



RESILIENCE:
For Media Free of Hate and Disinformation

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST HATE SPEECH AND DISINFORMATION

FACTSHEET

Ilda Londo

ALBANIA

RESILIENCE : For Media Free of Hate and Disinformation

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FACTSHEET

NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORK AGAINST HATE SPEECH AND DISINFORMATION

Ilda Londo

1. INTRODUCTION

This factsheet explores the legal framework for regulating hate speech and disinformation on the one hand, and the existing process on media self-regulation in the country on the other. The factsheet provides an overview of existing legislation, sanctions, guidelines, and mechanisms that can be used to hold the media accountable for ethical violations related to hate speech and disinformation, but also to improve the overall quality of public discourse in the country in terms of ethics and inclusivity. The report also enlists a series of good practices, if available, and case studies that illustrate the current trends on regulation and self-regulation in the country related to these issues. The factsheet is based on three previous research report findings dedicated to identifying hate speech and disinformation patterns in online media, describing the main hate and disinformation narratives in media content, and a public opinion poll coupled to a discussion with media professionals on issues related to trust in the media in the country.¹ Finally, the report lists a series of policy recommendations that can serve as a basis for discussing further improvement of the standards in this respect with the involvement of different actors.

¹ All three research reports are available here: <https://seenpm.org/resilience-research/>

2. HATE SPEECH REGULATION

2.1. Main legal documents and provisions

Hate speech in Albania is regulated through several provisions in the Criminal Code, which means that it applies to all citizens, and it is not media-specific. However, several articles refer to the use of computer systems as aggravating circumstances to the acts foreseen in the Criminal Code, and the media could be part of these acts in theory. In this regard, Article 265 of the Criminal Code states: “Incitement of hatred or conflicts between nationalities, races, and religions, as well as the preparation and dissemination of articles with such content, is punishable through a fine or up to ten years of imprisonment.”² In addition, Article 266 further details the prohibition of hate speech: “Endangering public order by calling for hate against parts of the population by insulting and or defaming them, or by demanding the use of violence or arbitrary actions against them, is punishable through a fine or up to five years of imprisonment.” Other articles define as a crime the offering of materials that deny, significantly minimize or justify acts of genocide or crimes against humanity in public or deliberately disseminating these materials to the public through computer crimes.³ Furthermore, Article 84/a states that a serious threat to murder or serious injury to someone because of their ethnicity, nationality, race, or religious affiliation through computer systems is also a punishable crime.⁴

The so-called defamation provisions in the Criminal Code, while not directly covering hate speech, can be considered as extended regulation in this regard. In this regard Article 119 punishes the intentional insult of a person. Article 119/a states that offering materials with racist or xenophobic content in public or through computer systems is also a criminal misdemeanour, while Article 119/b states that intentional insult because of ethnicity, nationality, race, or religion in public or through computer systems is also a criminal misdemeanour. The punishments foreseen in these cases are more severe in cases when the content is made through deliberate public dissemination or through computer networks.

Regarding media-specific regulation, the Law on Audiovisual Media lists among its principles that audiovisual media should comply with “the right to information, political and religious beliefs, personality, and dignity and with other human fundamental rights and freedoms.”⁵ In addition, broadcasts should also be guided by “non-allowance of broadcasts inciting intolerance among citizens,” and “respect for good neighbourly relations among peoples,”

² Criminal Code, available at: <https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=11&catid=10&m=0>

³ Article 74/1, Criminal Code, available at: <https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=11&catid=10&m=0>

⁴ Ibid.

⁵ Law 97/2013, “On Audiovisual Media,” Art. 4, available at: <http://institutemedia.org/Documents/PDF/Law%20on%20Audiovisual%20Media.pdf>

among others.⁶ Furthermore, Article 32 states: “Audio and/or audiovisual media services must not contain any incitement to hatred based on race, sex, religion or nationality.”⁷ Also, Article 120 forbids the public broadcaster from engaging in political and religious propaganda, which, in theory, can also be a source of hate speech.

Meanwhile, Law no. 10221 On Protection from Discrimination addresses protection from different kinds of discrimination, including also an article on the publication of discriminatory advertising (Article 8).⁸ The Law also establishes the Commissioner Against Discrimination, whose competencies include monitoring violations ex officio, as well acting on complaints from the public.

