
ALBANIA PM ACCUSED OF PLANNING ONLINE MEDIA CENSORSHIP

- 19.12.2018

Balkan Insight (18 December 2018)

The office of Albanias Prime Minister, Edi Rama, has proposed changes in two laws foreseeing the registration of online media and the policing of news content for a variety of reasons, including biased news, news that damages public morale and publications that can incite penal offences.

Failure to uphold the law would result in fines of up to 1 million leks [8,000 euros] and even closure of websites.

After the changes were presented at a public hearing on Monday in Tirana, media experts and organizations expressed concerns over possible violations of the constitution, the risk of censorship and a possible chilling effect on the freedom of expression online.

The first draft aims to change the law on the Telecommunication and Postal Authority, the authority that supervises the communications market, transforming the institution from its current content-neutral status to being responsible for maintaining a register of online media and ensuring that entrepreneurs respect their obligations toward national security, public safety ... and other laws.

The law obliges the website of any physical or legal entity to have contact information and a physical address published on the site and orders the AKEP to close websites based on Tax Authorities request.

The other proposal aims to transform the Albanian Audiovisual Media Authority, AMA, into a policing body, empowered to judge news quality and public morale. Under the proposal, the publishers should have to respect the ethical and moral rules of the public and should not allow publication ... that can incite penal offences.

A body named The Complaints Council should receive complaints and fine media or order their closure if found in breach of the law.

The proposal also states that fines and closure orders should be implemented immediately, regardless of whether the website chooses to send the matter before the courts.

Courts are notoriously slow in Albania, so it might take years to resolve such issues.

Speaking during the public consultation, Gentian Sala, chairman of the AMA, said the law was prepared by the Prime Ministers office in collaboration with Ministry of Justice with aim of disciplining the ever-growing online media in Albania.

Asked about his own stance, Sala said his institution could speak only after a board decision and since no board decision existed on the matter, he could not support or criticize the plans.

Illir Zela, the chairman of AKEP, said he saw the need to have a register for fast identification of website owners in cases of legal violations such as terrorism or defamation. Zela, who leads a nominally independent institution, is also a former Socialist Party MP and is a member of National Assembly of the ruling Socialist Party.

Elira Kokona, a representative of the Prime Ministers office, said that in most OSCE member countries libel is a penal offence, although she did not explain how libel relates to the proposed laws.

Prime Minister Rama has repeatedly complained of defamation of the government and has attacked critical media using a variety of epithets, calling some of them charlatans, garbage bins, poison or public enemies. In October, he declared that he was preparing an anti-defamation package that would include heavy fines.

Flutura Kusari, a freedom of information expert, told BIRN the proposals go against best practices that support media self-regulation over state policing.

In most democratic countries, online and offline media are self-regulated, Kusari said. The proposal to regulate online media by the state constitutes an attempt to control the content of such publications, she added.

Kusari also said a media registration system contravenes OSCE standards. Just this year, an attempt by Malta to impose registration as precondition for work was criticized by the OSCE and Malta was obliged to remove mandatory registration, she said.

Media experts at the hearing urged the authorities to drop the proposals, seeing them as potentially non-constitutional.

Albanias constitution allows the possibility of authorities licensing radios and televisions, but not newspapers or online publications.

The proposed laws could also amount to censorship, critics say, because the entire content of a website may be banned if just part of it or a single story is deemed illegal.

Due to the countrys authoritarian past, no parliamentary majority has attempted recently to write any law about the print media.

The last such law was approved in 1993 and was criticized for being a censorship tool in the hands of the government, despite it stating that the media is free in its first article. It was repealed in 1997.

The new AMA law also states that the proposal excludes print media. However, the government had apparently decided to consider online media as multimedia and not as written media.

Technically, the AKEP can delist websites registered in Albania with the Albanian country code .al. The proposed law states also that it can ban access to Albania of websites registered elsewhere if the Complaints Council deems that such websites have broken the law.

Blendi Salaj, a radio presenter and blogger in Tirana, called the government attempt to police the internet a failure that will hardly curb defamation or disinformation.

Websites can be created in minutes and fake news can be spread over social media in seconds, he said. However, threats of fines and closures dont bode well, and will stick people into self-censorship, he added.

Albanias media is considered partly free by Freedom Houses media freedom index. The media climate has deteriorated over the last decade.

The television market is highly concentrated in a few hands and political coverage is limited to publishing materials pre-packaged by PR offices that have developed into fully fledged television studios with their own journalists and camera crews.

Rama himself started the publication of a Facebook television station called ERTV and, once a week, a full news edition is streamed, showing the governments achievements.

Rama attempted previously several times to punish what he thinks are slanderous allegations against his government.

In 2015, he proposed criminalization of libel against high officials, claiming that allegations are damaging the trust of the public in institutions. The proposal was withdrawn for further improvements after a local and international outcry.

In 2016, the Socialist Party proposed registration of news websites and their closure through changes in electoral law, claiming they were being used for electoral propaganda. This initiative also didnt pass.

In October, the OSCE and Reporters Without Borders, RSF, criticised Rama for requesting the registration of portals and threatening them with closure.

RSF condemns an Albanian government decision forcing certain online media to register with an official body within three days or be shut down, RFS wrote on Twitter.

Supposedly meant to rein in online defamation, this initiative in #Albania by PM @ediramaal threatens press freedom and independent websites that often provide investigative coverage of corruption and Albanian government collusion with organized crime, it added.

<http://www.balkaninsight.com/en/article/albania-pm-accused-of-planning-online-media-censorship-12-18-2018>

Kaynak/Source: