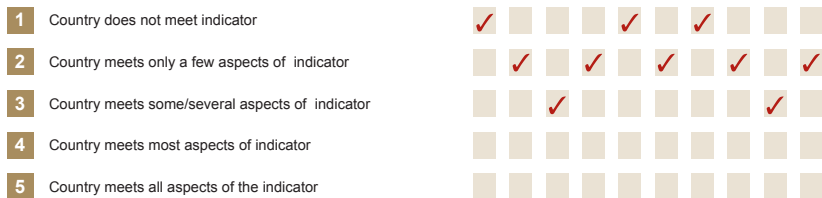
¹² Law 97/2013, Art.7.

AMA members are elected by the parliament, who shortlists candidates from proposals made by associations of electronic media, those of print media, academic staff from the branches of electronics, law, journalism, or Chamber of Lawyers. Human rights organizations, especially those on children's rights or representing persons with limited capabilities can also propose candidates. Then, the opposition and the ruling majority MPs in the Parliamentary Media Commission take turns in short listing candidates for each vacant post, who then are voted in the plenary session.

In theory this manner of appointments invites a wide participation from civil society organizations. However, they only have the power to nominate candidates. In practice there are continuous allegations that civil society choices are affected by politics and in fact the candidates are political nominations. The transparency of the process is also questionable, especially the criteria on which MPs shortlist the candidates. The panelists agreed that the choice in the end is dictated by the ruling majority and consequently the regulator is politically dominated. In addition, the regulator is then accountable to the parliament, rather than the organizations that nominate candidates, which creates a direct link between politicians and members of the regulator.

Scores:

Individual scores:



Average score:

1.9

3.3 The body regulates broadcasting services and licences in the public interest and ensures fairness and a diversity of views broadly representing society at large.

Licenses are granted after submission of applications from operators, following open calls and tenders, depending on the kind of license. There are different kinds of licenses, based on area of coverage, service provided, the nature of

the medium, content authorization, etc. Maximum validity of the license is 15 years. The license application requirements are rather detailed, including financial data, program design, list of administrators, anticipated budgets, list of Management Board, information on shareholders, etc.

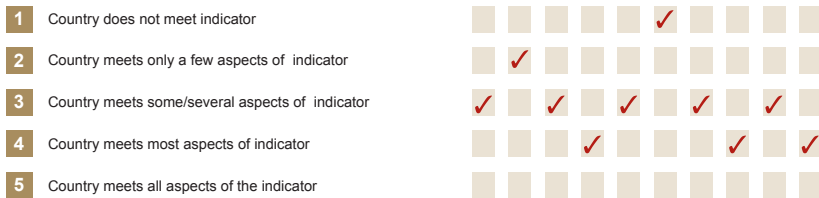
In general the process of issuing licenses has not experienced any problems and transparency has been satisfactory. There have been no significant complaints on granting of licenses recently. Even though there are claims that some of the licenses have been granted based on political criteria, one of the panelists dismissed those as politically biased, stating that “whoever did need a license has received it.”

The definition of public interest is something that Albanian society struggles with and consequently it is difficult to establish whether the regulator has acted on public interest in its activity. “The notion of public interest is foreign to us as a society; there are many interests at play here, which are not public and in general they prevail.” However, panelists agreed that the licenses have not been denied on any unfair grounds.

The legislation did not particularly favor minority media or community ones, which changes with the new law on audiovisual media. However, it is too soon to tell the effects of the new law. The regulator has provided licenses in the past for minority media, but they have struggled financially and have not survived.

Scores:

Individual scores:



Average score:

3

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

The highest governing body of the public broadcaster RTSH is its Steering Council, according to the Law on Audiovisual Media. Its members are elected in the same way as the regulator. The members should have no less than 10 years of experience in the areas of media, broadcasting, content, media technology, competition, Albanian language development, art, vulnerable groups, law, technological development, consumer protection, etc. They are proposed by civil society organizations, academia, and professional organizations.

