



# NATIONAL BAROMETER OF MEDIA FREEDOM IN ALBANIA

## 2020





# **National Barometer of Media Freedom in Albania**

## **for 2020**

**Tirana, October 2021**

**Questionnaire and Methodology:**

Mrs. Fatjona Mejдини, Media Expert

**Methodology Implementation and Report Preparation:** Mr. Vladimir Karaj, Journalist  
Ms. Ola Mitre, Journalist

**Legal editing:**

Ms. Erida Skëndaj, Executive  
Director, AHC

Zs. Ilda Dushi (Çukaj), Project  
Coordinator, AHC

**Published by:**

Albanian Helsinki Committee  
Rruga “Brigada e VIII”, Kulla  
“Tekno Projekt”, Shkalla 2,  
Apartamenti 10, Kati 6

© 2021 Albanian Helsinki Committee. All rights reserved.



This report was drafted in the framework of the project ‘Media Integrity Standards in Albania’ supported by the British Embassy in Tirana and implemented by East-West Management Institute.

The contents of this publication are the sole responsibility of the Albanian Helsinki Committee (AHC) and do not necessarily reflect the views of the East-West Management Institute and/or the British Embassy in Tirana.

## Table of Contents

<b>1. Introduction.....</b>	<b>3</b>
<b>2. Executive summary .....</b>	<b>5</b>
<b>3. Methodology.....</b>	<b>10</b>
<b>4. Respect for the rights of journalists in the workplace.....</b>	<b>15</b>
4.1. Informality at work.....	15
4.2. The right to weekly and annual leave .....	16
4.3. Bullying/mockery in the workplace .....	17
4.4. Sexual harassment in the workplace .....	18
4.5. The need to create a Media Employees Union .....	19
<b>5. Professional freedom.....</b>	<b>20</b>
5.1 Threats related to work .....	20
5.2. Stress and traumatic situations .....	21
5.3. Censorship and self-censorship .....	21
<b>6. Assessing media freedom.....</b>	<b>24</b>
6.1. Perception of media freedom and trends over the years.....	24
6.2. Influencing events (factors) .....	25
6.3 Quality Journalism .....	25
6.4 Access to Court .....	26
<b>7. Recommendations .....</b>	<b>28</b>
<b>Appendix 1 - Questioner.....</b>	<b>31</b>

## 1. Introduction

In accordance with its mission of protection and respect of human rights and freedoms, the Albanian Helsinki Committee (AHC) developed and implemented the 'National Barometer of Media Freedom in Albania for 2020', the first of its kind in Albania to have been carried out by journalists for journalists. The barometer processes and analyzes from a quantitative and qualitative point of view, the data obtained from a survey conducted with journalists, on the situation of their working conditions, professional freedom and their perceptions on media freedom as a whole. It is worth noting that the data were collected by two experts in the field of journalism and communication, guaranteeing the anonymity of respondents who have shown interest in the Barometer.

With the fall of the totalitarian regime, freedom of expression was initially guaranteed in 1993, with law no. 7692, dated 31.03.1993 On an annex to law no. 7491, dated 29.4.1991 'On the Main Constitutional Provisions', in its Article 2<sup>1</sup>. Since 1998, freedom of expression, press, radio and television, as well as the right to information, are enshrined in the Constitution of the Republic of Albania.<sup>2</sup> Albania has acceded to a series of International Conventions that protect human rights and freedoms, in the framework of our country's membership in the United Nations and the Council of Europe. Among these Conventions, Article 10 of the European Convention on Human Rights protects freedom of expression and has been developed and interpreted thanks to the rich caselaw of the European Court of Human Rights (ECHR).

In the perspective of the OSCE Chairmanship by Albania in 2020, a group of civil society organizations recommended to the Albanian government to fulfill the commitments undertaken as a member of the Council of Europe and of the OSCE, to ensure a favorable environment for freedom of expression and the media, stepping up efforts to expose physical attacks on them. Based on Article 17 of the Constitution, which sets out the necessary criteria for cases where constitutional rights and freedoms may be restricted, Article 22 of the Constitution and Article 10 of the European Convention on Human Rights, which guarantee freedom of expression, the withdrawal of the government is also recommended from attempts to bring the media under the control of public institutions, such as the Audiovisual Media Authority, which does not provide sufficient guarantees of independence and impartiality.<sup>3</sup> Despite the diverse media market operating in the country, Reporters Without Borders ranked Albania 83rd out of 180 countries in their 2021 World Press Freedom Index report, behind Kosovo, which was ranked 79th.<sup>4</sup> Also, "Freedom House", in its report on freedom for 2021, estimates that "while the Constitution

---

<sup>1</sup> Law no. 7692, dated 31.03.1993. For an appendix to the law no.7491, dated 29.4.1991 'On the main constitutional provisions'. Official Gazette 3, March 1993, p.161; Article 2.

<sup>2</sup> <https://www.parlament.al/Files/sKuvendi/kushtetuta.pdf>

<sup>3</sup> See the report 'Assessment of Human Rights and the Rule of Law as Albania has the Chairmanship of the OSCE January, 2021' available at: <https://ahc.org.al/wp-content/uploads/2021/01/Vleresimi-i-te-Drejtave-te-Njeriut-dhe-Shtetit-te-se-Drejtues-teksa-Shqiperia-kryeson-OSBE-ne.pdf>

<sup>4</sup> <https://rsf.org/en/ranking>

guarantees freedom of expression, the combination of strong business, political and media interests hinders the development of independent media”.<sup>5</sup>

In December 2019, parliament passed two laws as part of the "anti-defamation" package. This package was criticized in the early stages of its drafting by civil society and media organizations, which expressed concern about the threat to media freedom and freedom of expression. Council of Europe criticizes the law over its vague stipulations and its potential to hinder online reporting.<sup>6</sup> According to the decision of the Council of the European Union, in March 2020, for the opening of negotiations with Albania and Northern Macedonia before the first intergovernmental conference, the Albanian government had to meet a number of conditions, including ‘following the recommendations of the Venice Commission pertaining the controversial legislation against the media.’<sup>7</sup> The "package" has remained completely unapproved, pursuant to the recommendations of the Venice Commission for its modification.<sup>8</sup>

It is also worth noting that Freedom House in its 2021 report states that journalists have little certainty of keeping their job and continue to be sued, threatened or physically assaulted from time to time by those who possess media control. The printed media continues to face declining incomes, which in turn has reduced journalists' salaries”.<sup>9</sup>

In tandem with the problems of media freedom, media workers in Albania continue to face a number of problems with the enjoyment and exercise of labor rights. A study conducted by the Albanian Center for Quality Journalism and Citizens Channel found that the vast majority of young reporters are exploited by media executives during the so-called internships, while even seasoned journalists have problems with contractual relationships at work.<sup>10</sup> Moreover, a study report published by the Albanian Helsinki Committee in 2020 reconfirmed the lack of employment contracts, abuse of probation terms for new hirelings, problems with salaries, or non-compliance with working conditions of employees in the media sector.<sup>11</sup> Despite the provisions of the Labor Code that allows a group of at least 20 employees to organize in a union, in order to represent and protect the economic, professional and social rights and interests of their members, journalists and even others from the ranks of media workers in our country, are not organized in trade union movements. In the AHC’s study report for 2020 (mentioned above), the journalists themselves

---

<sup>5</sup> <https://freedomhouse.org/country/albania/freedom-world/2021>

<sup>6</sup> <https://www.coe.int/en/web/commissioner/-/commissioner-urges-albania-s-parliament-to-revise-bills-which-restrict-freedom-of-expression>

<sup>7</sup> Council Conclusions on Enlargement and Stabilization and the Association Process - Albania and the Republic of Northern Macedonia, Council of the European Union, 2020, <https://data.consilium.europa.eu/doc/document/ST-7002-2020-INIT/en/pdf>

<sup>8</sup> [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)013-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)013-e)

<sup>9</sup> <https://freedomhouse.org/country/albania/freedom-world/2021>

<sup>10</sup> [https://issuu.com/citizenschannel/docs/duke\\_synuar\\_kush\\_te\\_drejta\\_pune](https://issuu.com/citizenschannel/docs/duke_synuar_kush_te_drejta_pune)

<sup>11</sup> [https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor\\_Te-drejta-pune-per-gazetaret\\_ALB-1.pdf](https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor_Te-drejta-pune-per-gazetaret_ALB-1.pdf)

report that one of the causes or obstacles for the establishment of the union, is their fear of retaliatory actions by media owners<sup>12</sup>.

## 2. Executive summary

Barometer data confirm the deteriorating state of freedom of expression over the past year, measured in annual reports by Freedom House and Reporters Without Borders. Attempts to impose the so-called anti-defamation package, ready-made news from political forces and concrete events such as protests, the demolition of the national theater and the pandemic are mentioned particularly in response as signs of waning of freedom.

Quantitative and qualitative analysis of data collected by the Barometer shows a number of problems that create a shrinking climate for media freedom in Albania, such as job insecurity, lack of economic stability in the labor market, lack of formalization of employment or that of providing the service through contracts according to the legal framework in force, an unsafe environment with threats and harassment, censorship and self-censorship. The bulk of these issues and factors is not a novelty, but they are carried over the years, continue to remain unresolved, and already brought over and again to the attention of the relevant public authorities.

The barometer also presents data on the perception of media workers themselves on professional freedom and the causes that affect the violation of media freedom in the country. Respondents say that representatives of central and local government just as those of the political parties, are clearly identified as the main censors and restrictors of media freedom, just as the media owners, representatives of law enforcement agencies and persons identified as implicated in various criminal offenses or “the strongmen of the area”.

The Barometer findings are divided into three sections. The first section brings concrete data on the situation and on the respect for the rights of journalists in the workplace. The second section provides data on the situation and factors that affect the professional freedom of media workers. Whereas the third section contains data on the factors that according to the employees of the sector affect the violation of media freedom, as well as their recommendations on measures that would further increase media freedom.

### ▪ *Freedom to trade unions*

The vast majority of media workers are of the opinion that professional growth and trade unionism would assist journalists and improve media freedom and working conditions. Media workers claim that they should have a union to protect their rights at work and to attain better working conditions. Specifically, 197 or 98.5% of respondents were in favor of its establishment.

---

<sup>12</sup> Quote from the report, see p. 73-74. A concrete case was in the years 2016-2017 when we started to have problems with salaries. We called the owner and made a request for information. They called it a petition, and it was signed by 15 people. We demanded that our full salary be declared to the bank, and that we be paid on time on the appointed date .... This stirred the whole editorial office. The owner who till then had not come to see how we worked, came and called it an uprising and said 'I will not allow trade unionism. Unions are not allowed in this work' and as a result, a journalist quit her job because she was the one to submit the request.

- *Informality at work*

68.8% of respondents stated that they work based on a regular employment contract, while the remaining 30.2% answered that they do not have a regular employment contract or that they do not have information about their contractual relationship.

- *Bullying<sup>13</sup>/ridiculing in the workplace*

11.5% of the respondents stated that they were bullied/ridiculed during work or because of it, in their work environment. In this category, most of them stated that they had more than 10 years of work experience and that bullying behaviors had occurred in the first years of their career.

- *The right to weekly and annual leave*

The Labor Code provides for the right of employees to weekly and annual leave, with the survey showing that:

- 59% of respondents state that they work 6 days a week, while 18% of respondents state that they do not take any days off.
- 63.5% of respondents stated that they take 14 or 15 days off per year, while only 16.5% of them effectively enjoy full annual leave.