2.2. Main legal measures – sanctions and remedies stipulated

There are various sanctions foreseen in the legislation regarding hate speech violations. More specifically, the deliberate dissemination of denial or minimization of genocide through computer networks is punishable with a sentence of three to six years in prison⁹, while serious threat to murder or injury due to ethnicity, nationality, race, or religion through computer systems is punished by a fine or up to three years imprisonment.¹⁰

The provisions on defamation in the Criminal Code foresee that such misdemeanours are punishable with fines from ALL 50,000 to ALL 3 million¹¹ [app. EUR 400 to 2400] in the case of intentional insult of a person, with a fine or up to two years’ imprisonment in the case of offering racist or xenophobic content in public or through computer systems¹² and in the case when a person is intentionally insulted due to their ethnicity, nationality, race, or religion in public or through computer systems.¹³

More severe punishment is foreseen for inciting hate or disputes on the grounds of race, ethnicity, religion, or sexual orientation, along with intentional preparation and dissemination of writing with such content in any form¹⁴ as well as for endangering public order by calling for national hatred against other parts of the population and insulting or defaming them.¹⁵ In the first case, the sentence can be from two to 10 years of imprisonment, whereas in the second the sentence can range from two to eight years of imprisonment.

6 *Ibid.*

7 *Ibid.*, Art. 32.

8 Available at: <https://www.kmd.al/wp-content/uploads/2021/04/Law-on-Protection-from-Discrimination-Albania.-2020.pdf>

9 *Criminal Code*, Article 74/a.

10 *Ibid.*, Article 84/a.

11 *Criminal Code*, Art. 119.

12 *Ibid.*, Art. 119/a.

13 *Ibid.*, Art. 119/b.

14 *Ibid.*, Art. 265.

15 *Ibid.*, Art. 266.

2.3. New initiatives for regulation

Apart from audiovisual media regulation, there have been several attempts in recent years to pass regulation for online media, citing mainly the need to impose professional rules on the sector given the numerous complaints concerning its lack of ethics.¹⁶ After a controversial process, the parliament approved such a law at the end of 2019, amidst opposition from media organizations and human rights activists. The law was regarded as providing the regulator with quasi-judicial competences to sanction media outlets, suggesting that Albania already has sufficient laws to regulate cases in which media outlets violate the rights of others. In this context, there are precedents decided on in the Albanian courts.¹⁷ In response to this opposition and also criticism of the law by international organizations, the Council of Europe decided to seek the opinion of the Venice Commission on the law.¹⁸ The final opinion, published in June 2020, stated that the amendments “are not ready for adoption in their current form. The law suffers from vagueness and would likely have a ‘chilling effect’ suppressing free discussion and political speech in the Albanian sector of the internet.”¹⁹ While the media organizations reiterated their call for the government to withdraw the law, Prime Minister Rama announced that they would take on board the recommendations and guarantee the right of each man to be protected from defamation, as well as the obligation of each news portal to be identified as the subject of the law.²⁰ For the moment, the process seems to be stalled and the law has not entered into effect.

2.4. Good practice of regulation

The standards of regulation of hate speech seem to be in line with international standards. Although they might be viewed as offering minimal protection against this phenomenon in some respect, on the other hand there are no red flags in terms of over-regulating, which could be dangerous to freedom of expression and might disrupt the balance. At the same time, the current suspension of discussion of the so-called defamation package after the media protests and the unfavourable legal opinion is also a good sign for the current regulation framework for the moment.

16 AMI, “Online media regulation and self-regulation,” 2016.

17 <http://www.institutemedia.org/2020/01/11/international-and-albanian-media-freedom-organizations-strongly-criticize-the-two-draft-laws-on-online-media/>

18 <https://a2news.com/2020/01/22/paketa-antishpifje-kie-con-draftin-ne-venecia-ps-rrezon-presidentin/>

19 [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)

20 <https://www.reporter.al/opinion-final-i-venecias-rrezon-ligjin-e-qeverise-per-mediat-online/>

3. IMPLEMENTATION OF HATE SPEECH REGULATION

3.1. Implementation by prosecutors and the courts

There have been no reports from human rights and journalists' organizations on hate speech cases against the media at courts. In 2017, the police temporarily detained the host of a TV programme who posted inflammatory language against the then European Union Ambassador to Albania, but later released him stating that there was no basis for criminal misdemeanour and there was no basis for prosecution.²¹

3.1.1. Case study

There is not enough information or case studies in terms of prosecutions based on hate speech.

