

Tirane
October 05, 2021

OPEN LETTER: The Albanian government must withdraw the Media and Information Agency and refrain from passing the so-called “anti-defamation package”

Dear Commissioner for Neighbourhood and Enlargement. Mr. Olivér Várhelyi;
Dear EC Vice President, Mrs. Věra Jourová;
Dear EC Vice President, Mr. Margaritis Schinas;
Dear EC Vice President, Mr. Dubravka Suica;
Dear CoE Commissioner for Human Rights, Mrs. Dunja Mijatović;
Dear Reporters Without Borders;
Dear European Center for Press and Media Freedom;
Dear International Press Institute;
Dear Committee to Protect Journalists;
Dear European Broadcasting Union;
Dear Head of OSCE Presence in Albania;
Dear Safe Journalists,

We, the undersigned, wish to bring to your attention to what we perceive as the increasing state capture and control of the media and the right to information in Albania.

During the first session of Parliament on September 10th, the first announcement Prime Minister Edi Rama made in his new legislature was creating the Media and Information Agency’ (MIA).

This Agency will be a public legal entity under the control of the Prime Minister and financed by the state budget.

Currently, each ministry and government department has its spokesperson who the minister appoints. Requests for comment and information are addressed to that spokesperson, who then responds. Under the new system, the MIA will take over the role of communicating with the media and responding to any questions, requests for comment, or requests for interviews.

Individual ministries will still have spokespeople, but they are prohibited from communicating with the media. Communication with the media or members of the public can only take place with the explicit authority of the Director-General of the MIA.

MIA will be tasked with the following responsibilities:

- Directing and coordinating the work of structures and officials in terms of information, media communication, and public affairs. This includes organising press conferences and public events for the prime minister, ministers, and any other government entity or structure.

- Information will be imparted to the public through mass media, digital, print, and other forms of media. It will also maintain a website and social media, provide news, materials and “explanatory information”, and audio, video, and graphic information.
- But, it doesn’t stop there, as MIA will act as a *de facto* news agency, for the Council of Ministers Decision enables it to produce and disseminate news about the government.
- The same Decision forces a bilateral agreement with the public broadcaster RTSH (Albanian Radio-Television), which we believe will further solidify the government control over this entity.

In simple terms, all information relating to the government, its officials, and its activities can only be sought through a single entity. Comments or information about hot topics or matters of specific areas of government will be further out of journalists’ reach.

- This is concerning as we live in a country where many journalists are excluded from press conferences. Requests for interviews with ministers or the Prime Minister are only granted to a select few, and most requests for comment go unanswered. Albania is also one of the worst in the region for responding to freedom of information requests, even when a ruling by the Commissioner for Information is given.

The centralisation of all information and media communication by a government entity is both concerning and restricting. May we remind you that Rama already has his own TV station, ERTV, which sends pre-edited content to all media in Albania, with the expectation that they publish it *ad verbatim*.

- Even more concerningly, the MIA will “monitor media publications and mass media, to identify the perception and attitude of the public towards the activity of the state administration institutions.”

Worrying as it is the establishment of this Agency, we also have to look at it in the context of what else the Albanian government is planning.

In 2018, the government put forward the “anti-defamation package”. This was draft legislation that would bring all online media under the direct control and supervision of the Audiovisual Media Authority. They would have the power to block, shut down, force retractions and impose significant fines on those who were accused of fake news, disinformation, or defamation.

The draft was widely condemned both locally and internationally and it has been redrafted several times. In its last known state, it was declared not fit to be passed and noted it would have a chilling effect on media freedom. The current draft does not take into account the Venice Commission recommendations and is not in line with international best practices.

In December 2020, the Albanian parliament voted to pass the law. It was passed to President Ilir Meta who vetoed it and returned it to parliament. It is still on the agenda of parliament and it requires now a simple majority to become law.

In June 2021, the Albanian parliament, against the wishes of the EU and various international media organisations, proposed and then voted in one of Rama's long-time communication aids, Ermela Krasniqi, as the head of AMA. This entity is supposed to be impartial and independent, yet an individual who has made a career out of communications for the Socialist Party and Rama, now holds its top position.

As a reminder, AMA has the power to impose ex-judicial judgements on any media it deems has posted fake news or defamatory content. The media or journalist can only appeal once the penalty has been paid or carried out.

As if this was not enough, sources from within the government structure have informed us that Rama's current Director of Communications, Endri Fuga will head MIA. We also believe that the government is trying to circumvent accountability in considering the MIA's head in par with a ministers' position, but not its responsibilities to account before the Parliament.

When you consider the creation of MIA, the pending anti-defamation package, and the positioning of two partisan communications aid in the country's top media and information roles, it creates a concerning situation.

It should also be noted that the monitoring of media and mass media could also tie into the database of citizens' information, including voting preferences and private details, that the Socialist Party collects. This database was leaked to the media prior to the 2021 elections and no action has been taken to date.

It also ties to two separate investigations from The Guardian and Exit News Albania about how the Albanian government weaponizes social media, through fake profiles and autobots, to artificially increase support for its policies and attack dissenters.

Albanian media is already under significant pressure from a lack of pluralism, poor labour standards, public abuse from the Prime Minister and officials, not to mention daily struggles in accessing honest, factual, and unbiased information. We believe that the creation of this Agency is part of a concerted effort to exert control over all media in the country, silencing any critical voices.

It's our position that when you look at this latest announcement in the context of many other factors, Albania is at risk of falling even further away from EU membership. The European Commission has stated that media freedom is at the heart of the rule of law. The reality for us as journalists, members of civil society, jurists and concerned citizens is that media freedom is being taken out from underneath us, by stealth, while the EU and other international organisations look on.

We call on you to demand the Albanian government halt its plans for the MIA. We also call for the dismissal of the anti-defamation package to be a condition for the opening of EU accession talks, and for media freedom and the rule of law to be made a cast-iron criterion for measuring Albania's progress.

We plead with you to use what means at your disposal to raise the issue with the Albanian government and support the media community and civil society efforts in fighting for the freedom of the media and the public's right to information, transparency and to hold their officials accountable.

Without your support, the ability to do our work and provide transparent, factual information and hold power to account, becomes even less possible.

Sincerely,
Rezarta Caushaj, journalist
Exit News

Alice Taylor, Co-Editor-in-Chief,
Exit News

Neritan Sejamini, Editor-in-Chief,
Exit News

Dorian Matlija, Executive Director,
Res Publica Center in Albania

Irena Dule, Law Expert,
Res Publica Center in Albania

Gjergj Erebara, Journalist
BIRN - Balkan Investigative Reporting Network

Lorin Kadiu, Editor-in-Chief,
Citizens' Channel Albania

Koloreto Cukali, Executive Director,
Albanian Media Council

Edlira Cepani, Executive Director,
AS@n Network

Florian Haçkaj, Co-Executive Director,
Diaspora for a Free Albania

Bledar Milaqi, Co-Executive Director,

Diaspora for a Free Albania

Rigels Xhemollari, Co-Executive Director,
Qendresa Qytetare (Citizen's Stand Organisation)

Migen Qiraxhi, Co-Executive Director,
Qendresa Qytetare (Citizen's Stand Organisation)

Ilir Aliaj, Executive Director,
Center for Development and Democratisation of Institutions

Isa Myzyraj, Editor and Journalist
Ora News

Lindita Cela, Freelance Investigative Reporter

Redon Meksi, Lawyer and Activist

Endri Tafani, Lawyer and Activist

Nertila Spiri, Director of Information
Faxnews

Alfred Lela, Editor-in-Chief
Politico.al

Renaldo Salianji, Journalist
Euronews

Andi Tepelena, Activist
Endri Tafani, Lawyer and Activist

Ervin Goci, Media Expert and Activist

Endrit Shabani, Head of Party,
Nisma Thurje

Pano Soko, Nisma Thurje