- *Threats due to work*

Barometer data identify frequent cases of physical and verbal threats against journalists and media workers, which affect the presence of a climate of self-censorship of the media in our country. Respectively, 33% of respondents reported that they were physically threatened due to work or while performing it, while 51.5% report verbal threats.

Respondents indicate that they have been attacked or felt threatened by police officers, protesters, persons suspected of links to the underworld, and other entities (such as those involved in conflicts reported in the media, attempting to fetch or damage their work tools). Of concern in all cases remains the fact that the perpetrators of violence have not been punished.

- *Stress and traumatic situations*

Of concern is the fact that over 88% of media workers reported high levels of work-related stress. A good part of them, 79.5% reported that they had covered and reported events, which had created

---

<sup>13</sup> “**Bullying**” is the use of force, coercion, harassment or threats that hurt or cause pain, with the intent to abuse, dominate or intimidate aggressively. The behavior is often repeated and becomes commonplace. An essential precondition is the perception (by the bully or others) of an imbalance of physical or social power. This imbalance distinguishes harassment from conflict.

The source for reference to this definition is taken from Juvonen, J.; Graham, S. (2014). ‘Bullying in Schools: The Power of Bullies and the Plight of Victims’. *Annual Review of Psychology*. 65: 159–85.



strong psychological shock to themselves. However, despite these figures, only a handful, 10% admitted to having sought medical or psychological help.

- *Censorship and self-censorship*

Regarding the cases of censorship or self-censorship, the reported data show a shrinking climate of media freedom in our country.

Respectively, 49.5% of the respondents stated that they were asked directly or through the editor or editor-in-chief not to publish a news item. According to them, these cases are related to the interests of the employer in terms of the influence of the social circle, business and in relation to public officials or representatives of state institutions. At a slightly higher level are perceptions of self-censorship cases, with 52% of respondents claiming to have avoided reporting a news item because they thought it would displease employers. Most respondents who self-censored, denied that this was related to job insecurity or their contract termination by the employer.

### **Self-assessment of media freedom**

Most of the respondents or 66.5% of them perceive that the media in Albania is little or not free at all. While 30.5% estimate that the media is on average free. Only 3% of respondents think that the media in the country is free or completely free.

- *Influencing factors*

Respondents were asked to select up to 3 alternatives for the influential factors regarding the violation of media freedom in our country during 2020. The data show that:

- 90% of respondents perceive that the interventions of the government or political parties are considered the main factor that violates the freedom of the media,
- At 80% are reported the interests of businesses run by media owners.
- As a third alternative, in 21.5% of cases, respondents believe that there is influence from persons involved in organized crime.

- *Quality journalism*

According to 77% of respondents, quality journalism marked the same or declining levels during 2020, compared to the previous year (2019). Influencing factors according to them are related to:

- the pandemic situation and its effects,
- the efforts to regulate the media with the legal package of anti-defamation, which created premises for censorship and self-censorship, and
- the demolition of the National Theater.

- *Obstacles to going to court when freedom of expression is violated*

Respondents list a number of reasons that prevent them from going to court if their freedom of expression is violated, such as bureaucracies and delays in court proceedings (64%), fear of

employer retaliation (54.5%) and fear that will not be hired by other employers because of the solidarity that exists in such cases between media owners (44%).

Part of the Barometer are also the data obtained from the requests for information that AHC has addressed to the courts of the respective judicial districts regarding the number of court cases in process pertaining dismissed or suspended journalists or other media employees. ***Out of 23 district courts, 17 of them responded<sup>14</sup>, of which 4 report to having registered court cases or verdicts given regarding journalists or media workers<sup>15</sup>***. Referring to the information received from the court for the period January - December 2020, the data are as follows:

- In the Korça Judicial District Court, a criminal case is pending, with the object 'Illegal Interference in the Private Life', provided in Article 121 of the Criminal Code.
- In the Fieri Judicial District Court, three cases have been registered<sup>16</sup> of which, one case is civil on the obligation of payment and social contributions of the journalist and the other two cases are criminal for objection of the police officer.
- The Court of the Kruja Judicial District turns out to have had a dismissed criminal case related to the criminal offense of 'Insulting a judge or prosecutor'.
- It was found that two criminal cases have been registered in the Gjirokastra Court<sup>17</sup> with litigants journalists and media workers, for the criminal offense of Defamation.

The approach of some Courts of Judicial Districts (Shkodra, Berat and Tirana) is not at all helpful when it comes to the assessment of the situation of freedom of expression, which reported that the way of collecting and processing data does not identify the profession of the party and, consequently, are not capable of identifying issues related to journalists or media workers, unless they are identified with their generalities by the solicitor of information.

▪ *Factors that contribute to the increase of media freedom*

Respondents were asked to select 3 alternatives on the factors that contribute to guaranteeing of media freedom in our country. The processed data show that:

- 66% of respondents need a better professional training of journalists - (through training, strengthening professional integrity, etc.);
- For 63% of respondents, it is necessary to create a union to represent and protect them with dignity;
- For 43% of respondents, it is necessary for media owners to be independent of politics.

Based on the perceptions of media workers and the concerns they share about media freedom in our country, the Albanian Helsinki Committee has identified at the end of the Barometer, with the

---

<sup>14</sup> The judicial District Courts of Kavaja, Mati, Berati, Shkodra, Pogradeci, Dibra, Gjirokastra, Kurbini, Kruja, Fieri, Tropoja, Puka, Lezha, Përmeti, Korça, Saranda, Tirana

<sup>15</sup> The judicial Court of Kavaja, Mati, Pogradeci, Dibra, Kurbini, Tropoja, Puka, Lezha, Përmeti and Saranda, have reported that for the period of January – December 2020 there have been no court cases and no decisions have been issued by media representatives or journalists.

<sup>16</sup> For these issues the court gave its verdict in 2021.

<sup>17</sup> In one of them a journalist has pleaded not guilty, while the other case is still under consideration.

help of engaged experts, some recommendations that can serve the improvement of the situation in the future.

### 3. Methodology

Barometer data were obtained by utilizing the survey method, which was conducted through an electronic questionnaire designed by media experts, and subsequently reviewed by AHC. After its finalization and the methodology of how this survey would be conducted, two journalists contributed to contact electronically and by telephone, respectively 350 media employees (journalists, editors-in-chief, editors, film directors, operators, etc.).

The questionnaire was shared with the google drive format, which enabled those interested to complete it independently and uninfluenced by the experts who contacted them. The designed questionnaire consisted of 47 questions (closed and/or opened). After completing the questionnaire and logging in, the data for the answers to the questions that were selected according to the proposed alternatives (closed), were processed in statistical form. The data for the open answers have been processed from the qualitative point of view by the experts engaged for the implementation of the Barometer. Respondents were given the opportunity to complete the questionnaire anonymously, in order to feel free and not prejudiced about the answers given.

Ensuring of the anonymity was praised by media experts as prompting a higher level of positive feedback to respond to the Barometer. As a result, 200 employees of the media sector responded to the interest in the Barometer. It is worth noting that the selected sample, despite being considerable, can not be objectively compared to the total number of employees of the media sector in our country. This is because there is a lack of accurate data on this indicator. Referring to the publications of civil society organizations or experts in the field, it is ascertained that in 2019, it is noted a decrease in the number of media employees, from 6200 to 5900 people. The main reason is related to the closure of some media, digitalization but also to the leaving of journalists of their profession due to their dissatisfaction with working conditions<sup>18</sup>.

The sampling methodology aimed for its distribution to be representative, taking into account elements such as gender and geographical distribution, respectively in the cities of Tirana, Gjirokastra, Vlora, Fier, Shkodra, Elbasan, Durrës, Pogradec, Lezha, Kukës, Kavaja, Librazhd and Lushnja. Due to the nature of the questions, a very high number of journalists (about 80%) answered the survey, while other media sector employees (Director, editor, cameraman, broadcast technician, etc.) answered in the minority. In terms of the media where they are employed, the first most represented in the data that Barometer gleaned are TV station employees. Unlike previous questionnaires of this nature, because the number of newspapers and magazines has dropped significantly, the second most represented in terms of Barometer data are the employees of online portals.

The survey was conducted during the period 1 - 20 July 2021, but its data refer to the period January - December 2020. The questions are organized in 3 different blocks.

---

<sup>18</sup> Open Society Foundation, Landscape of online media in Albania. Tiranë: OSFA, 2018  
Kabashi, Gëzim. 'The costs of digitalization shut down local television stations (Kosotot e dixhitalizimit mbyllin televizionet lokale)'. BIRN, November 9, 2019

- **The first block of questions** enables the collection of concrete data on the situation and respect for the rights of journalists in the workplace. More specifically, it presents data on the contractual relationship at work, the duration of the contract, weekly and annual leave, as well as the need to set up a union to protect their rights at work.
- **The second block of questions** enables the collection of data on the situation and factors that affect the professional freedom of media employees. This includes threats because of the profession, stress or psychological shock as a result of the work or the influence that employers/editors have on the covering of the events.
- **The third block of questions** contains questions for data on the factors that according to the employees of the sector affect the violation of media freedom, as well as their suggestions on measures that would help further increase media freedom.

The barometer also reflects the data obtained with requests for information addressed to several courts in the country, regarding the number of court cases (both civil and criminal) with litigants or defendants being journalists and employees of the media sector and decision-making for them, if any, for the period January - December 2020.

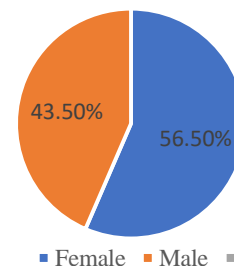
#### ❖ General data on respondents

The categorized data on the persons who responded to the Barometer are presented below:

##### a) Gender

113 of respondents or 56.5% of them were female, while 87 or 43.5% of the total were male.

Fig 1. Breakdown of respondents by gender

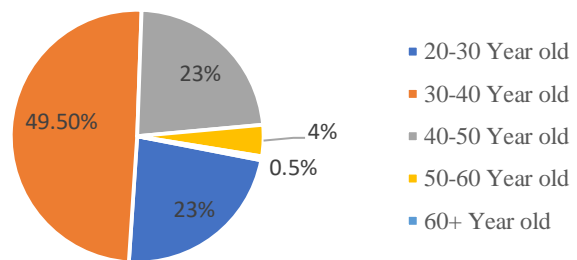


##### b) Age

The data categorized according to the age of the respondents show that:

- 23% of them belonged to the age group 20-30 years,
- 49.5% belonged to the age group 30-40 years,
- 23% belonged to the age group 40-50 years.
- in the age group 50-60 years were 4% of respondents,
- while 0.5% were over 60 years old.

