

MAPPING DIGITAL MEDIA: **ALBANIA**



Mapping Digital Media: Albania

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

WRITTEN BY

Ilda Londo (reporter)

EDITED BY

Marius Dragomir and Mark Thompson (Open Society Media Program editors)

EDITORIAL COMMISSION

Yuen-Ying Chan, Christian S. Nissen, Dušan Reljić, Russell Southwood,
Michael Starks, Damian Tambini

The Editorial Commission is an advisory body. Its members are not responsible for the information or assessments contained in the Mapping Digital Media texts

OPEN SOCIETY MEDIA PROGRAM TEAM

Mejjinder Kaur, program assistant; Morris Lipson, senior legal advisor;
and Gordana Jankovic, director

OPEN SOCIETY INFORMATION PROGRAM TEAM

Vera Franz, senior program manager; Darius Cuplinskas, director

20 January 2012

Contents

Mapping Digital Media.....	4
Executive Summary.....	6
Context.....	9
Social Indicators.....	11
Economic Indicators	12
1. Media Consumption: The Digital Factor	13
1.1 Digital Take-up.....	13
1.2 Media Preferences.....	16
1.3 News Providers	19
1.4 Assessments	23
2. Digital Media and Public or State-Administered Broadcasters.....	24
2.1 Public Service and State Institutions	24
2.2 Public Service Provision.....	28
2.3 Assessments	32
3. Digital Media and Society.....	33
3.1 User-Generated Content (UGC)	33
3.2 Digital Activism.....	37
3.3 Assessments	38

4.	Digital Media and Journalism	39
4.1	Impact on Journalists and Newsrooms.....	39
4.2	Investigative Journalism.....	41
4.3	Social and Cultural Diversity	44
4.4	Political Diversity	47
4.5	Assessments	50
5.	Digital Media and Technology	51
5.1	Spectrum.....	51
5.2	Digital Gatekeeping.....	54
5.3	Telecommunications.....	56
5.4	Assessments	58
6.	Digital Business	60
6.1	Ownership.....	60
6.2	Media Funding.....	64
6.3	Media Business Models.....	68
6.4	Assessments	68
7.	Policies, Laws, and Regulators.....	70
7.1	Policies and Laws.....	70
7.2	Regulators	74
7.3	Government Interference.....	79
7.4	Assessments	81
8.	Conclusions.....	82
8.1	Media Today.....	82
8.2	Media Tomorrow.....	83
9.	Recommendations	85
9.1	Policy.....	85
9.2	Media Law and Regulation.....	86
9.3	Public Service in the Media	86
9.4	Journalism	87
9.5	Digital Media Literacy.....	87
	List of Abbreviations, Figures, Tables, and Companies.....	88

Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policymakers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switch-over from analog broadcasting to digital broadcasting;
- growth of new media platforms as sources of news;
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Albania

Executive Summary

Digital broadcasting in Albania began in 2004 with the launch of the first multiplex, Digitalb, followed by a second, Tring, in 2008. The goal of switching over by the end of 2012 may not be achievable, and a postponement to 2015 is likely.

Strong efforts are being paid to harmonize current legislation with the European Union's Audio-visual Media Services Directive (AVMSD), and the country is about to adopt a Strategy for Digital Switch-over.

Digital terrestrial broadcasting has so far affected mainly the capital and other cities, while the rest of the country and especially the rural areas have hardly been affected due to insufficient coverage and lower economic capacity. Economic reasons, as well as delayed legislation, have contributed to the slow speed of digitization, and official allocation of the digital spectrum has yet to start.

In general, the dynamics of the digitization process as well as of the media market as a whole are difficult to assess due to the continuing lack of publicly available systematic and credible audience research. The explosive growth in internet access is, however, beyond doubt. According to the ITU, the percentage of the population with internet access rose from 0.1 in 2000 to over 43 in 2010. The number doubled between 2008 and 2010.

Most media outlets have their own websites, which they try to keep updated. This does not save them from a broad uniformity of content, however, which results in a limited choice of political news, a certain trend of 'tabloidization', and questionable professionalism.

A growing number of news aggregators generate piles of information on a wide variety of topics, from politics to life-style. Traditional media have also been affected by digitization: they offer information in multiple formats, both analog and digital, but without perceptible improvements in quality, reach and impact. Social networks remain constantly among the top sites visited every day. Interactivity of new media offers extended platforms for public discussion that are especially popular among young people, ranging from comments to blogs.