The members are elected by the parliament, who shortlists candidates from proposals made. Members of the Parliamentary Commission on Media select the candidates for vacant posts, taking turns in accordance with their political affiliation. The remaining candidates are voted in the plenary session.

Even though in theory many associations, working in different fields, have the right to propose members to the Steering Council of RTSH, in practice the opinion that most candidates are political ones prevails. Since at the end the members of the Parliamentary Commission on Media shortlist the candidates, the chances are they will advance the most politically favorable candidates rather than the most professional ones. As a result, the Steering Council is hardly representative of the society, but rather a reflection of the division in the parliament and the respective preferences. Moreover, the council is transparent and accountable only to the parliament, when reporting annually. Transparency over its members and their work most of the time is scarce.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

2.2

3.5 Office bearers with the State and political parties, as well as those with a financial interest in the broadcasting industry, are excluded from possible membership on the board of the state/public broadcaster.

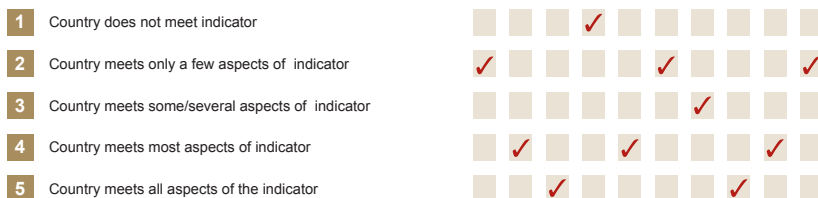
There are limitations on eligibility of members of the Steering Council of RTSH. Members of the Council cannot be¹³:

- members of political parties and associations;
- candidates for MP or MP in the last two parliamentary terms;
- candidates for local government units in last elections or Mayors;
- members of Council of Ministers or prefects for the last three years;
- members of the Council of Complaint or AKEP (including employees.)

At first sight the legal limitations are satisfactory in barring membership to candidates with a political or financial interest in the Steering Council of RTSH. However, while the criteria might be respected formally, political support is essential to being elected in these posts (see above indicator.) In addition, some of the panelists pointed out that it is difficult to monitor the application of financial interest and its relation to the job as member of the council.

Scores:

Individual scores:



Average score:

2.2

¹³ Law On Audiovisual Media, 97/2013 , Art.97.

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

The law guarantees independence of all broadcasters, not just public broadcaster. In its guiding principles on broadcasting the Law on Audiovisual Media states: “Audiovisual broadcasting activity shall ensure objective information to the public by accurately presenting facts and events and by respecting the free formation of opinions.”¹⁴ In addition, the mission statement in the same law for the public broadcaster notes that RTSH: “is committed to an impartial coverage of the local and international news.”¹⁵

However, in practice this is never implemented. Internal guidelines on reporting or other mechanisms have never been developed by the staff of the public broadcaster. The news and current affairs, with a few brief exceptions, are under direct pressure of rotating governments. While the opposition is certainly present in these programs, it is not given the same attention as the ruling majority, neither in time, nor in quality. Impartiality of these programs in terms of information chosen and nuances is also highly questionable.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Country meets some/several aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

1.7

¹⁴ Art.4.

¹⁵ Art.91.

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from commercial pressure.

The public broadcaster is funded from several sources¹⁶:

- a) The service fees for the use of television set;
- b) contracts with third parties for various transmissions, utilizing its free technical capacities;
- c) other program services;
- d) marketing of musical productions, video and audiocassettes, books, newspapers, and magazines related to its programs;
- e) activities of public performances;
- f) other activities set forth in the RTSH statute;
- g) advertisements and publication of other paid messages;
- h) sponsorships and donations;
- i) sale of RTSH programs;
- j) funds from the state budget.