Fig.2 Breakdown of respondents by age

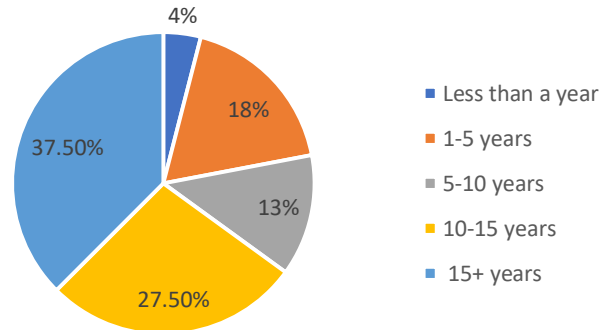


### c) *Experience in the media sector*

Most respondents are experienced in the media sector. 61% of those who responded to the Barometer, report that they have been practicing the profession for over 10 years. Specifically, some of the data related to the experience are as follows:

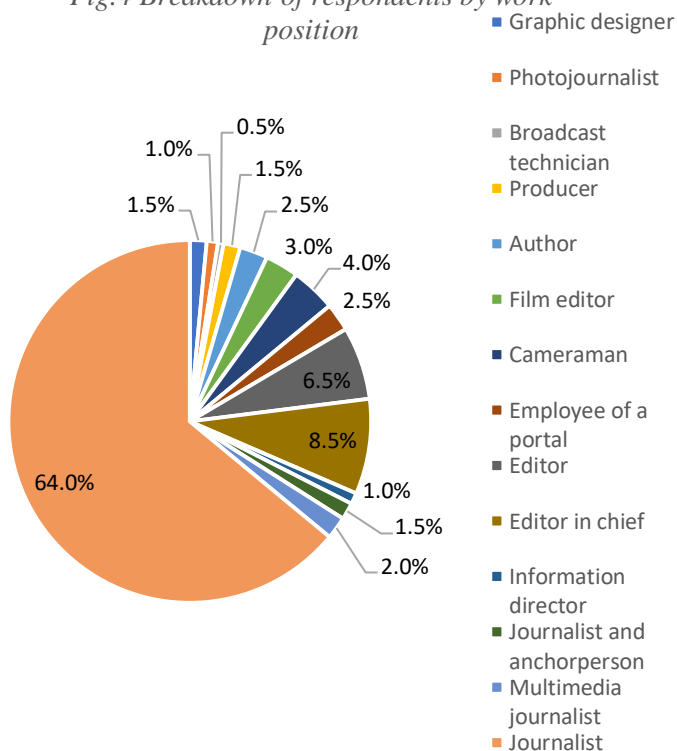
- More than 1/3 of them or about 37.5% report that they had over 15 years of experience.
- 27.5 of the respondents had 10-15 years of experience
- 13% of respondents had 5-10 years of experience,
- 18% have 1-5 years of experience,
- while 4% of the total had less than a year of working experience in the media sector.

Fig.3 Breakdown of respondents by years of work experience



### d) *Position*

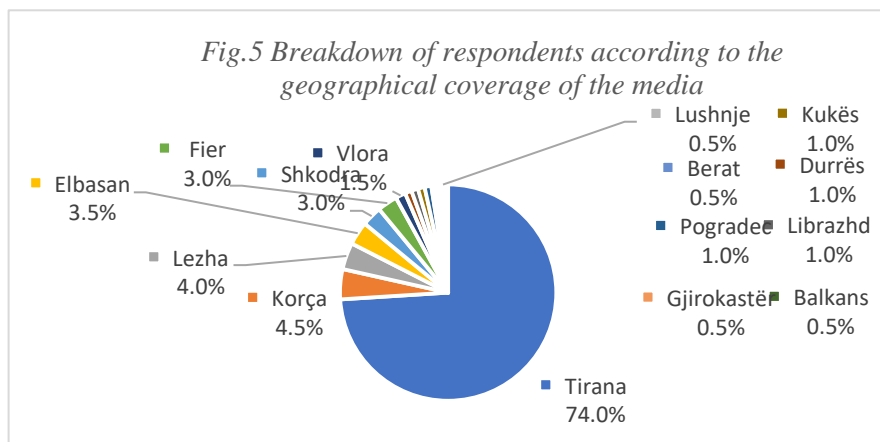
Fig.4 Breakdown of respondents by work position



The survey included media workers who practice their profession in various positions. About 64% of them declared themselves journalists, 8.5% editors-in-chief and 6.5% editors. The rest, of about 20% included employees in other positions, such as: Director, editor, cameraman, broadcast technician, etc.

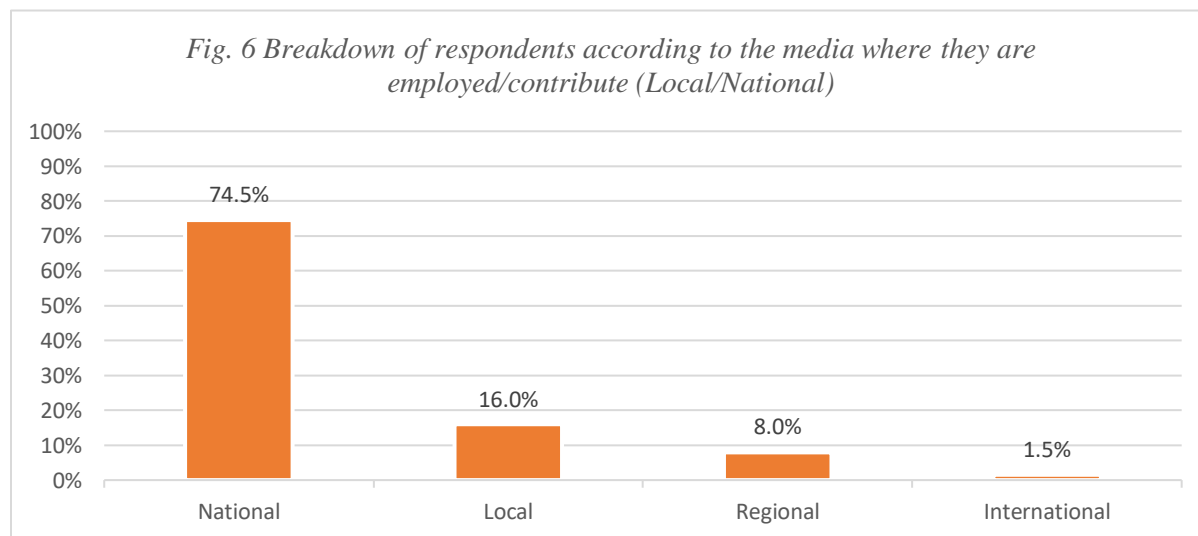
### e) *Geographical distribution*

74 % of respondents stated that they work in the capital, while 26% of them stated that they worked in other cities of the country.



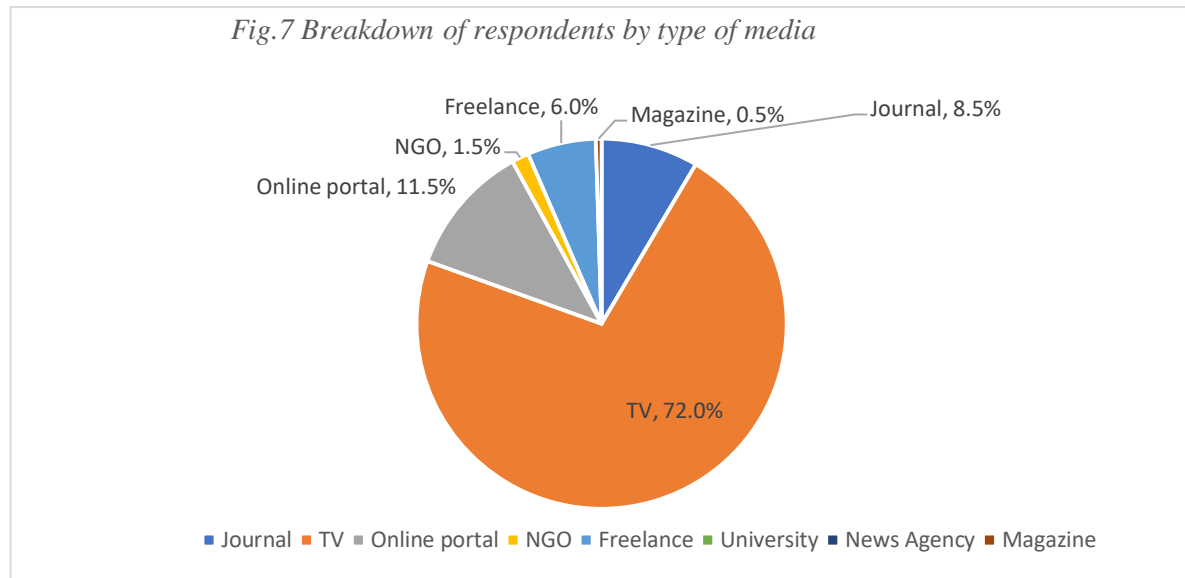
### f) *Categorization of media*

The Barometer was covered the entire country, including local media workers, national, regional and international ones. The following breakdown does not automatically reflect the geographical location of the respondents, as those practicing their vocation in the districts other than Tirana, are national media correspondents.



About 74.5% of respondents stated that they were hired/employed in the national media.

Most of the respondents, 72% of them, at the time of the interview were practicing their vocation on one of the TV stations of Albania. 11.5% stated that they worked on online portals with a focus on information. Meanwhile, 9% of respondents worked in the print media, of which 8.5% in the newspaper sector and only 0.5% in the magazines one. Also, 6% of surveyed participants were freelancers, while 1.5% stated that they worked in civil society organizations.

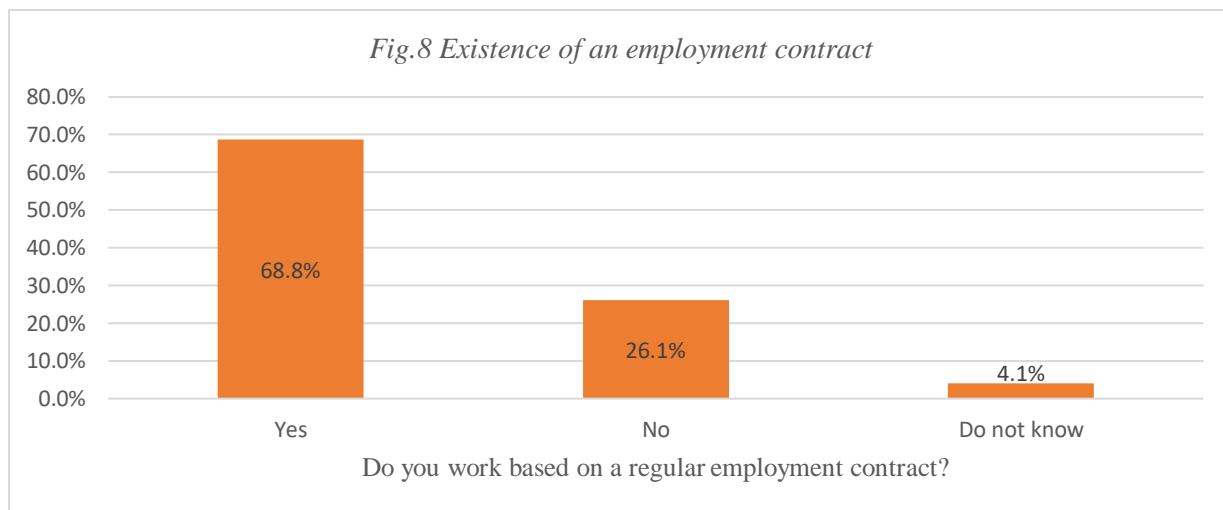




## 4. Respect for the rights of journalists in the workplace

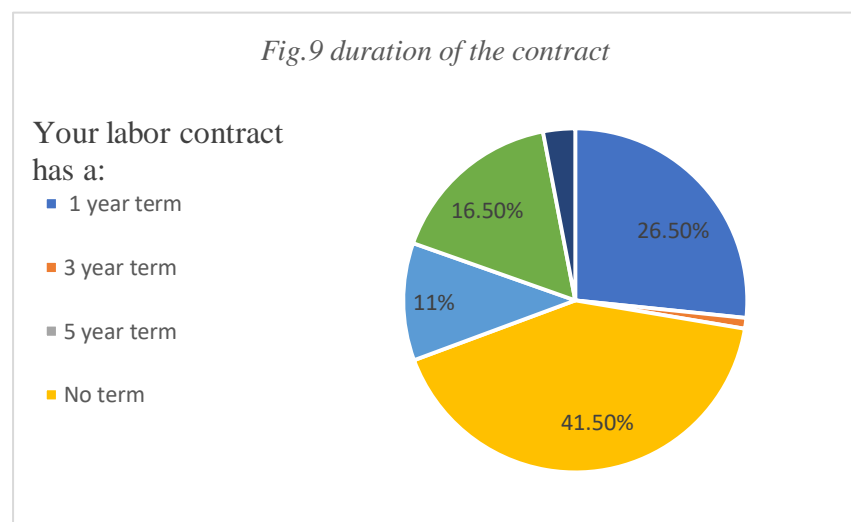
### 4.1. Informality at work

In order to provide a clearer picture of respect for the rights of media employees at work, respondents were initially asked about the contractual relationship with their employer.