3.2. Implementation by media regulatory body

The audiovisual media law provides for the establishment of a Council of Complaints at the Audiovisual Media Authority. The Council is in charge of handling complaints on content, specifically ethical ones, based on the Broadcasting Code, a bylaw detailing the main professional rules audiovisual media should abide by. The complaints received by the Council are mainly focused on privacy, treatment of minors in the media, and advertising, while there are only a few particular complaints regarding hate speech narratives or practices.²²

3.2.1. Case study

The complaints filed against hate speech to the Council of Complaints are minimal, and come mainly from concerned non-governmental organizations. There have been two such cases recently, both of them dating from 2019. In the first case, the Council of Complaints received a complaint from the organization the United Center pro the LGBT Cause, who claimed that hate speech was used in TV programme 360 Degrees of Ora TV. After reviewing the programme materials, the Council concluded that the language used by one of the participants in the programme against a member of the LGBT community was unacceptable and the intervention of the TV programme host was not sufficient to rectify the situation. The Council issued a reminder for the television broadcaster, stating that such incorrect treatment of persons is punishable by law with fines.

²¹ AMI, "Albanian media and European standards," 2018.

²² Council of Complaints Bulletins, <http://ama.gov.al/buletini/>.

In the same year, the Council of Complaints received complaints on another TV programme of Ora News, covering a terrorist act in New Zealand, claiming that the language and the arguments of the TV show host constituted open incitement for crimes against Muslim believers.²³ Judging that the language used in the programme was inappropriate and against the Law on Audiovisual Media, the Council decided to fine the television with ALL 400,000 [app. EUR 3,300] as well as removal of the specific programme episode from the YouTube channel of the television broadcaster.²⁴

Both of these cases show that the Council of Complaints has tried to react proportionately to the gravity of content of the programmes, but its reaction is also mainly dependent on the complaints received, and the low number of such complaints indicates that there is low sensitivity to the use of hate speech in the media.

3.3. Implementation by the equality body (anti-discrimination body)

Apart from the Council of Complaints of the audiovisual media regulator, citizens can also resort to the Commissioner for Protection from Discrimination, in charge of reacting to cases of discrimination of every kind, either following the complaints of interested actors or ex officio. There have been only limited cases of the Commissioner dealing with complaints about media outlets regarding hate speech and discrimination: there has been one case so far in 2021, two such cases in 2020, and four cases in 2019.²⁵ Most of these complaints came from cultural minority activists and one from the LGBTI community, and two inquiries were initiated by the Commissioner. The Commissioner regarded only two of these complaints as discriminatory, requesting a public apology from the media outlet in question. However, this is not always issued, as the Commissioner has no binding power.

3.3.1. Case study

In 2020, the Commissioner for Protection from Discrimination started an ex officio inquiry²⁶ on the use of discriminatory language against people with disabilities, noted in a reality show on one of the national television stations. One of the participants in the talk show had referred to the other person as “he was too much of a Down,” alluding to persons suffering from Down syndrome, in a pejorative way. The Commissioner published a lengthy decision, explaining the various steps undertaken and the reasons beyond his decision, citing the context, as well as legal provisions and standards

23 <file:///C:/Users/User/AppData/Local/Temp/Buletini-i-Ankesave-Nr.6.pdf>

24 *Ibid.*

25 *Rulings of the Commissioner for Protection Against Discrimination*, available at: <https://www.kmd.al/vendime-te-komisionerit-2021/>

26 <https://www.kmd.al/wp-content/uploads/2020/11/Vendim-Nr.-155-dat%C3%AB-30.10.2020-Exofficio-lidhur-me-gjuh%C3%ABn-e-p%C3%ABrdorur-n%C3%AB-programin-Aventurier%C3%ABt-n%C3%AB-Top-Channel-Diskriminim.pdf>

from both Albanian and European practice. While the television station failed to reply to the Commissioner's request for information, the Commissioner decided that there was discriminatory language used and demanded that the television station issue a declaration in this respect.

3.4. Good practice of implementation

In 2020, the "No-hate Alliance" was constituted in Albania, with founding members the independent public institutions People's Advocate, the Commissioner Against Discrimination, the Audiovisual Media Authority, and the non-governmental organization the Albanian Media Council, aiming to fight hate speech and discrimination in Albania through a joint cooperation effort.²⁷ They have committed to work together in monitoring hate speech and discrimination in Albanian society, and raise awareness of the need to refrain from such cases and build an inclusive society. They have been active and issued declarations and statements in several public cases of questionable media coverage, especially regarding the LGBT community. Even though the power of these bodies and alliance over media outlets or other actors is limited, the fact that these kinds of institutions came together in an area where there had been scarce coordinated effort previously is certainly positive.