The television landscape hosts a large number of regional and local broadcasters, as well as two national commercial channels, TV Klan and Top Channel TV, and the two channels of the public service broadcaster, TVSH. The first program of TVSH as well as the commercial stations broadcast analog and digital in the two multiplexes, terrestrially and via satellite. News and current affairs on public TV have been the target of considerable criticism over their quality and diversity, as well as their lack of independence and alleged open support for the government.

Print media are losing ground, especially among young people. Apart from the competition from television and new media, this decline is also due to their failure to offer content that is dramatically different or more in-depth than that offered in electronic and new media.

Existing multiplexes provide access to a few radio stations but radio's importance as a source of information is falling. Although the number of commercial operators is high, the overall offer is focused overwhelmingly on music and entertainment.

Digitization has only had a limited effect on journalism so far. News desk journalism has become much easier and quicker. Citizen journalism, however, is not yet developed. In terms of working conditions, most journalists in Albania still work without contracts, encouraging a climate of self-censorship with harmful implications for the news output. The situation is worst in the countryside, where media salaries are below average.

From this perspective, digitization has not affected investigative reporting; the opportunities created by online resources do not compensate for the disincentive of fear, which is generated by the lack of legal and customary protection.

The impact of digitization on journalists' professionalism is difficult to assess, in the absence of any organized monitoring of ethical standards. Judgment is made even harder by the fact that the same journalists sometimes work in both traditional and online media outlets. Hence, the coverage of topics remains very much the same.

Respect for copyright seems to have become more problematic, as offline and online media outlets often take each other's material without attribution. On a similar negative note, digitization has facilitated the spread of slanging matches and slander, as most websites do not use moderators or filtering.

In spite of the spread of the internet, citizens and civil society groups hardly employ digital platforms for social activism. Most NGOs do not yet have Facebook profiles, which are rarely updated and are used mainly as an additional source of information rather than for civic mobilization. People use forums to comment on news and express personal opinions.

However, this is not the case with the political parties, which use social media more and more to increase their support and influence, this tendency being more noticeable among politicians currently in opposition. The overall effect of this activity is currently not very clear, however; although recent local elections gained

extensive coverage on social media, data suggest that only 12 percent of people under 40 believed such tools could influence politicians.

Media concentration is not high, although it may now be increasing. However, digitization has made no difference in this respect. The press is completely unregulated while legislation on broadcasting ownership is quite detailed. Provisions to ensure the transparency of media ownership exist, and the last four years have seen a trend towards greater transparency in this respect.

The transparency of funding remains very problematic, however, and the same applies to advertising, where the share of commercial companies has steadily increased vis-à-vis the state or public sector.

The media scene is dominated by a few groups. In general, media ownership is in the hands of companies whose main business is in construction, trade, and telecommunications. This has encouraged concerns that the media may be used to advance selfish corporate interests. The most significant foreign presence is WAZ (Germany).

No major changes have been noted in business models, although there is increased interest in online media. Consumers still appear unwilling to pay for online content.

In terms of policy-making, the Strategy for Digital Switch-over needs to address the access and affordability of digital broadcasting. Hence, it must specify, among other things, the provisions for subsidies for households that cannot afford digital receivers. The draft Strategy is under discussion with stakeholders, but there is no debate outside professional circles. Hence, the general public remains unaware of what digital switch-over is and means. As policies and regulation on digitization are still being drafted, it is impossible to foresee how they will affect media pluralism and diversity.

The report calls for the Digital Strategy to be finalized without further delay, and then implemented. Broadcasting regulation should be amended to bring it into full compliance with the AVMSD. The report also focuses attention on the need for government support to help the public broadcaster to catch up with the digitization process. Last but not least, the report stresses the need for improved working conditions in journalism, in order to discourage self-censorship; and for implementation of a code of ethics in the new media, in order to minimize slander and violations of copyright.

Context

Albania is a small country, with a population of just over three million. The country has undergone a profound structural transformation over the past two decades, from a highly centrally planned to a free-market economy, which has resulted in high growth rates. Average annual GDP growth was slightly more than 6 percent from 2000 to 2008, before slowing down to just over 3 percent in 2009.¹ During the last decade, inflation was brought down and, except for 2002, was below 3 percent. Albania has a significant private sector that accounts for some 80 percent of GDP.² The role of remittances in the overall development of the economy has been significant throughout the transition period. There is a significant economic disparity between the capital, Tirana, and other nearby, developed cities, compared to more remote and isolated areas.

Unlike most other countries, economic growth has remained positive although slipping to slightly above 3 percent in 2009. The main reasons for this trend are related primarily to the relative openness of the economy and the low level of integration of the financial system within the global market.³ Similarly, the global financial crisis has had only a slight effect on unemployment. Although unemployment has declined gradually in recent years, it remains high. However, the official rate does not accurately reflect reality, since informal employment is widespread.

Demographic movement has been a constant feature of the transition period. Although no official data are available, a sizable part of the population has emigrated, while people living in poorer areas have moved to the capital and other cities. From being a predominantly rural society, today half the population is urban.

The media landscape has mirrored population movement in terms of location. Although there is an abundance of electronic media outlets throughout the country, the majority of them, including the most powerful, are located in the capital. While a few newspapers have closed during the financial crisis, other newspapers, radio stations, and television stations have emerged. Lack of accurate data on advertising prevents us from

1. European Commission Staff Working Document, *Analytical Report on Albania*, Brussels, 9 November 2010, available at http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_rapport_2010_en.pdf (accessed December 2010) (hereafter, European Commission, *Analytical Report on Albania*).

2. European Commission, *Analytical Report on Albania*.

3. European Commission, *Analytical Report on Albania*.

reaching a safe conclusion on this aspect. However, one expert estimates television ad spending to be €44 million (US\$60 million) for the 2009–2010 period, which would indicate an increase in advertising revenue over the last three years.⁴ Another piece of research estimates the total advertising market to be €55 million (US\$75 million).⁵

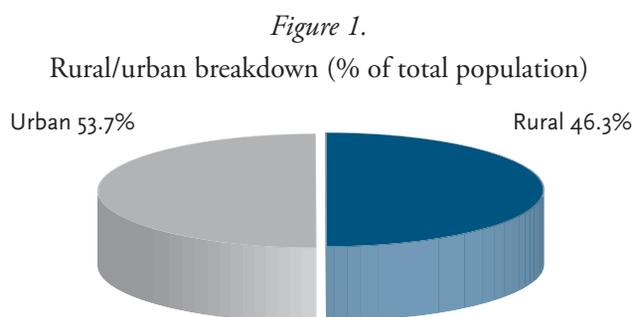
4. T. Goga, “Footprint of Financial Crisis in the Media: Albania Country Report,” Open Society Institute, December 2009, p. 9, available at http://www.soros.org/initiatives/media/articles_publications/publications/financial-crisis-media-20091201/albania-20091201.pdf (accessed 11 October 2011) (hereafter, T. Goga, “Footprint of Financial Crisis in the Media”).

5. O. Liperi, “Special: Advertisement 2010,” *Monitor*, 15 March 2011 (hereafter, O. Liperi, “Special: Advertisement 2010”).

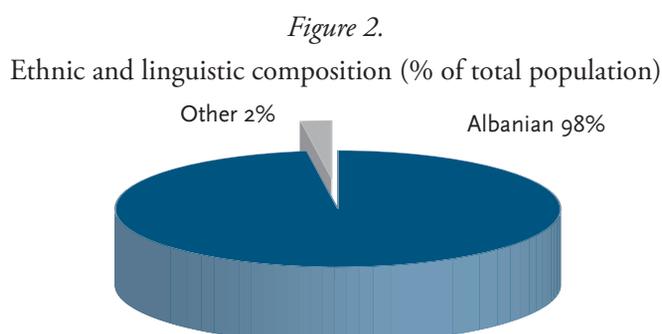
Social Indicators⁶

Population (number of inhabitants): 2,831,741⁷

Number of households: 740,256 (2011)⁸



Source: INSTAT, Preliminary Findings of Census 2011.



Note: "Other" includes Greek, Vlach, Roma, Macedonian, and Montenegrin.

Source: Human Development Promotion Centre, "National Strategy for Albania," in *Minority Rights in Practice in Southeastern Europe: an initiative of the King Baudouin Foundation in partnership with The Charles Stewart Foundation and the Soros Foundations*, 2004, available at http://www.kbsfrb.be/uploadedFiles/KBS-FRB/Files/Verslag/MRP_discussion_paper.pdf (accessed 12 December 2011). In 1989, other estimates of the Greek population ranged from 1 percent (official Albanian statistics) to 12 percent (from an unidentified Greek organization). This and other minority figures are disputed to this day, while the results of the October 2011 census are pending.

6. The last census to document religious belief in Albania dates from 1930.

7. Institute of Statistics (*Instituti Statistikës*, INSTAT), *Preliminary Findings of Census of Population and Buildings in Albania*, 2011, available at <http://census.al/census2011/Temp.aspx> (accessed 20 January 2012).

8. Ibid.

Economic Indicators

Table 1.
Economic indicators

	2005	2006	2007	2008	2009	2010	2011f	2012f
GDP (current prices), in US\$ billion	8.158	9.001	10.698	12.990	12.090	11.773	13.032	13.887
GDP (current prices), per head in US\$	2,602	2,858	3,393	4,097	3,794	3,676	4,049	4,294
Gross National Income (GNI) (current prices), per head in US\$	6,280	7,010	7,510	8,480	8,300	n/a	n/a	n/a
Unemployment (% of total labor force)	14.5	13.7	13.5	12.5	13.1	12.5	11.5	11.0
Inflation (average annual rate in % against previous year)	2.3	2.3	2.9	3.3	2.2	3.6	4.5	3.5

Notes: f: forecast; n/a: not available.

Sources: International Monetary Fund (IMF) for GDP; International Monetary Fund (IMF), *Report for Albania*, available at <http://www.imf.org/external/pubs/ft/weo/2010/02/weodata/weorept.aspx?sy=2008&ey=2015&scsm=1&ssd=1&sort=country&ds=.&br=1&pr1.x=75&pr1.y=7&c=914&s=LUR%2CLP&grp=0&a=> (accessed 10 December 2010); World Bank.

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment and Literacy

The latest decennial census of households and their equipment took place in October 2011, and the results are not yet available. Hence, the only reliable data are ten years old. Despite the lack of recent findings, it is fair to say that digital terrestrial television (DTT) is a reality in significant parts of the country. The first terrestrial digital platform, DigitAlb, appeared in 2004 and has continued to expand ever since, broadcasting also in DVB-S and DVB-H. The second platform, Tring Digital, emerged four years later and is currently using terrestrial and satellite broadcasting. Although the number of households subscribing to these services is unknown, the terrestrial platforms are accessible in the capital and other main cities, covering the administrative units with the largest population. Rural and remote areas lag behind in terms of coverage, due to the difficulty in covering the whole territory, combined with the lower economic level of the population that lives there.

Table 2.
Households owning equipment in Albania, 2005–2010

	2005		2006		2007		2008		2009		2010	
	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH	No. of HH ('000)	% of THH
TV sets	n/a	n/a	673,948	90.1	683,716	90.2	n/a	n/a	n/a	n/a	n/a	n/a
PCs	52,080	7.0	60,588	8.1	72,010	9.5	91,440	12.0	99,832	13.0	119,961	15.6

Notes: HH = households; THH = total households; PC = personal computer; n/a = not available.

Source: ITU, Open Society Institute, “Footprint of Financial Crisis in the Media: Albania,” by Thanas Goga, 2009, p. 8. (hereafter OSI, “Footprint of Financial Crisis in the Media: Albania”).

1.1.2 Platforms

Currently there are two national and 71 local television stations that broadcast in analog, in addition to three satellite television stations and 83 cable television stations, spread all over the country, apart from the public broadcaster and its three regional branches.⁹ Tring Digital claims to have about 140,000 subscribers in terrestrial, satellite, and cable platforms in Albania, while having 290,000 subscribers in total, including other countries.¹⁰ DigitAlb claims to have even more subscribers.

However, accurate figures on penetration and the number of users of each platform are missing. It was estimated that in 2007 the terrestrial reception in the country exceeded 90 percent.¹¹ News content is disseminated over all of the above-mentioned platforms, with the main analog generalist and news stations being available both in analog and digital broadcasting. Analog television and radio still appear to be the main sources of information, in view of their considerable coverage, due to their free reception.

The public broadcaster covers more than 80 percent of the country's territory, while the two other national commercial television stations cover more than 70 percent and 62 percent, respectively.¹² The signal reach is calculated by percentage of territory rather than percentage of the population, so the percentage of the population reached by their signal is unknown. However, the public broadcaster seems to be the only one available in some remote and mountainous areas.

Digital broadcasting has also gained in importance in the last six years, with the emergence and development of the two commercial DTT platforms, which also broadcast via satellite and are included in some cable platforms. In parallel with this, cable television stations have surged in recent years, and currently amount to 83.¹³

These cable stations are found in almost every city or small town. They do not produce their own content but offer a mix of Albanian and foreign programs at generally convenient prices, ranging from 300 Albanian Lek (ALL) (approximately US\$2.90) to ALL 800 (approximately US\$7.75) per month. In many cases, these stations have become a source of concern regarding piracy. This is of particular concern for the DTT operators, as they often broadcast entire channels pirated from the cable stations, or offer unique events, such as football matches, without permission or payment. Digital operators have constantly protested to the regulatory authority, in view of this unfair competition and piracy.

9. National Council on Radio and Television (*Këshilli Kombëtar i Radios dhe Televizionit*, KKRT), List of Licensed Operators, available at <http://kkrt.gov.al/sq/operatorete/telvizionet> (accessed 20 January 2012).

10. Tring Digital, available at <http://www.tring.tv/kujdesi/rreth-nesh/abonentet/> (accessed 17 November 2011).

11. OSI, "Footprint of Financial Crisis in the Media: Albania."

12. KKRT, *Annual Report 2010*, pp. 48, 50.

13. KKRT, List of Cable Operators, available at <http://www.kkrt.gov.al/sq/operatorete/telvizionet/176-tv-kabllore> (accessed 20 January 2012).

Currently there are 56 local and two national commercial analog radio stations operating in addition to the channels of public station Radio Tirana and its regional branches. The existing digital multiplexes provide access to several radio stations.¹⁴ The DigitAlb multiplex offers access to Top Albania Radio, one of the two national commercial radio stations, and to the music stations Top Gold Radio and My Music Radio. The other platform, Tring Digital, features the other national commercial operator, +2 Radio, and three other mainly music stations, Club FM, AMC Love Radio, and NRG Radio. The above-mentioned radio stations are the only digital operators, as the other radio broadcasters are not part of any multiplex and stick to the analog mode. Some of these radio stations, especially those based in the capital, also have websites and some of them allow their programs to be heard on the web.

The spread of the internet has been a very gradual process, with significant improvements over the last two years. According to the Postal and Electronic Communications Authority (*Autoriteti Komunikimeve Elektronike dhe Postare*, AKEP), about 140,000 households or 17 percent of households and 10,000 business entities currently have a broadband subscription, a ratio of 4.3 fixed broadband connections per 100 inhabitants.¹⁵ The same regulator has declared that the number of people accessing the internet from their mobile phones is about 832,000, marking a decrease compared to the number of over one million a year ago.¹⁶ In November 2010 the regulator issued the first third-generation mobile telecommunications (3G) license to Vodafone Albania, which so far has covered 46 cities and the areas around them.¹⁷ The second such license was issued in November 2011 to the mobile company Albanian Mobile Communications.

Currently, 129 providers offer internet access in Albania. The main player is the former public telecoms company, ALBtelecom, with 53 percent of market revenue offering access to 73,000 subscribers.¹⁸ There are no accurate data on the spread of the internet and its usage for news content. As a matter of fact, online news and information services by Albanian sources appeared late due to the slow spread of the internet in Albania until recently. International Telecommunication Union (ITU) figures show that, within less than 10 years, the percentage of the population with internet access grew from 0.1 (2000) to 43.5 (2010), doubling the number in 2009, which was reported as 20.6 percent. This boom in internet use has also brought about a greater presence of news content on the web in both the traditional and the new media. (See section 1.2.2.) However, data to identify the number of households or individuals who access news from a given source are completely unavailable.

14. KKRT, *Annual Report 2010*, p. 73.

15. AKEP, *Statistical Indicators of the Market of Electronic Communications of the First Half of 2011*, available at http://akep.al/images/stories/AKEP/statistika/Treguesit-Statistikore-6_Mujori-I-re-2011.pdf (accessed 20 January 2012) (hereafter, AKEP, *Statistical Indicators*).