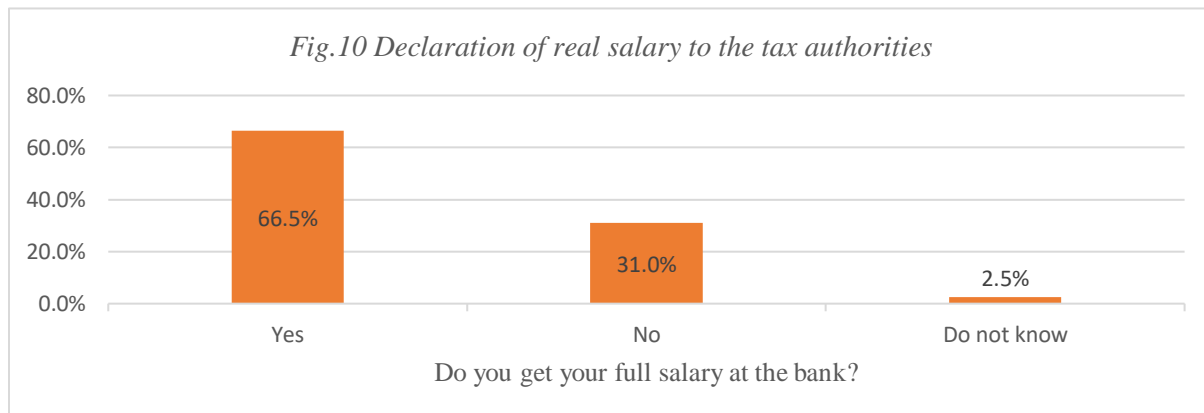


68.8% of respondents stated that they work based on a regular employment contract, while the remaining 30.2% stated that they do not have a regular employment contract, or that they do not have information about their contractual relationship.

Regarding the duration of the contract, only 41.5% of respondents stated that they have an employment contract without a term. 26.5% of respondents stated that they have a 1-year contract, while 16.5% stated that they do not have such a document at all.



These data show that in the media sector, the practices of informality of undeclared employees continue in a significant percentage. Of concern is the fact that over 31% of respondents state that they do not receive full salary in the bank, which is in violation of Article 118 of the Labor Code.



Incomplete declaration of salary, followed by tax evasion as well as payments of social and health insurance, except that it constitutes a flagrant violation of the legislation in force<sup>19</sup>, also causes negative consequences in terms of short-term and long-term direct benefits for media workers, thus violating the right to respect for private and family life, which is protected by Article 8 of the European Convention on Human Rights.

Among the immediate effects is the reduction of disability income from maternity or maternity income, as these payments are made based on the employee's declared salary.<sup>20</sup> Also, the lack of declaration of real salary at the tax authorities has direct bearing on the old age retirement payment.<sup>21</sup>

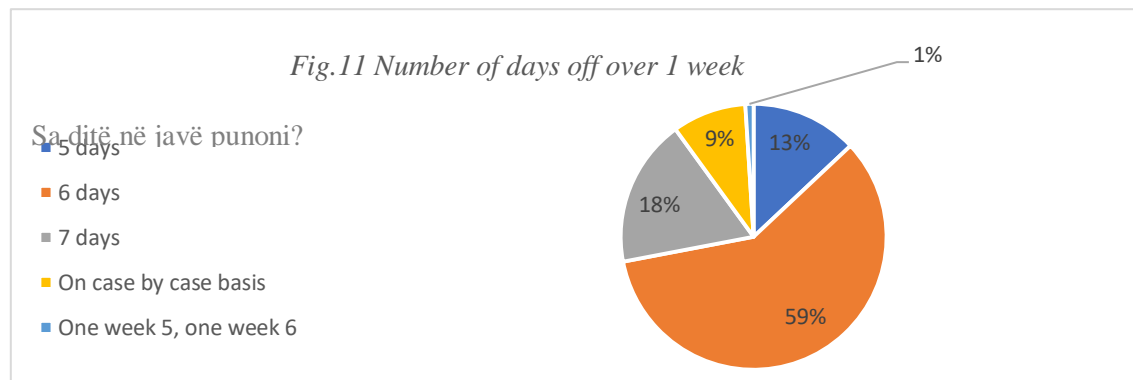
#### **4.2. The right to weekly and annual leave**

The survey reveals that most media workers work above the weekly norm set by the Labor Code. Even more troubling is the fact that there is not enough rest for them during a calendar week. Specifically, 59% of respondents state that they work 6 days a week, while 18% of respondents state that they do not take any days off. Work, 7 days a week is mostly claimed by employees who have 10-15 years of work experience, which shows that violations of the rights set out in the Labor Code is not a phenomenon that goes with only new workers. Only 13% of respondents claimed to work 5 days a week, while 9% of them state that they work on a case-by-case basis, which includes those employees who practice their profession at civil society organizations and that produce materials that are communicated to the media or the public.

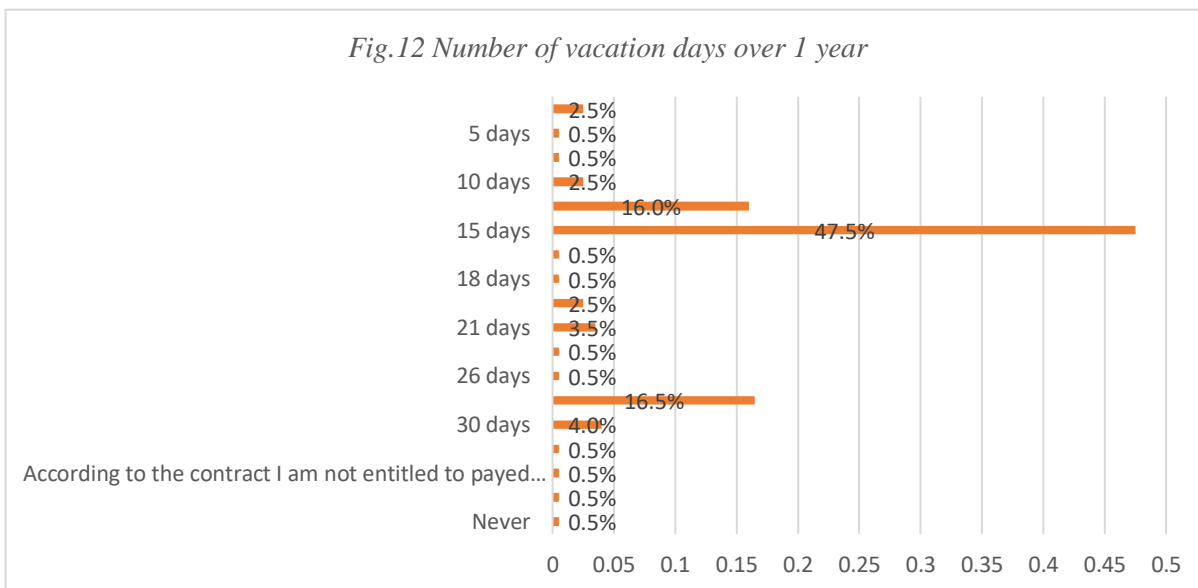
<sup>19</sup> Law No. 8438, dated 28.12.1998 'On income tax', Law no. 7703, dated 11.05.1993 'On Social Insurance in the Republic of Albania', as amended and Article 117 of the Labor Code

<sup>20</sup> Article no. 26; 27; 28; 29, of law no. 7703, dated 11.05.1993 'On Social Insurance in the Republic of Albania', as amended;

<sup>21</sup> Law No. 7703, dated 11.05.1993 'On Social Insurance in the Republic of Albania', as amended.



The survey reveals that media workers' rights to annual leave are often violated. According to the Labor Code of the Republic of Albania, 'the duration of annual leave is not less than 4 calendar weeks during the working year in progress'. However, 75% of employees stated that they take less annual leave than stipulated by the Labor Code. 63.5% of respondents stated that they take 14 or 15 days off per year, while only 16.5% of them effectively enjoy full annual leave.

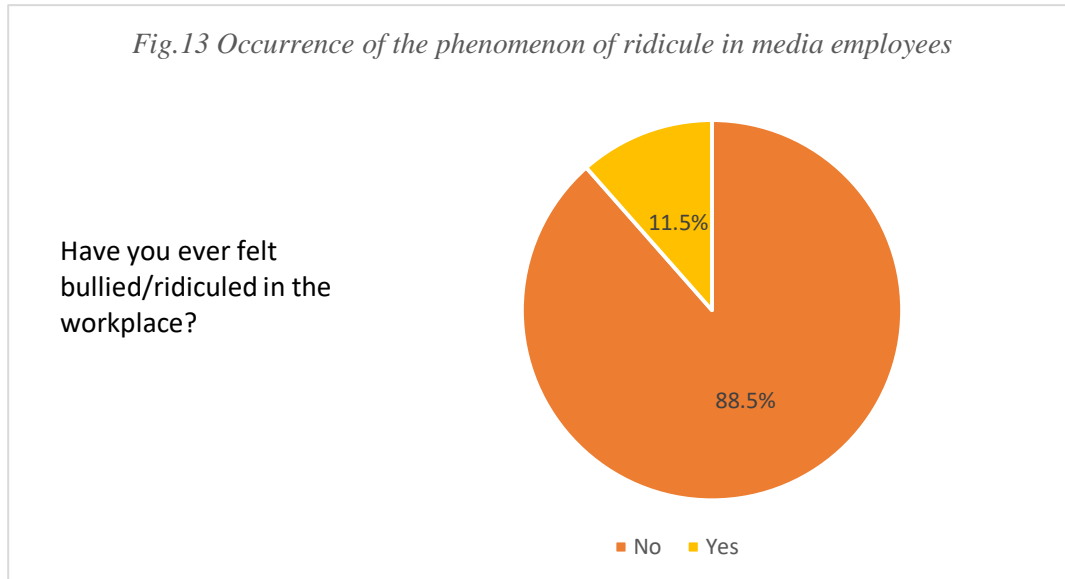


#### 4.3. Bullying/mockery in the workplace

11.5% of the respondents stated that they were bullied/ridiculed during work or because of it, in the work environment. In this category, most of them stated that they had more than 10 years of work experience and that bullying behaviors had occurred in the first years of their career, the traces of which however were still felt. One of the respondents, a television channel employee (of the age group 40 to 50), reported saying '*I was ridiculed in the first years of work, when one may struggle with doing live reporting ... the more experienced colleagues turn into a mockery your slipping of the tongue*'.