²⁷ <https://www.coe.int/en/web/tirana/-/no-hate-alliance-a-joint-approach-against-discrimination-and-hate-speech>

4. REGULATION OF DISINFORMATION

4.1. Main legal documents and provisions

There is no specific regulation for disinformation in Albania, nor direct use of this term or a legal definition of what constitutes disinformation. However, the Criminal Code regulates the dissemination of false information with the aim of causing panic in Article 267, which states: Spreading false information or news, in words, in writing, or in any other manner, in order to incite a state of insecurity or panic in people, is punishable by a fine or up to five years of imprisonment.²⁸ Furthermore, Article 271 covers cases when disinformation is given to emergency units intentionally to hinder their efficacy, committed by any means of information or communication, and is a contravention punishable by a fine or up to one year of imprisonment.²⁹

In addition, the Broadcasting Code approved by the regulator of audiovisual media states that “the information broadcasted should be true, accurate, and verified.”³⁰ Similarly, audiovisual media should not mislead the public, misuse, or distort statements and the contexts they were made in.³¹

4.2. Implementation of regulation in practice

In view of the aftermath of the devastating earthquake of 2019, the news portal “Jeta osh qef” was blocked temporarily³², and a criminal investigation started after publication of fake news that led to panic, and the two administrators were detained by the police shortly during the investigation. Being a webpage that also reports denouncements from citizens, without necessarily verifying them, the website had published a message received that there were tens of dead bodies in the Tirana morgue, which were not reported by the Government. In this context, the regulator on electronic communication, AKEP, blocked the domain of JOQ, and the administrators of the website claimed this was a politically motivated act. At the same time, Xhuljana Aliaj, a young woman based in Durres, was arrested and charged with spreading of panic after the earthquake through her Facebook social network account. Claiming she cited a report from an Italian website, she called on inhabitants close to an industrial area affected by the earthquake to leave, as the gas deposits could explode if another earthquake struck.³³ According to a report from BIRN Albania, following the earthquake of 2019 and the onset of the pandemic in 2020, several citizens were accused of

28 <https://euralius.eu/index.php/en/library/albanian-legislation?task=download.send&id=11&catid=10&m=0>

29 *Ibid.*

30 <http://ama.gov.al/wp-content/uploads/2018/05/Kodi-i-Transmetimit-p%C3%ABr-Median-Audiovizive.pdf>

31 *Ibid.*

32 <https://dosja.al/lajm-i-fundit-rama-mbyll-portalin-e-pare-joq-nuk-askesohet-brenda-shqiperise/>

33 <https://dritare.net/ngjarjet-e-dites/xhuljana-aliaj-qe-u-arrestua-per-perhapje-paniku-pas-it-te-28-n>

spreading panic through dissemination of fake news in online media or on social networks, including journalists and administrators of online media.³⁴

4.3. New initiatives for regulation

Although there are continuously public statements or references to fake news and disinformation, there have been no specific initiatives related to the regulation of disinformation. The Government proposed the so-called anti-defamation package, which attempted to regulate the relation of online media to complaints from the public. While in theory these might include alleged disinformation, the main focus is on providing a mechanism for the public to complain. At the moment, this law is still pending after comments from the Venice Commission.

4.4. Good practice

There are no visible good practices to distinguish in this regard, perhaps other than the tendency to refrain from over-regulating this aspect in a hasty manner, especially in a context when there is abuse of disinformation as a term in the public discourse, for various purposes.

34 <https://www.reporter.al/shperndarje-paniku-policia-perndoqi-gazetaret-pas-termetit-dhe-covid-19/>

5. SELF-REGULATION OF HATE SPEECH AND DISINFORMATION

5.1. Self-regulation documents and provisions on hate speech

The Code of Ethics was drafted by a group of experts in 2018, led by the Albanian Media Institute and the Albanian Media Council, but it is a voluntary document that media outlets can choose to adhere to. The Code contains a specific section on hate speech. More specifically, the Code states that “media outlets must not publish materials that incite intense hatred or violence towards individuals based on race, religion, nationality, colour, ethnic origin, membership, gender, sexual orientation, civil status, disability, illness or age.”³⁵ It advises the media that reporting should refrain from specifying or emphasizing any of the traits mentioned above, unless it is necessary to better understand facts and opinions presented in the publication.

The Code of Ethics also warns against any reporting or coverage that might cause incitement to crime and violence. Although not particularly mentioning hate speech, this section forbids “the propagation of war, violence, outrage or malicious information intended to injure the feelings of the whole public or parts of it” as unethical and unacceptable. In the same spirit, the Code warns against sensationalization of violence and brutality and glorification of crimes and terrorism, or cruel activities.

5.2. Self-regulation documents and provisions on disinformation

The Code of Ethics does not specifically mention disinformation as a term, but some provisions related to accuracy of information and fact-based reporting can be considered to partially offer guidance in this respect. So, the Code states as one of the guiding principles that “journalists and news media shall at all times strive to publish information that is to the best of their knowledge truthful, balanced and verified,” and that any published information should be verified and scrutinized carefully.

In a more specific guideline, the Code openly warns against any media actions that might mislead the public, including the requirement to “clearly indicate where manipulated texts, documents, images and sounds have been used.” In the same way, media outlets should not publish images, audios, or videos that distort the ideas or facts of the source, with the exception of caricatures, cartoons or comic plots.

35 <http://www.institutemedia.org/wp-content/uploads/2021/02/kodi-anglisht-final.pdf>

Finally, the Code has a specific section on relations with sources of information. This section stipulates that “media outlets shall not distort or misuse statements made in a specific context,” referring to potential disinformation efforts even in cases when citing interviews or information from sources.

5.3. Self-regulation related to comments sections in online media

When the Code was drafted in 2018, the problem of abusive and unethical comments from users in the online media was already a visible reality. Hence, in addition to the Code, specific and detailed guidelines³⁶ covering the online media were drafted, with a dedicated section of principles to consider when dealing with comments in online media. Similarly to the Code, adherence to these guidelines is based on the will of each media outlet’s newsroom.

The guidelines advise media outlets to assign someone from the newsroom to monitor user-generated content, preferably before publication. In addition, policies regarding this kind of content should be clearly visible to the public, including what kind of monitoring is applied on the page, including through technology. Furthermore, newsrooms could consider a simple mechanism for users to report other comments that violate the rules of the page in question.

The newsroom should also consider employing a mechanism that enables a quick identification and removal of comments that constitute hate speech, endanger the physical integrity of the persons or are grave violations of human rights. In addition, the identification and immediate removal of non-consensual intimate images is highly advisable in these guidelines.

In cases of notice and takedown of comments, the guidelines advise the newsrooms to act no later than 48 hours from the notification, and content that can need further scrutiny can be taken down temporarily. Specific attention is devoted in the guidelines to anonymous comments, pointing out that some persons can need the anonymity, such as domestic violence victims or persons from other vulnerable groups. In addition, frequent and repetitive violators of community guidelines can be banned from the page, or become subject to pre-publication moderation.

5.4. New initiatives for self-regulation of hate speech and disinformation

The Albanian Media Council created the Alliance for Ethical Media in early 2020, intending to start a self-regulation mechanism to take complaints from the public. According to the latest report, this alliance included 23 online

36 AMI, “Ethical Guidelines for online Journalism, 2018.

media outlets.³⁷ Although the aim of the Alliance is to improve self-regulation overall, the Alliance acts on the Code of Ethics when deciding on public complaints and specific cases, hence hate speech and disinformation are considered by default. However, it is too early to see the progress of such an initiative and how efficient it will be in imposing self-regulation approach in newsrooms.

5.5. Implementation of self-regulation in practice

The Albanian Media Council has continued its work with media monitoring and complaints based on claims that there have been ethical violations. At the same time, it has tried to expand the number of media outlets that bear the logo of the Alliance, indicating that the media outlets that adhere to this initiative are subject to the decisions of the Albanian Media Council and potential complaints from the public. However, due to its nature, and the fact that the establishment of the Alliance coincided with the start of the pandemic, more time will probably be needed for greater awareness of the work of the Council and on more frequent use of the complaint mechanism by the public.