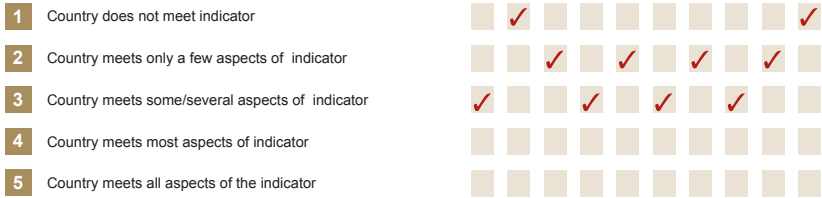
The procedure of collecting and transferring the correct amount of the license fee has been a continuous complaint of the public broadcaster, in addition to the existing difficulties in collecting this fee, which is paid through the electricity bills.

Even though the budget of the public broadcaster seems to have improved through the years, there are still uncertainties regarding its future operations, especially at the eve of digital switchover. While RTSH has improved its internal production line equipment, the building of transmission networks has yet to start, depending on government funding and decisions. Moreover, the panelists agreed that the budget that the public broadcaster receives now, from state or other sources, is not enough to counteract the pressure on its independence. It was also suggested that the budget could be planned in a period of several years, in order to relieve political pressure and provide a period of more certain and professionally-oriented planning in programs and reform of the broadcaster.

¹⁶ Law On Audiovisual Media, 97/2013, Art.113.

Scores:

Individual scores:



Average score: 2.2

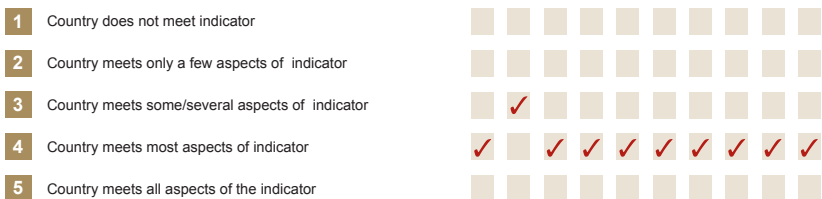
3.8 The state/public broadcaster is technically accessible in the entire country.

The signal of the public broadcaster reaches about 87% of the country¹⁷, which is approximately 90% of the population. Its second program covers only 47% of the territory, while by law it should cover 90%. The panelists pointed out that this is in breach of the law, even though none of the other national televisions has reached the percentage of territory required by law. There are problems in some remote areas especially. The coordination with local government units on the maintenance of premises and equipment has also been difficult.

With the imminent switchover to digital broadcasting the situation is expected to change positively in terms of coverage of signal.

Scores:

Individual scores:



Average score: 3.9

¹⁷ Annual Report of KKRT 2012.

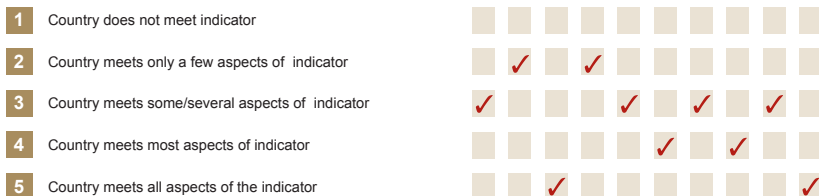
3.9 The state/public broadcaster offers diverse programming formats for all interests.

According to the Law on Audiovisual Media the public broadcaster is expected to “deliver programs that reflect the listeners and viewers of all ages, the diversity of Albanian life. The RTSH shall prepare qualitative programs of value, in order to enrich the mental and spiritual world of the people.”¹⁸ The public broadcaster has attempted to fulfill part of its legal requirements and the general obligation to produce programs that are of interest to all social groups, ages, religions, and ethnic backgrounds. In this respect there are attempts to produce diverse programs, which normally lack in other commercial stations. These include children programs, programs on education, agriculture, on social topics, etc.

However the offer of a rich content is counteracted by competition with commercial TV stations, financial struggle, and the legacy of culture and programs produced by this television before the 90s. So, while there are serious attempts to offer qualitative and rich content, the quality is debatable. “There is enough diversity in programming, but the manner of doing the programs still has nuances of socialist realism in some cases,” said one of the panelists. In addition, the public broadcaster is increasingly turning to program formats that are characteristic of commercial TV stations, falling into the trap of tabloidization.

Scores:

Individual scores:



Average score:

3.4

¹⁸ Law On Audiovisual Media, 97/2013, Art.91.

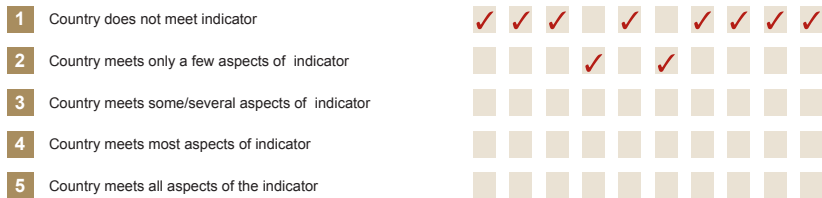
3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

The public broadcaster's information in news and current affairs is rarely balanced or fair. This is evident both in monitoring from the regulator quantitatively and the general observations. According to monitoring by the regulator in 2012 the news edition of TVSH devoted almost 60% of the time to reports on government and Prime Minister and only 9% to the main opposition party¹⁹. "If the main news editions starts with the Facebook statuses of opposition parties, so much for independence and balance of the television," one of the panelists noted.

Although it is difficult to speak of independent media in the country, compared to the public broadcaster most panelists believed that some private TV stations are significantly more balanced in their information and news current affairs.

Scores:

Individual scores:



Average score:

1.2

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

There is no adequate monitoring effort to see if the public broadcaster's content is diverse and fairly represents local content. In addition, there are no specific quotas in the legislation for the public broadcaster. The law states only

¹⁹ See Annual Report of KKRT, 2012.

that the content should be diverse and represent all social, ethnic, and cultural groups in the society, failing to establish any more specific guidelines. The Statute of the public broadcaster does not attempt to be more specific in this regard, either. While the exact percentages are missing, the public broadcaster claims that ratio of self-produced programs to bought programs has increased over the years.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.2

3.12 Community broadcasting enjoys special promotion by the government given its potential to broaden access by communities to the airwaves.

There is no special promotion by the government for community broadcasting or any other kind of broadcasting. There are some radios that are owned by and promote specific religious or ethnic groups, but they do not receive any special treatment by the state or the regulator.

Scores:

Individual scores:

1	Country does not meet indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Country meets only a few aspects of indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Country meets some/several aspects of indicator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Country meets most aspects of indicator	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Country meets all aspects of the indicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Average score:

3.5

Average Score for Sector 3:

2.8

SECTOR 4:

The media practice high levels of professional standards

The media practice high levels of professional standards

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.

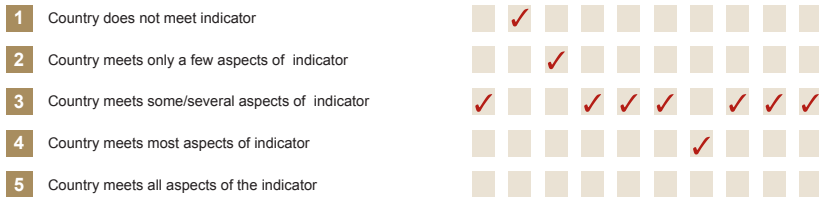
The Code of Ethics of Albanian journalists was first drafted in 1996 by Albanian Media Institute, in cooperation with the main journalists' associations, but it was never formally endorsed by media outlets and its implementation was voluntary. The Code was revised thoroughly in 2006 after a process of consultation, but a self-regulatory body again failed to take root. The only experience of self-regulation in the country has been in a daily newspaper for several years, where an ethics bureau was established, but that also does not exist anymore.

In spite of the continuous improvement of ethical record and the general awareness on basic principles of ethics, the media outlets have found it difficult to commit to self-regulation. As a result, the public complaints are not addressed by the media through any intermediate mechanism, but rather only through direct confrontation or through lawsuits. Despite the absence of a formal commitment on ethics and professionalism, the mainstream media try to be ethical, while the panelists agreed that the situation with online media is markedly different.

Recently some of the main newspapers have been involved in a self-regulation initiative, which aims to establish readers' ombudsmen in these newsrooms. The public reaction has been scarce, indicating the lack of culture of self-regulation and accountability both among the media outlets and among the public. "The public pressure on ethics is very weak, as people react only when they are affected personally. You make mistakes and sometimes do not even understand it, as no one holds you accountable," said one of the panelists.

Scores:

Individual scores:



Average score:

2.8

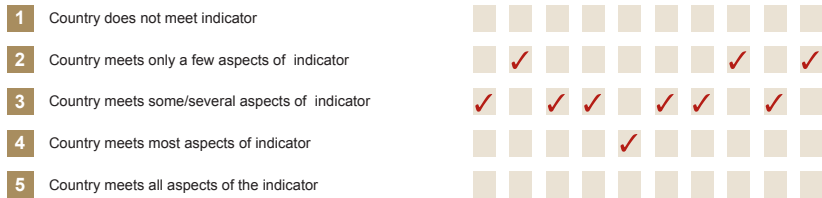
4.2 The standard of reporting follows the basic principles of accuracy and fairness.

Overall the media attempt to base their reports on the basic principles of accuracy and the situation has compared to the early stages of the transition from communist regime. Problems with accuracy persist though, for complex reasons: shortage of staff, excessive reliance on press releases, and weak culture of the need to verify the information from several sources and check the facts thoroughly. The problems with accuracy are even greater with the news coming from remote areas. Caught in a race on which media gives the news first, accuracy of information is often the first victim. However, the panelists agreed that the situation has significantly improved and that the shortage of staff due to economic problems, especially for print media, is the main cause, rather than lack of professionalism.

Fairness is also respected to a large extent, especially in the mainstream media, in the news editions and in other programs. However, it is clear that the media outlets take sides from the political point of view. Media landscape is divided and polarized, mirroring the overall division of the society according to political affiliations. Even though mainstream media reflect the opinions and statements of all politicians, there are many nuances that point to preference of one side over the other.

Scores:

Individual scores:



Average score:

2.8

4.3 The media cover the full spectrum of events, issues and cultures, including business / economics, cultural, local and investigative stories.

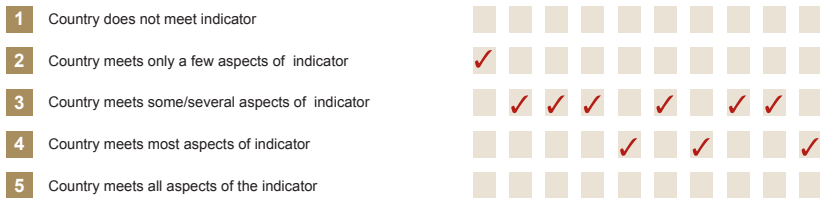
The Albanian media cover a wide array of topics, but the quality of coverage is not always satisfactory. The large number of media outlets both in the capital and in other cities guarantees in itself a satisfactory coverage of events and topics. However, the panelists noted that the capital-based media, while claiming to be national, often relates to the capital and its population only, rarely focusing on other areas of the country. News from the districts often comes only in cases of crime reporting, which creates a distorted reality.

Recently a better profiling of the media is noticed, with the emergence of thematic channels, such as news or economy. However, this has to be followed up with a strong professional profiling of journalists, which is not always the case. Problems remain especially with investigative journalism, even though there are some well-established programs. Coverage of culture is also often done as a listing of events, remaining superficial.

Quality seems to be more difficult to achieve with the print media, reflecting the shortage of staff and the ongoing financial pressure for newspapers. “If a journalist has to fill up four pages of newspaper each day, what kind of quality can you expect?!” one of the panelists noted.

Scores:

Individual scores:



Average score:

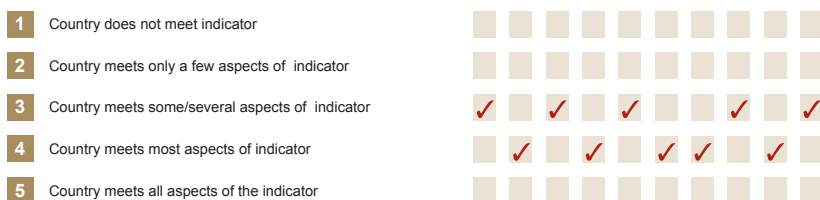
3.2

4.4 Equal opportunities regardless of race or ethnicity, social group, gender/sex, religion, disabilities and age are promoted in media houses.

There are no statistics on the characteristics of media employees in terms of gender, race, age, or other features. The appointment procedure is made directly through the management, with no merit-based competition, which would also promote equal opportunities. The general opinion is that there is a high number of female employees, but they rarely serve as directors or managers. However, according to the panelists age is one of the main factors for discriminating against employees, as it is hard to hire a journalist over 40. Overall, there is no open discrimination in employment in the media, but policies on equal opportunities or in positive discrimination are also absent.

Scores:

Individual scores:



Average score:

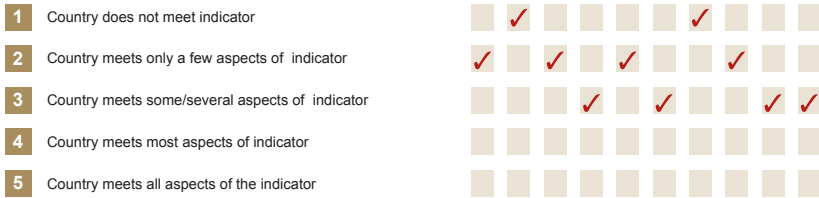
3.5

4.5 Journalists and editors do not practice self-censorship.

Self-censorship exists at every level of media industry, stemming from the media owners’ pressure. “If you work in the media, no one forces you to say what you do not think, but they will not allow you to tell what you think.” This self-censorship comes from several factors, such as the informal situation in the media, fear from criminality, the interests of the media owners, and sometimes also as a result of simple conformism.

Scores:

Individual scores:



Average score: 2.2

4.6 Owners of established mainstream private media do not interfere with editorial independence.

Owners of private media establish the editorial policy of their own media and use it to advance their own interests, often related to politics. “The fact that in the last elections two media owners became Members of the Parliament is indicative of the lack of editorial independence,” said one of the panelists. Most media owners clearly have business interests other than the media, while the latter is a tool to cater to their businesses. The panelists also recognized the economic pressure and the lack of resources, which has a grave impact on chances for media editorial independence.

Scores:

Individual scores:

1	Country does not meet indicator	✓	■	✓	✓	■	✓	■	✓	✓	■
2	Country meets only a few aspects of indicator	■	✓	■	■	✓	■	✓	■	■	✓
3	Country meets some/several aspects of indicator	■	■	■	■	■	■	■	■	■	■
4	Country meets most aspects of indicator	■	■	■	■	■	■	■	■	■	■
5	Country meets all aspects of the indicator	■	■	■	■	■	■	■	■	■	■

Average score:

1.4

4.7 Journalists and media houses have integrity and are not corrupt.

Albania was ranked 116th out of 177 countries in Transparency International's Corruption Perception Index 2013. The panelists agreed that in a society where corruption is a pervasive phenomenon, journalists and media houses cannot be an exception.

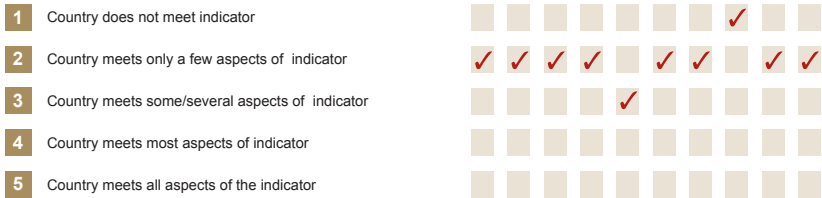
The presence of hidden advertising is everywhere, in news editions, talk shows, and other programs. In addition, the people, companies, or organizations invited to speak in these programs often promote their products and services, with some organizations even budgeting for media appearances and promotions.