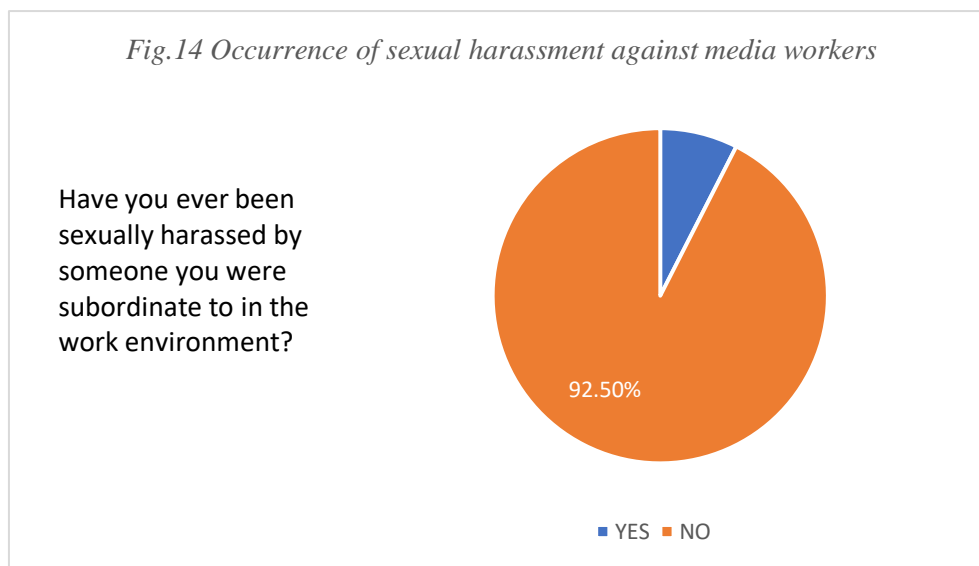
According to respondents who have reported bullying behavior, it is perpetrated by owners of the media or by the superiors of the media workers and in some cases by their more experienced

colleagues. ‘The harassment is mainly about the physical appearance, the way I keep my hair, etc.’, wrote one of the respondents. Also, some of the respondents responded that they were ridiculed in the workplace because of their origin, being labeled as provincial or even in regards to their appearance. In one case, one of the media workers stated that: ‘I felt bullied by people in power’.



#### 4.4. Sexual harassment in the workplace

15 of respondents or 7.5% of the total stated that they had been sexually harassed in the workplace. Only in one case, one of the respondents reported that he had witnessed the bullying behaviors that happened to other persons in an editorial office. All respondents who reported sexual harassment were female.



In subsequent questions, sexually harassed journalists report that they have been demoted because they have resisted or opposed these behaviors. One of the respondents refers to it as forms of sexual harassment

‘Request to go in dates, interest in having a relationship. Demotion due to rejection of the harassment behavior.’ Beyond verbal harassment or similar inappropriate offers, one of the journalists reports that she was physically assaulted and that due to the trauma she suffered, she

sought medical help. She reported that *‘Verbal harassment has gone as far as attempted touching me in intimate places. When persons are rejected, I am punished by not being assigned to cover the news of the day (the work of the day) and of speaking on the camera’*.

#### 4.5. The need to create a Media Employees Union

According to Article 176, paragraph 1 of the Labor Code of the Republic of Albania, 'Trade unions and employers' organizations' are independent social bodies, established as voluntary unions of employees or employers, the purpose of which is to represent and protect the rights and economic, professional and social interests of their members'. The following provisions provide, inter alia, the manner of establishment of trade unions, the elements that their statute must contain, the minimum limit of their founding members (respectively not less than 20 members for trade unions), the acquisition of legal personality after the organization has filed the founding act and the statute in the Tirana Judicial District Court, the principles that guide these organizations, among the most important of which is the termination of the employment contract, by the employer, for the representatives of the trade union organization without the consent of this organization, is invalid, etc.

Almost unanimously, media workers acknowledge the need to create a union to effectively protect their rights at work. Specifically, 197 or 98.5% of respondents were in favor of its establishment. Also, in 85% of cases, respondents stated that they would be an active part of the union, while 12.5% of them did not know whether they would be part of it.

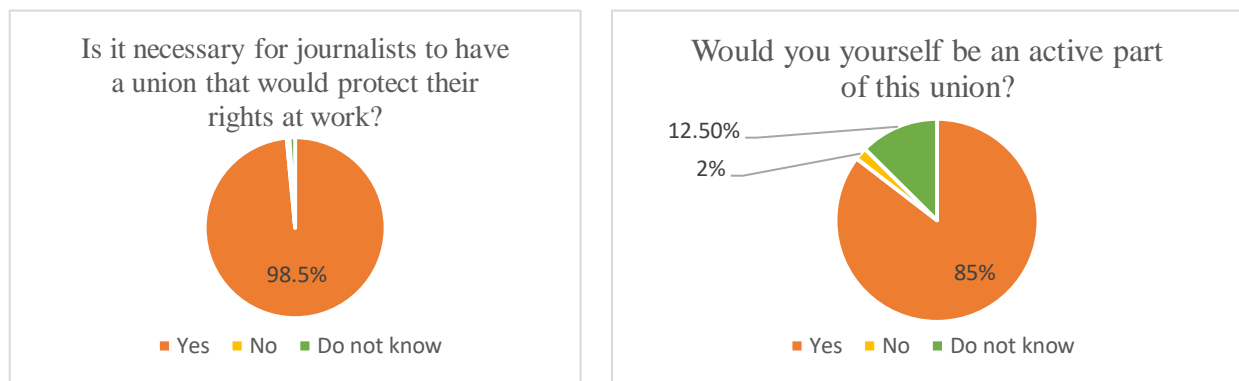


Fig. 15 and 16

*The need to organize in trade union movements and engaging in one*

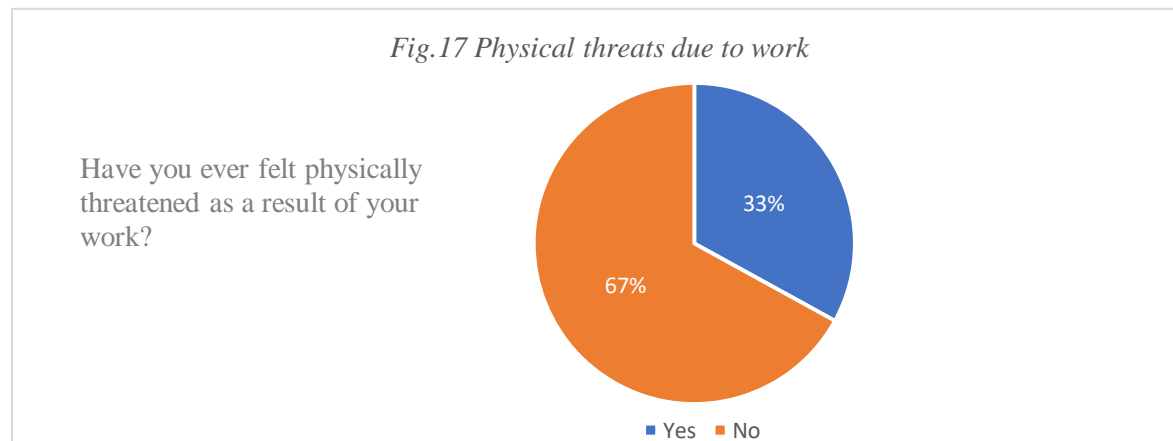
The high demand for the establishment of a union for media workers, seems to reflect the problems of several years related to the bad conditions and non-compliance with the legislation in labor relations towards them and the need to address and resolve them. Despite the initiatives taken by media associations, they are not evaluated in the parameters of a union, as long as the various forms of labor rights violations continue to be at worrying levels.

## 5. Professional freedom

### 5.1 Threats related to work

Barometer data identify frequent cases of physical and verbal threats against journalists and media workers, which brings about as a result a climate of censorship in the Albania media. Although only a small number of the events are reported and few of them receive media attention, in the questionnaires, respondents indicate that they have been attacked or felt threatened by police officers, protesters, persons suspected of links to the underworld, or people with a criminal record, etc. (e.g. persons involved in the conflicts they covered, attempted to snatch or damage their work tools).

During the past year, cases have been reported in the media when the police accompanied to their stations journalists on duty, and that for several hours<sup>22</sup>. This is also confirmed by four of the



respondents, who report that they have been threatened or felt threatened by the police.

Barometric statistic data show that, 33% of respondents claim to have been physically threatened because of work or while performing it. One of the respondents wrote that his house was attacked with TNT and others describe cases of threats by armed persons or of those in conflict with the law, before the publication of a news item. Of concern in all cases remains the fact that the perpetrators of violence have not been punished. Police has on several occasions notified internal investigations<sup>23</sup>, however in none of the cases are there reports that actions were taken against its employees.

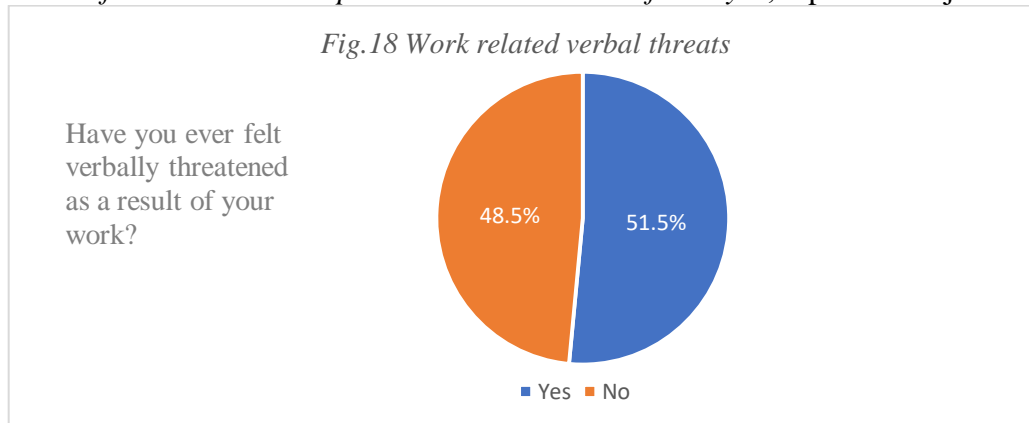
51.5% of respondents claimed to have been verbally threatened. The forms in which the verbal threat was carried out, are referred to as being through telephone messages, through messages on social networks or even face to face. Some of them identified that the threats were made by representatives or employees of state institutions. A journalist reported through the questionnaire that she had been pressured for days, that misinformation articles had been written in other media,

---

<sup>22</sup> <https://www.reporter.al/policia-perballet-me-kritika-ne-rritje-per-shoqerimin-e-gazetareve/>

<sup>23</sup> <https://www.reporter.al/ndalimi-i-gazetarit-elvis-hila-nga-policia-sheba-nis-hetimet/>

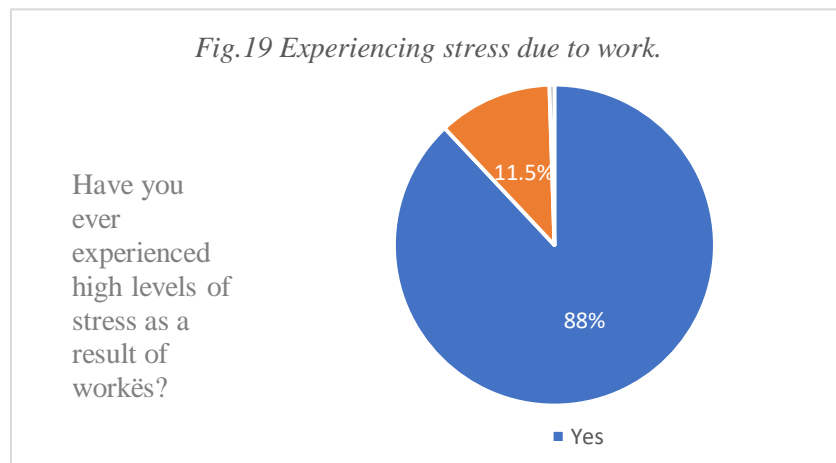
violating her dignity and that there had been phone calls that kept her under pressure. “An electronic media wrote about me that I was connected to senior officials. I got on the phone from the people who fabricated the script and I was threatened for days”, reported the journalist.



When asked whether they had found support from employers in cases of threats, 46% of respondents report that they had enjoyed support, 26.5% state that they did not enjoy support and 27.5% checked the ‘I do not know’ alternative.

## 5.2. Stress and traumatic situations

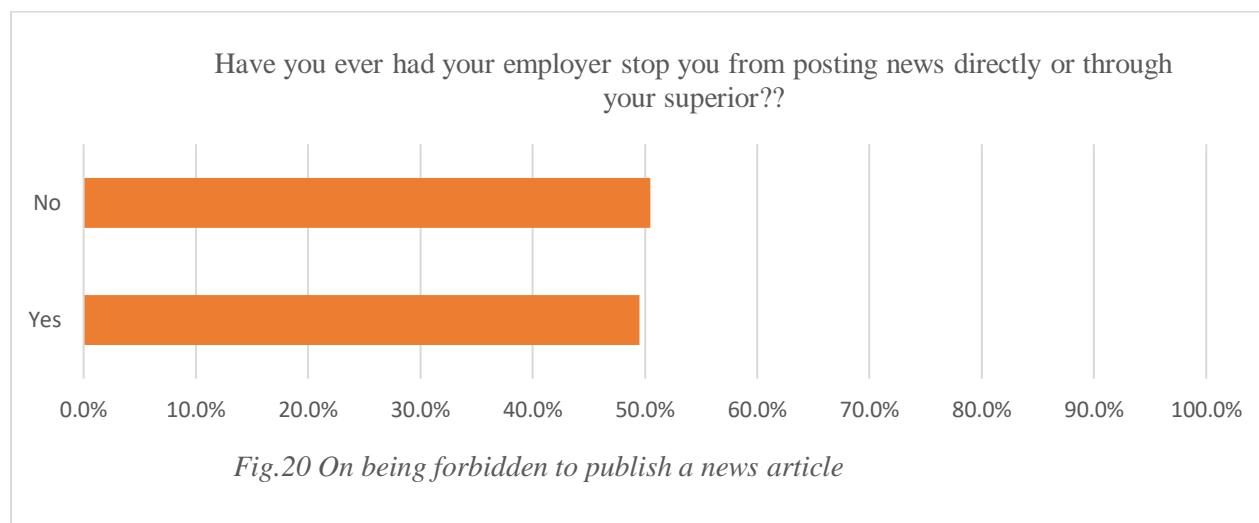
Over 88% of media workers reported high levels of stress due to work. A good portion of them, 79.5% reported that they had covered and reported events, which had created strong psychological shock to them. However, only a small proportion, 10% admitted that they had sought medical help for these causes. Among those who sought help, most said they turned to psychologists and in some cases family doctors or psychiatrists.



## 5.3. Censorship and self-censorship

49.5% of respondents claimed that they were censored, after being asked directly by the owner or through the editor or editor-in-chief, not to publish a news item. In this category, 40% of respondents specified cases where this had happened, mainly for events or issues that have been in the public spotlight recently. Among the cases mentioned as censorship are reports on concessions for the construction of incinerators for waste management, interests affecting the

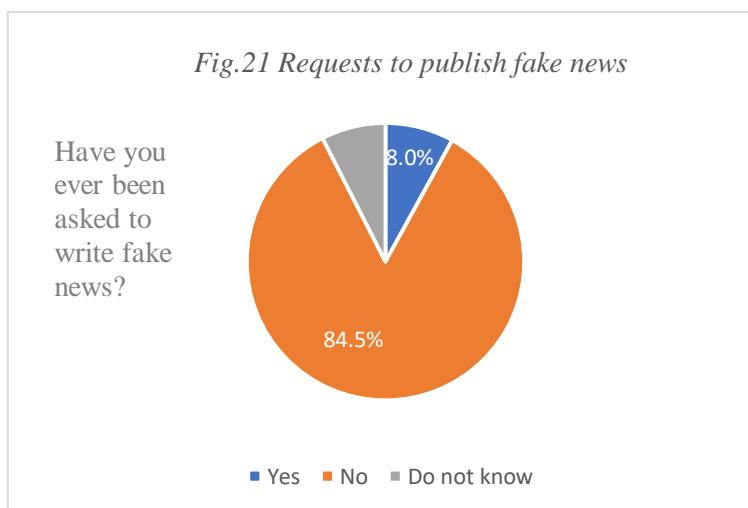
social circle or businesses related to the employer, protest and the issue related to the demolition of the National Theater, etc.



*'I was not allowed to publish critical news about the Municipality of Tirana. The last time was when I made a report about a protest of a group of citizens after the general buss pass was canceled. My boss censored the news telling me that I had covered the protest on my own accord even though it was the editorial office that had sent me there',* says one of the respondents.

Another respondent says that: *'For more than 15 years of work experiences, the instances are many. Here is the most recent: Voices against, after the demolition of the National Theater building.'* Among the respondents, there are those who make it clear that they were afraid that they would be penalized if they made known cases of censorship.

Regarding the above, 33.5% admitted that they had to leave in the middle a research or work for the preparing of a news. Of concern is the fact that 8% of respondents admit that they were asked to publish fake news, while 7.5% of respondents were not sure whether this had occurred.

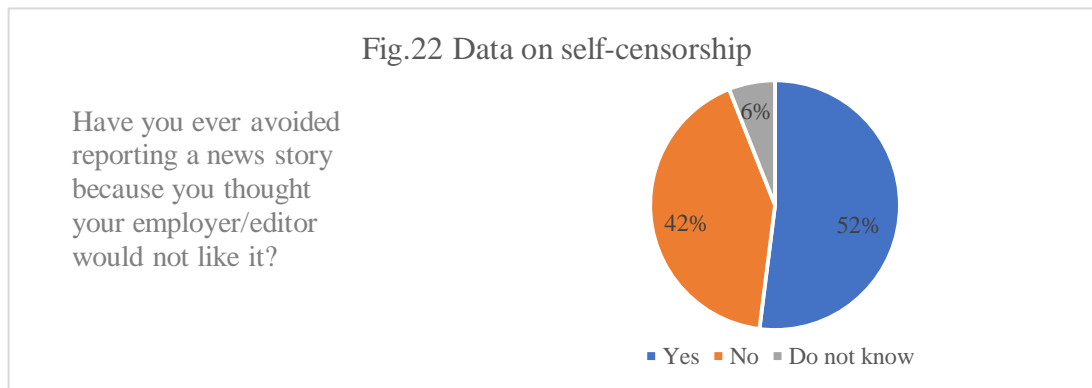


Self-censorship, although with a slight difference from censorship, according to the responses of the respondents, is more commonplace. 52% said they had avoided reporting a news stories because they deemed it would not please the employer, 42% said it had not happened and 6% were uncertain to answer. A 2017 BIRN report<sup>24</sup> on this topic notes that journalists try to conceal cases

<sup>24</sup> <https://birn.eu.com/wp-content/uploads/2017/05/Raport-mbi-vetecensuren-ne-median-shqiptare.pdf>

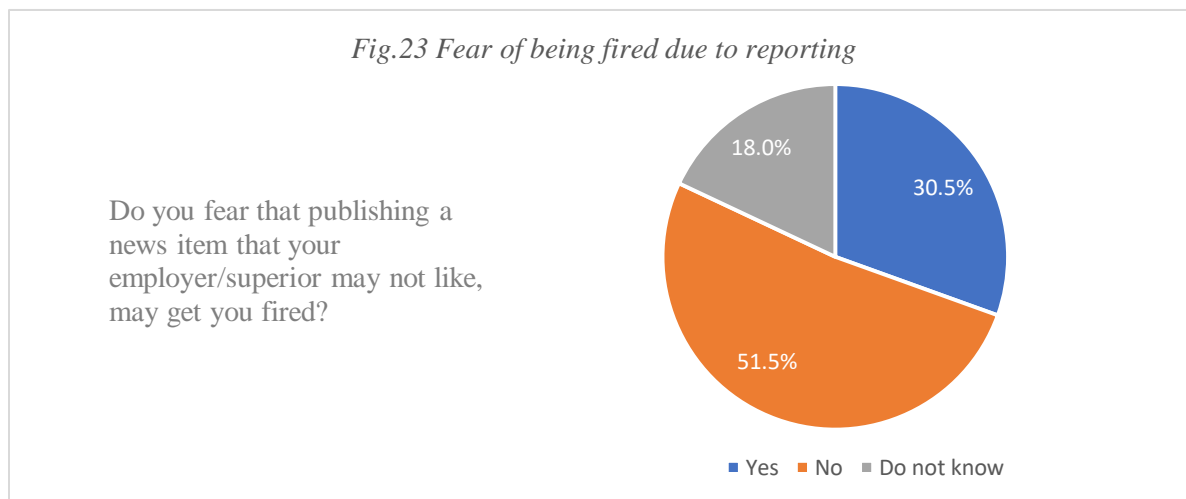


of self-censorship when the question is directly about them and their work, while they have a perception that it happens more in relation to third parties, given colleagues or other media from the country their work.



It is contradictory that, although they said they were self-censoring, most respondents denied that this was related to insecurity for their jobs or fear of being fired.

51.5% denied that publishing a news item could lead to dismissal, 30.5% stated that they had this fear, while 18% were uncertain.



## 6. Assessing media freedom

In a separate section Respondents were asked about their perceptions regarding media freedom in the country in the past year and how this situation has changed compared to previous years.

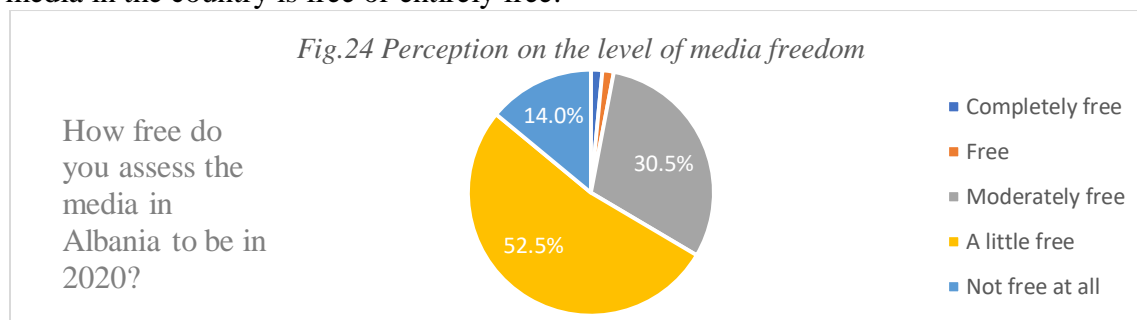
As reported by Reporters Without Borders, media freedom in Albania, after a relatively good improvement until 2018, deteriorated immediately in the last two years, when the country dropped from 75th in the world ranking to 84th, in a level similar to that of the year 2014<sup>25</sup>.

The answers received in this section highlight the factors that, according to media employees, influenced 2020 more in this regard. The pandemics, the so-called anti-defamation law and the demolition of the National Theater were singled out among the events that most contributed to the deterioration of the situation.

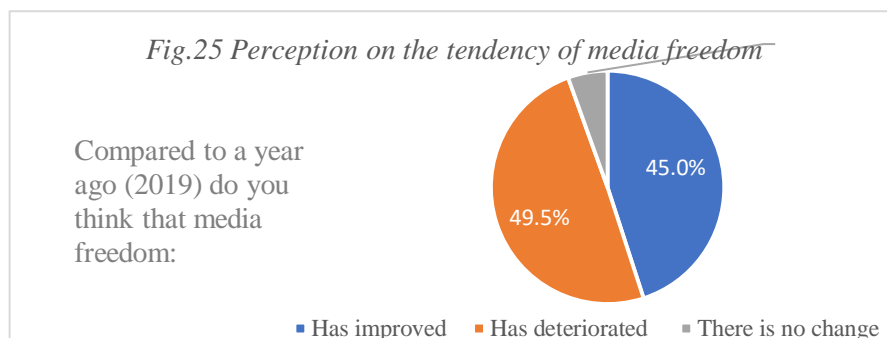
In this section, the respondents also provided their recommendations on how this situation could be changed, mostly highlighting the need for a better education of journalists.

### 6.1. Perception of media freedom and trends over the years

Most respondents or 66.5% of them, think that the media in Albania is little or not free at all. While 30.5% said that the media is moderately free. Only 6 respondents or 3% of respondents think that the media in the country is free or entirely free.



A disturbing fact is that almost half of the respondents think that media freedom in Albania has deteriorated compared to a year ago. While 45% of respondents said that there is no change, compared to 2019. Taking into account the responses to the above question, this means that in

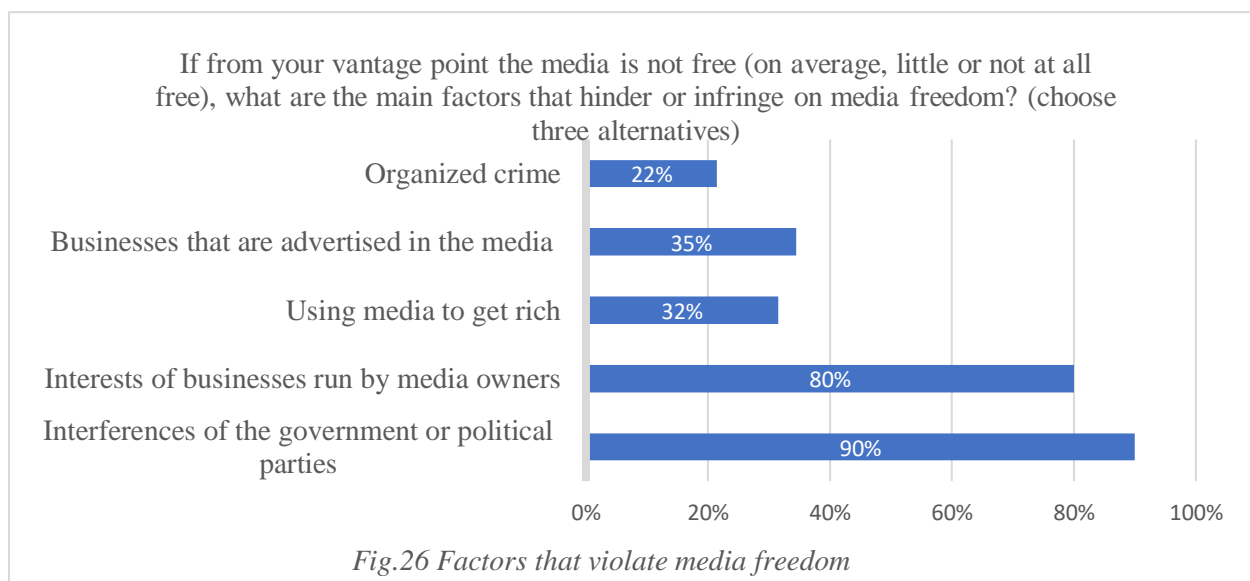


2019, the freedom of the media in the perception of media employees, to the greatest extent was little or not at all free.

<sup>25</sup> <https://rsf.org/en/albania>

## 6.2. Influencing events (factors)

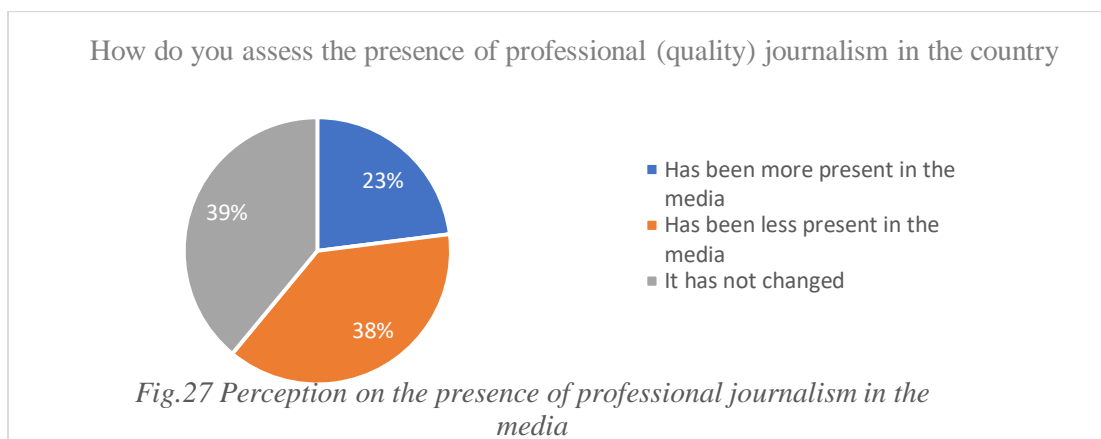
About 90% of respondents stated that the interferences of the government or political parties are considered to be the main factor that violates the freedom of the media, while next to it, 80% list the interests of businesses run by media owners. Respondents were asked to choose up to 3 alternatives for the factors influencing the violation of media freedom, leaving the possibility of adding new factors. 31.5% of the respondents chose the use of the media as a third alternative to get rich, 34.5% chose as a third alternative the businesses that are advertised in the media and 21.5% believe that it is also influenced by organized crime.



Media workers also listed several events, which according to them violated media freedom during 2020, namely related to the government's efforts to regulate the media through the legal package of defamation, ready-made audio-visual recordings that were presented to the media from political parties and concrete events such as: protests and the demolition of the national theater and the pandemic situation.

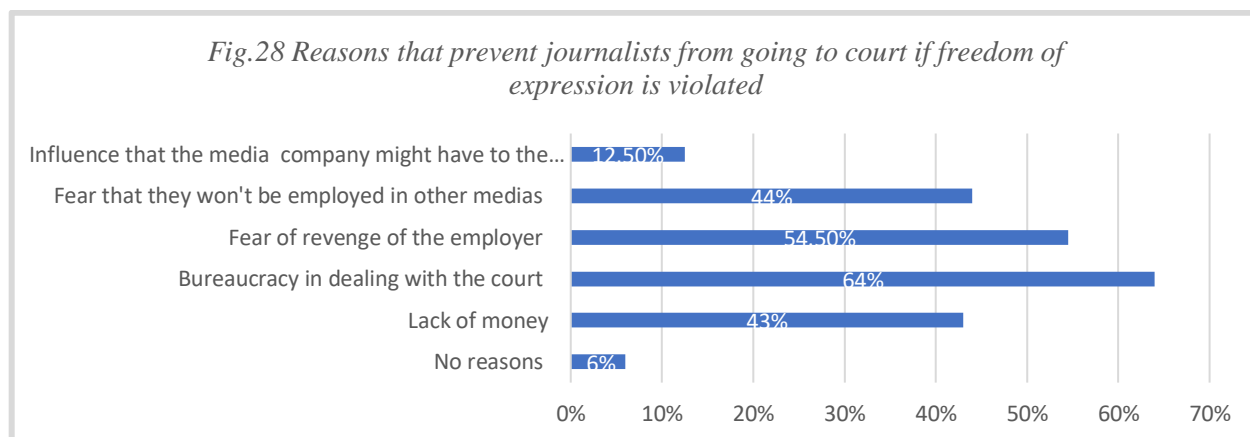
## 6.3 Quality Journalism

According to most respondents, even quality journalism, as an important factor that contributes positively towards media freedom, marks a decline, or stands at the same levels as a year ago. In 38% of the cases, they claim that during 2020, quality journalism has been less present in the media, 39% of them reported that it has not changed, while 23% stated that quality journalism has been more present.



## 6.4 Access to Court

Respondents list several reasons that prevent them from going to court if their freedom of expression is violated. Bureaucracy in dealing with the court are the main factor (64% of cases), followed by fear of revenge of the employer (54.5%). The third reason influencing this is the fear that he/she will not be hired by other employers due to the solidarity that exists in such cases between media owners (44%).



Simultaneously with the process of the survey, information was continuously requested from the district courts about data on the number of ongoing court cases, dismissed, suspended by journalists or media workers, as well as the nature of these cases, civil and criminal offenses of Defamation and Insult, as well as how many of them have been dismissed, how many have been suspended and how many have been acquitted, as well as the number of decisions taken by journalists or media workers, as well as the nature of these cases, civil and criminal, and anonymized copies of these decisions.

Out of 23 district courts, 18 of them replied, of which, 10 of them reported that for the period January - December 2020 there were no court cases and no verdicts were given on cases of media representatives or journalists.

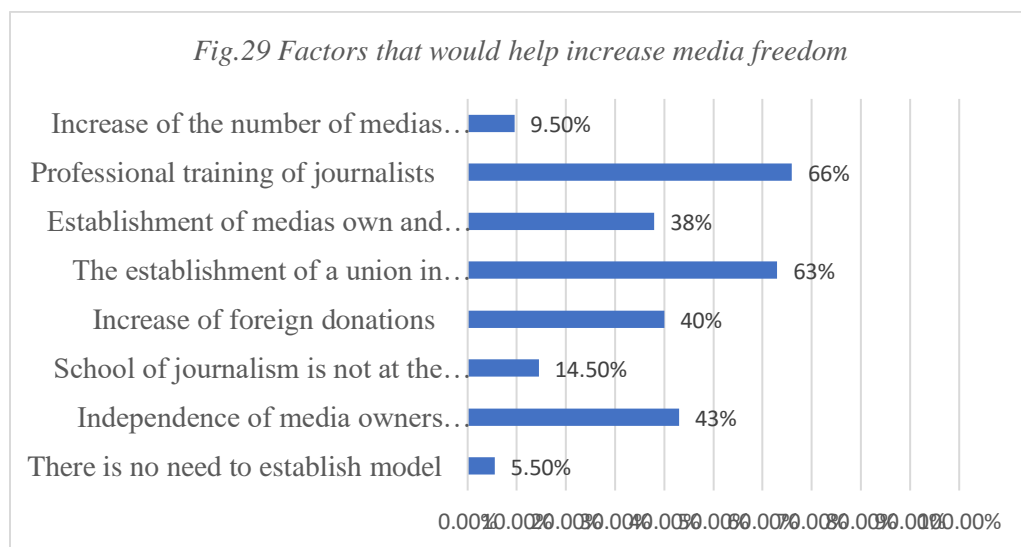
- i) In **Korça Court** results in a criminal case with the object 'Unfair interference in private life' Article 121 of the Criminal Code.
- ii) In **Fieri Court**, 3 cases were registered during the period January - December 2020 which were decided in 2021. One case is civil on the obligation of payment and social contributions of the journalist, the other two cases are criminal for resistance to the police officer.
- iii) **Kruja Judicial District Court** It is found that in this period there were 1 dismissed criminal case related to the criminal offense of 'Insulting a judge or prosecutor'.
- iv) For the period January - December 2020, in **Gjirokastra Court** it was found that 2 criminal cases were registered pertaining journalists and media employees. Two court cases have been registered for the criminal offense of 'Defamation', in one of which a journalist has been acquitted, while the other case is still pending.

Meanwhile, the Court of Shkodra, the Court of Berat and the Court of Tirana have reported that based on their form of data collection and processing, a statement of the vocation of the party is not solicited and as a result, they are not able to identify cases with litigants journalists or media workers.

## 7. Recommendations

Respondents were asked to select 3 alternatives on the factors that contribute most to increasing media freedom and consequently guaranteeing it is at its best levels.

- a) The best professional training of journalists is the most recommended factor, by 66% of respondents
- b) The establishment of a union in their defense, is the second ranked factor as the most recommended by 63% of respondents.
- c) The two above-mentioned factors seem to have a strong connection with the rights of journalists at work and show greater security in the workplace.
- d) Independence of media owners from politics is ranked as the third most important factor, recommended by 43% of respondents.



Most respondents mention the need to improve working conditions, including financial compensation and the establishment of a trade union to protect their rights as essential conditions for improving respect for freedom of expression in Albania. Practically, journalists' insecurity about the workplace has been ranked for years by Freedom House as one of the factors that undermines freedom of expression. 'Reporters have little certainty of keeping their job and are subject to lawsuits, threats and physical assaults,' the report 2020 states<sup>26</sup>.

Also, the increase of foreign donations is considered by the respondents as an important factor which would bring about independence from politics. Professional growth through training and the professional integrity, are other factors that according to respondents would affect in this

---

<sup>26</sup> <https://freedomhouse.org/country/albania/freedom-world/2020>

regard. These answers were largely given even when the respondents were asked about the actions that can be taken to increase the quality of articles/chronicles in the Albanian media.

In order to concretize the recommendations addressed by the media employees themselves as well as taking into account the recommendations addressed earlier in the study report on the rights of journalists at work (published in May 2020)<sup>27</sup>, The Albanian Helsinki Committee recommends the following:

### **Recommendations for Media Sector Employees and Domestic and International Civil Society Organizations**

- i) Continuous support with trainings that enable professional growth of employees in the media sector as well as undertaking and concretizing a serious and sustainable initiative, of the trade union organization of employees of this sector. Both recommendations are not a novelty, but they continue to be raised as a need by the sector itself, although the steps to concretize them are complex and from a macro point of view the situation can not be affected only by these two changes.

Trade union organization or any other form of defense organization would help create a safer ground for "rebellions" against abusive or unjust practices applied within the newsroom, as well as a stronger response to pressures pushing for unprofessionalism, lack of ethics and the like. Clearly, the organization of media workers in trade union movements means that the journalists/media workers themselves must take the initiative, to be organized collectively according to the provisions of our Labor Code. We believe that the same approach should be followed in relation to the increase of employees' capacities, a periodic request which should be encouraged to be raised by its applicants, in addition to ongoing projects and initiatives that can be undertaken by the civil society sector.

- ii) Continuous information and awareness of media workers on their rights and freedoms related to the profession and freedom of expression, as well as encouragement and support to react in the event of their facing crises and attacks that violate media freedom or the legal framework on labor relations, and aim at self-censorship and censorship.
- iii) Further advancement with solid and impactful self-regulatory initiatives by the employees of the media sector, we believe that will contribute positively towards strengthening the independence, integrity, ethics and professionalism of the media in Albania.
- iv) In addition to the desire and personal will of journalists engaged in the implementation of this initiative, we are of the opinion that the contribution of representatives of the domestic and international civil society sector in creating safer working environments for journalists and employees, should be appreciated. Media, elements directly influencing the promotion of freedom. In today's media market in Albania, experts in the field estimate that the best

---

<sup>27</sup> [https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor\\_Te-drejta-pune-per-gazetaret\\_ALB-1.pdf](https://ahc.org.al/wp-content/uploads/2020/06/Raport-Studimor_Te-drejta-pune-per-gazetaret_ALB-1.pdf)

opportunities and the freest and professional spaces for journalists are within these NGOs with funding mainly from abroad and without direct interests in the domestic politics.

- v) Providing free legal services and professional solidarity in cases of violations of the rights of media sector employees, would contribute positively to increase their access to justice and to create positive models or practices of protection of media's freedom of expression in front of a Court of the Law. For many journalists, pursuing legal processes and covering their costs is discouraging and one of the motivations for accepting poor working conditions and censorship or applying self-censorship.

### **Recommendations for representatives of public bodies and political parties**

- i) Avoid any form of interference contrary to the stipulations of Article 10 of the European Convention on Human Rights which guarantees freedom of expression, especially when these interferences stem from the executive, the legislative or any representative of public bodies as well as representatives of political forces in the country.
- ii) New efforts to establish an "information agency", the context of expression and unethical language used against journalists and the media, as well as the lack of direct communication with the media, in the form of press conferences and joint roundtables. We believe that they should be addressed on an ongoing basis, in a process that guarantees the effective listening and consultation of media employees in our country.
- iii) Centralization of information through media representatives of public institutions at the local level and the use of technological communication tools (individualized programs on Facebook, Twitter, Youtube, etc.), administered by local government representatives, has caused field journalists to get acquainted with the news through the provision of recordings on cassettes and CDs, one of the elements that severely impairs professionalism and reporting, especially in electoral campaigns.
- iv) Concrete efforts should be made by inspectorates (such as the Labor Inspectorate (LI) and the General Directorate of Taxes (GDT) and other agencies, to monitor objectively, impartially, non-selectively and the strict implementation of the legal framework by private and public entities.
- v) The media market in Albania is significantly concentrated in the hands of a few owners of some of the main televisions that have the majority of the audience. Thus, the early recommendation made by both the European Commission and the OSCE, to restore the ceiling quota for shares in the audiovisual media, remains key to creating a more pluralistic market.



## **Appendix 1 - Questioner**

### **List of indicators:**

The first section will contain the following eight questions:

### **Labor rights:**

- 1) Do you work on the basis of a regular employment contract?
  - a) Yes
  - b) No
  - c) I do not know
- 2) Does your employment contract have a term?
  - a) It has a 1-year term
  - b) It has a term (specify)
  - c) It has no term
- 3) Do you get your full salary at the bank?
  - a) Yes
  - b) No
  - c) I do not know
- 4) How many days a week do you work?
  - a) 5 days
  - b) Less, specify
  - c) More, specify
- 5) How many days a year do you take time off?
- 6) Have you ever felt bullied in the workplace??
  - a) Yes
  - b) No

If yes, specify
- 7) Have you ever been sexually harassed by someone you have been subordinated to in the work environment?

- a) Yes
- b) No
- If yes, specify

8) Is it necessary for journalists to have a union that would protect their rights at work?

- a) Yes
- b) No
- c) I do not know

9) Would you yourself be an active part of such a union?

- a) Yes
- b) No
- c) I do not know

**Professional freedom:**

The second section will contain the following 13 questions:

1) Have you ever felt physically threatened as a result of your work?

- a) Yes
- b) No
- If yes, specify

2) Have you ever been verbally threatened as a result of your work?

- a) Yes
- b) No
- If yes, specify

3) Have you felt supported by your employer in cases of threats as a result of your work?

- a) Yes
- b) No
- c) I do not know

4) Have you ever experienced high levels of stress as a result of work?

- a) Yes
- b) No
- c) I do not know

5) Have you covered and reported events, which have created strong psychological shock to you?

- a) Yes

- b) No
- c) I do not know

6) Have you ever sought medical/psychological help as a result of professional shocks?

- a) Yes
- b) No

If yes, specify where.

7) Have you ever sought help from media and journalists' rights organizations for any unpleasant situation related to your work or profession?

- a) Yes
- b) No

If so, specify when you requested this assistance and whether you were given the assistance you requested.

8) Has it happened to you that your employer stopped you directly or through your superior from publishing a news item?

- a) Yes
- b) No
- c) I do not know

9) Were there times when you were ordered to stop researching a case you were processing?

- a) Yes
- b) No
- c) I do not know

10) Have you ever been asked to write fake news??

- a) Yes
- b) No
- c) I do not know

11) Have you ever avoided reporting a news item because you thought your employer/editor would not like it?

- a) Yes
- b) No
- c) I do not know

12) Are you afraid that publishing a news item that your employer/superior may not like, may get you fired?

- a) Yes

- b) No
- c) I do not know

13) Have you ever withdrawn from researching/publishing a news story for fear of being sued?

- a) Yes
- b) No
- c) I do not know

### **Assessment of media freedom:**

The third section will contain the following 10 questions:

- 1) How free do you deem the media in Albania to be in 2020?
  - a) Completely Free
  - b) Free
  - c) Moderately free
  - d) A little free
  - e) Not free at all
- 2) Compared to a year ago (2019), do you think media freedom:
  - a) Has improved
  - b) Has deteriorated
  - c) Has not changed
- 3) If from your perspective the media is not free (on average, little or not at all free), what are the main factors that hinder or infringe on media freedom? (choose three alternatives)
  - a) Interferences of the government or political parties
  - b) Interests of businesses run by media owners
  - c) Using the media to get rich
  - d) Businesses that advertise in the media
  - e) The organized crime
  - f) Other factors (specify)
- 4) What are the factors that would mostly help increase media freedom? (choose three alternatives)
  - a) Increase of the number of media in the country
  - b) Increase of the professional training of journalists
  - c) Establishment of media owned and directed by journalists themselves
  - d) Establishment of unions in defense of journalists
  - e) Media support from foreign donations
  - f) Other factors (specify)

- 5) In your estimation, what were one or some of the most serious events that violated media freedom during 2020?
- 6) In your assessment, what were some of the developments that influenced the increase of media freedom during 2020?
- 7) What are the reasons that prevent journalists from going to court if their freedom of expression is violated: (choose more than one alternative)
  - a) There is no reason
  - b) Lack of income
  - c) Bureaucracies in dealing with the court
  - d) Fear of employer's revenge
  - e) Fear of not being hired by other employers
  - f) Other (specify)
- 8) How do you assess the presence of professional (quality) journalism in the country during 2020?
  - a) Has been more present in the media
  - b) Has been less present in the media
  - c) Has not changed
- 9) What can be done to improve the quality of journalism in the country?
- 10) What can be done to have as many as possible quality articles/chronicles in the media?