5.6. Case studies of self-regulation related to hate speech and disinformation

The Albanian Media Council has made one decision and one statement related to hate speech in the media, both dating from June 2021. In this period, there were several television debates or programmes focusing on decisions or discussions made in other countries to also list “parent 1” and “parent 2” along “mother” and “father” in official documents, in order to allow for official registration and inclusion of homosexual parents. After a monitoring of several online media, the Council noted that one of the main representatives of the LGBTI community in Albania, Xheni Karaj, was misquoted in the media as saying that this community was demanding that “mother” and “father” were removed from the documents, rather than other denominations being used along with them, giving an option to homosexual couples with children. The Council encouraged the portals to correct the quotation, in order to avoid further descent into hate speech generated by this debate in the media.³⁸ The Council issued this statement after reports that Karaj had received threats in light of this situation, and also strongly advised the portals in question to moderate the comments related to this coverage on their websites and social media accounts accordingly.

³⁷ Albanian Media Council, <https://kshm.al/2020/09/30/aleanca-per-media-etike-mbidhet-per-here-te-dyte-per-percaktimin-e-nje-mekanizmi-veterregullues/>

³⁸ Albanian Media Council, <https://kshm.al/2021/06/18/deklarate-e-kshm-per-keqcitimin-dhe-moderimin-e-komenteve-ne-lidhje-me-debatin-e-fundit-qe-perfshin-komunitetin-lgbti/>

On the same matter, the LGBT Alliance filed a complaint on an article that reported on a TV studio debate where Karaj and a journalist were present among others. The journalist was quoted as saying to Karaj that “she [the journalist] was both a woman and a mother, and that people like Xheni were degenerating society.”³⁹ The Board of the Albanian Media Council ruled that the quotation in the article was not accurate, and the presentation of Karaj and LGBT community was not contextualized and was biased, with language that incited hate speech against this community. Finally, the Board recommended that the media change the title of the article and correct the quotation, as well as issuing a recommendation for showing greater care in this regard.

5.7. Implementation of self-regulation by global platforms and social networks in the country – significant examples related to hate speech, disinformation and propaganda

Access to global communication platforms is not filtered, but there have been some episodes of blocking in recent years (see the section above on disinformation.) Apart from the cases when the blocking of websites was prompted from claims that public order was at stake, there have been cases reported when claims to copyright infringements have led to taking down the whole page, rather than the copyrighted materials only. In April 2020, the regulators requested internet service providers in Albania to block a total of 25 websites upon the request of Albanian actor Ermal Mamaqi, who claimed they had streamed his movie without owning the rights.⁴⁰ Nonetheless, the request to ban the whole websites rather than the specific content, even though temporarily, was considered excessive.

In addition, there have been several cases when online media outlets or Facebook pages have claimed that they have been reported or punished selectively on copyright infringement issues by a copyright protection company. These media have claimed that they have been targeted because of their anti-government stance and content, stating that pro-government media that used the same images and content were not flagged in Facebook or other social networks.⁴¹

5.8. Specific projects and platforms for reporting hate speech online

There are no specific platforms for reporting hate speech online, other than the complaints that can be filed for violations of the Code of Ethics to the Albanian Media Council. Although they are not established specifically against online hate speech, there can be complaints lodged by anyone in this regard.

39 Albanian Media Council, <https://kshm.al/2021/06/25/bordi-i-etikes-vendim-nr-27/>

40 <https://www.tiranatimes.com/?p=145504>

41 BIRN Albania, “Internet governance in Albania and its role in media freedom,” 2020.

5.9. Specific projects and platforms for debunking disinformation

Since 2018, Faktoje.al has been a fact-checking organization. Starting as an organization that verified the truthfulness of public statements of politicians and public officials, the organization has expanded its activities to also fact-check stories and myths published especially during the pandemic, including government promises and conduct, and also to follow up on the process of reconstruction after the deadly earthquake that hit Albania in November 2019. Recently, they have started a section on their website “Fakto dhe ti” [You can also fact-check] that invites citizens to express their complaints related to the earthquake reconstruction or any other problems that the fact-checking organization can follow on their behalf. This is a rather new initiative, so it remains to be seen what the public response and participation will be in this respect.

5.10. Self-regulation of political communication (parliaments etc.)

The Albanian Members of Parliament need to observe the Code of Conduct of MPs⁴², approved in 2018. Among others, the Code of Conduct forbids the use of indecent, insulting or threatening language, as well as offences and personal physical assaults, which are severely prohibited. In addition, Members of Parliament are forbidden to use language that incites hate based on race, gender, age, nationality, ethnicity, religion, social and economic status, civil status, sexual orientation, belonging to a minority group, etc. They should also avoid any form of discrimination and stereotyping in their everyday activities, such as political statements, or parliamentary and extra-parliamentary activities.