Buying silence is another frequent form of corruption. While there have been cases of clear public interest, coverage in the media has been very rare or inexistent, such as in the case of disputed monopoly of a low-cost air company, or the problem of petrol price.

Media houses are used for blackmailing private businesses or other forms of corruption, which is also setting a negative example especially for young reporters. Most panelists seemed to think that this was especially noticeable at higher management levels, rather than among journalists. The informality of labor relations however affects the integrity of journalists. "Journalists do not have the right to negotiate their own rights; how can they negotiate the rights of the citizens and the public interest?!" said one of the panelists.

Scores:

Individual scores:



Average score: 2

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

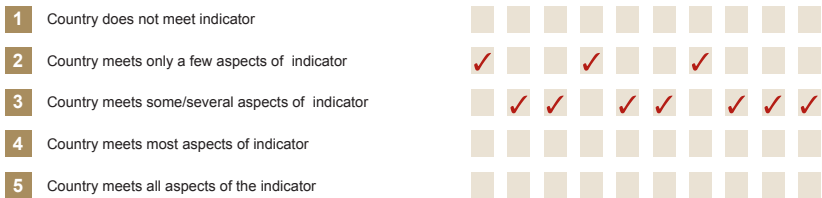
The level of salaries of Albanian journalists can be considered satisfactory compared to the rest of the population. However, the main problem with salaries is that they are often delayed, even for a long time. At the end of last year there were delays in payment of salaries in about 92 % of the media outlets, according to the trade union.

Another related problem is the payment of social insurance. It has recently emerged that the contributions for social insurance has not been paid by one or more media outlets, while leading the employees to believe that everything was in order. While the union has protested in this case and other related cases, a greater coordination of relevant state bodies and a better enforcement of the Code of Labour is needed.

The working conditions in newsrooms are generally good.

Scores:

Individual scores:



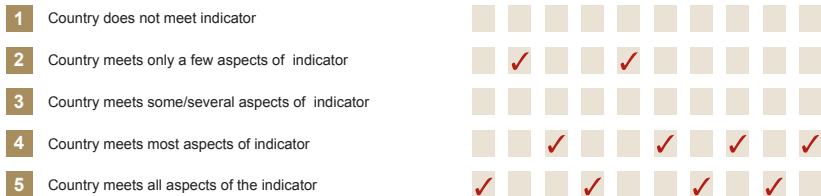
Average score: 2.7

4.9 Media professionals have access to training facilities offering formal qualification programmes as well as opportunities to upgrade skills.

Over the years media professionals have had adequate access to various forms of training. However, the offer of training is decreasing, both due to dwindling of funds and to the relative lack of interest. Training is appreciated from participants and in theory from editors, as it complements the theoretical university training with practical skills. The fundamental problem with training is that the knowledge gained not always is applied. The editors and owners do not hinder participation of journalists in training, but they do not have a proactive approach that enables further training, either. Generally understaffed, the main priority of media houses is completing their everyday job first, rather than to invest in the future of professionalism of their employees and their content.

Scores:

Individual scores:



Average score:

4.3

4.10 Journalists and other media practitioners are organized in trade unions and/or professional associations.

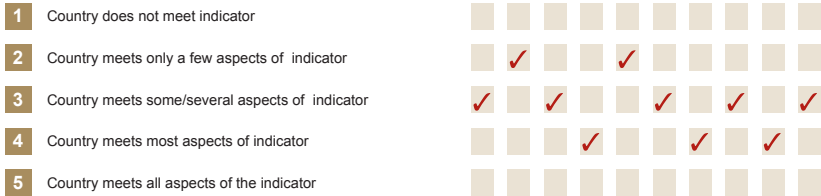
Currently about 870 media employees are members of the Union of Albanian Journalists, out of an estimated 5,000 employees in total. A trade union of the public broadcaster employees has been in place for many years, but it is hardly active. Meanwhile, there are no trade union organizations within media outlets. Even though there is increasing awareness on the need to organize, the local units of trade union in each media house have failed to take root. Rather, the organization remains at the national scale. According

to the chairman of the union this is a big deficiency, which does not help to advance protection of journalists' rights.