In addition, the Detailed Guidelines on Parliamentary Conduct⁴³ demands that MPs avoid any discriminatory hidden or indirect conduct due to race, sexual orientation, convictions, or any other matter. They are subject to grave disciplinary measures should they use discriminating or derogatory language in these cases. There have been several cases of inflammatory language as part of the political rhetoric in the Parliament and use of language that was deemed to incite violence, but most disciplinary measures are related to failure to follow the procedure rather than directly to hate speech.

42 <https://www.parlament.al/Files/RaporteStatistika/Kodi%20i%20Sjelljes.pdf>

43 <https://www.parlament.al/Files/RaporteStatistika/Udhezuesi%20ne%20BYRO-j%20zbardhur-%20e%20hene15%20tetor.pdf>

5.11. Good practices in self-regulation of hate speech and disinformation

It is difficult to establish good practices in self-regulation of hate speech and disinformation. Ideally, such good practices would be highly effective if they came directly from media outlets, who view the current situation as a threat to their deontology and overall reputation. In this respect, the adherence of now 23 online media to the Alliance for Ethical Media is certainly a positive development, as there is a concrete step and an intention to raise awareness among both the media and the public that there is a complaint mechanism for the public to hold the media responsible, as well as for the media to be in direct contact with the public in this case. Furthermore, the existence of a fact-checking organization and the expansion of its fields of activities is certainly positive, as well, contributing to direct fact-checking of public officials, statements and actions in the field.

6. POLICY RECOMMENDATIONS

- Both existing bodies within the regulator of audiovisual media and the self-regulation initiative the Albanian Media Council should be more proactive in monitoring violations, encouraging media outlets to self-regulate and correct their mistakes, and also promote a greater sense of responsibility among the media outlets for flaws in their coverage.
- Legislation provisions on hate speech and disinformation can be reviewed to reflect the new developments, but only after evidence-based research and in-depth consultation with all relevant stakeholders.
- Both traditional and online media outlets should consider self-regulating themselves, either individually or as a community, to commit to ethical standards in reporting, including avoiding hate speech and narratives.
- Media outlets should offer an option for users to reach them for complaints and respect the principles of publishing corrections or confutations if necessary.
- The online media should seriously and responsibly address the issue of the moderation of their comments in such a way that it does not affect freedom of expression, yet respects the right to privacy and dignity.
- Civil society organizations should be more vocal when encountering cases of hate speech in the media, calling for the correct coverage of the issues at stake and leading a public debate in this regard. Efforts should not be limited to identification of such narratives or cases, but also to offering their counter-narrative, such as debunking these cases through fact-checking platforms.
- Efforts for the improvement of media literacy efforts should be ongoing from all actors. The Government should establish a strategy and clear policies on adopting media literacy as part of the curriculum in an appropriate form. Civil society actors should continue and intensify their efforts to raise awareness of critical thinking and media literacy. Public institutions and civil society should coordinate in this regard, possibly also engaging the media as a supporter of these initiatives and policies.
- Public awareness campaigns highlighting professional standards and achievements in the media should be organized more frequently, contributing to the public debate on media conduct.

About the author

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This publication is a part of the RESILIENCE project research and advocacy component. It includes a series of factsheets on NATIONAL REGULATORY AND SELF-REGULATORY FRAMEWORKS AGAINST HATE SPEECH AND DISINFORMATION in Albania, Bosnia and Hercegovina, Kosovo, Montenegro, North Macedonia, Serbia and Turkey. The series also includes a factsheet with examples of regulatory and self-regulatory mechanisms on the EU level and in the EU member states.

Nine media development organizations in the Western Balkans and Turkey have joined forces under an EU-funded project 'RESILIENCE: Civil society action to reaffirm media freedom and counter disinformation and hateful propaganda in the Western Balkans and Turkey'. The three-year project is coordinated by the South East European Network for Professionalization of Media (SEENPM), a network of media development organizations in Central and South East Europe, and implemented in partnership with: the Albanian Media Institute in Tirana, the Foundation Mediacentar Sarajevo, Kosovo 2.0 in Pristina, the Montenegro Media Institute in Podgorica, the Macedonian Institute for Media in Skopje, the Novi Sad School of Journalism in Novi Sad, the Peace Institute in Ljubljana, and Bianet in Istanbul.