The trade union organizes protests or issues statements in flagrant cases. It also offers legal aid and support for journalists that go to court in relation to work contracts, unpaid salaries, and other related labor aspects.

Scores:

Individual scores:



Average score: 3.1

Average Score for Sector 4: 2.8

OVERALL SCORE FOR ALBANIA: 3.2

Developments over the last few years

Negative developments

1. Media has been captured by politics. This is a trend that has pervaded all media landscape and exceptions are very hard to find.
2. Politics is the main subject that each media exhausts, leaving aside issues of public interest and reflecting the invasion of public life by politics.
3. Print media is slowly dying.
4. Investigative journalism is generally weak and does not have a satisfactory impact.
5. News has become predictable and in-depth reports are lacking.
6. Even though the diverse and rich media landscape is positive, it also brings news inflation and destroys the hierarchy of values in news reporting.
7. Partisanship in the media is an increasingly frequent phenomenon, blurring the line between politics and media always more.
8. There are instances of media arrogance, valuing the bid for political support more than anything else.
9. Media are linked to particular businesses, which might become hindering factors for further media professionalism and development.
10. There is no will to separate media from politics and businesses.
11. National media do not employ a sufficiently social angle in their news agenda and coverage.
12. Media are increasingly becoming similar to parties, taking sides with parties and dividing their audiences, especially during electoral campaigns.

13. The failure of the media to function as genuine businesses has upset the nature of the media market.
14. The true values of the profession of journalist have been downplayed in favor of other interests.
15. Corruption in the media is part of the media landscape and has affected the core mission of the profession.

Positive developments

1. The media landscape is diverse and rich.
2. There has been significant investment in media technology.
3. Diversification of sources of information.
4. Increased stability in the media scene, in spite of the economic crisis.
5. Credibility in the media remains high.
6. Improvement of media legislation has created a more favorable environment for media and freedom of expression, though problems still persist.
7. Crisis in the media has led to the need to reflect for survival, even though media is far from getting close to the public and its interests.
8. There are tendencies for media to respond to increasing demand from the public on diversification of news sources and distribution, especially in the multimedia aspect.
9. Online journalism and online media have offered a greater degree of freedom to journalists, who are generally free from their owners and their interests in this environment.

The Way Forward

1. Find ways to increase media transparency as a way of having better functioning market and higher professionalism.
2. Strengthen the public service broadcaster as a potential representative of public interest.
3. Transform regulators into professional bodies, unaffected by politics and guiding the development of the media scene in a strategic way.
4. Improve implementation of labor relations as a way of strengthening professionalism among journalists.
5. Intensify efforts of civil society organizations in achieving a better climate for media protection.
6. Explore the opportunities of online media as a way of finding new sources of information and pluralism, competitive to traditional media.
7. Improve editorial independence of journalists and media outlets.
8. Encourage opportunities for self-organization and self-regulation of the media.
9. Support socially responsible journalism, rooted in public interest.
10. Establish an ongoing public debate on media freedom and professionalism, involving all relevant stakeholders.

Panel Members

Name	Affiliation
Mr. Ilir Aliaj	non-governmental activist
Mr. Zylyftar Bregu	university lecturer
Mr. Aleksander Cipa	trade unionist
Mr. Alfred Lela	editor-in-chief of a monthly magazine
Ms. Iris Luarasi	human rights activist
Mr. Arben Muka	journalist
Mr. Erl Murati	editor-in-chief of a daily newspaper
Ms. Valbona Sulçe	media expert
Mr. Luftim Vani	director of a local media
Mr. Rrapo Zguri	journalism professor

Rapporteur

Ms. Ilda Londo

Moderator

Mr. Remzi Lani

The panel meeting took place in Tirana, Albania, from 6 to 7 September 2013.