16. AKEP, *Statistical Indicators*.

17. Vodafone Albania, *Vijon shtrirja e rrjetit 3g në të gjithë vendin* (Following the extension of the 3G network in the whole country), available at http://www.vodafone.al/vodafone/Shtrirja_e_Rrjetit_3G_nga_Vodafone_Albania_745_1.php (accessed 20 January 2012).

18. AKEP, *Statistical Indicators*.

Table 3.

Internet penetration rate (total internet subscriptions as % of total population) and mobile penetration rate (total active SIM cards as % of total population)

	2005	2006	2007	2008	2009	2010	2011
Internet	n/a	n/a	15.3	16.0	20.6	43.0	43.4
of which broadband	n/a	n/a	n/a	n/a	n/a	3.7	4.3
Mobile telephony ¹⁹	49	61	74	94	131	139	148

Note: n/a = not available.

Sources: The internet data are available from ITU, via <http://www.internetworldstats.com/euro/al.htm>, reflecting the situation until June 2010 (accessed 12 November 2011). The data on mobile subscribers are from AKEP, “Statistical Indicators of the Market of Electronic Communications of the First Half of 2011,” http://akep.al/images/stories/AKEP/statistika/Treguesit-Statistikore-6_Mujori-I-re-2011.pdf (accessed on 20 January 2012). The percentage was calculated using ITU data on population.

1.2 Media Preferences

1.2.1 Main Shifts in News Consumption

Digital platforms appeared in Albania in 2004, when DigitAlb started broadcasting, followed by another company, SAT+. At present, DigitAlb continues its activity, while SAT+ has ceased to exist. In addition, another company, Tring Digital, entered the market in 2008.

Although digital and analog broadcasting have co-existed in Albania for some six years, it is still difficult to speak about digital migration. The two existing platforms are terrestrial and satellite multiplexes, viewable only by subscription. Their offer includes some of the main news channels in the country as well as the national or bigger analog television stations. This means that the main sources of news information are available on both analog and digital. Hence, the migration of news audiences to digital terrestrial television has caused no change in broadcast news consumption. However, the availability of news in other formats—including online news aggregators, websites of traditional media, and the few existing online-only outlets—has certainly created the potential for changing news consumption. The fact that media websites are included in the top 20 most visited websites reinforces the impression that traditional media no longer possess a monopoly on news provision. In the absence of detailed data on internet use and consumption preferences, it is not possible to determine the exact shifts in news consumption.

Both terrestrial and satellite digital platforms, however, have their own digital news channels: Top News for DigitAlb’s multiplex and Kanal 7 for Tring Digital’s multiplex. These news channels operate only in digital format and are available only by subscription to the packages offered by these platforms. However, the content these channels offer is not notably different from the content offered by the multitude of analog news channels. In the absence of publicly available audience research and data for subscription and viewing preferences of the digital platforms, it is not possible to ascertain whether there is any prevailing preference for the new channels among the public.

19. For data on the number of subscribers, see AKEP, *Statistical Indicators*; the percentage was calculated using ITU data on population.

The spread of the two multiplexes and the access to them is unknown as neither has made public the data on their penetration. They both cover some of the main cities in Albania. Similarly, although access to the internet seems to have increased significantly, data related to purpose and usage are not known. However, social media seem to be quite popular at the moment. Facebook users in Albania amount to a little more than one million people, with a penetration of almost 35 percent of the population.²⁰ A survey by the Commissioner for Personal Data Protection (*Komisioneri për Mbrojtjen e të Dhënave Personale*, KMDP) confirms this trend: 88 percent of interviewed pupils in the 10–16 age group said they have a profile in this network, and 33 percent said they access their profile at least once a day.²¹ The high popularity of social networks is also confirmed by a recent survey on media use by children and young people, which revealed that the majority of them used the internet for social media and to a lesser degree for entertainment and information.²² However, there is no evidence on the purpose of pupils' activity on Facebook and it is not possible to say whether this is a potential source of information for any other group in the population.

All main existing traditional media have their own websites. Influenced also by the slow spread of the internet in the country, traditional media have, until recently, not been quick to take advantage of new features that technology has to offer. In general, the websites present a copy of the printed versions for newspapers, while those of electronic media rebroadcast their main programs. However, some of the main media in the country have started to redesign their websites, offering up-to-date information, posting latest news videos, and hosting forums and other interactive features that have so far been lacking. In view of the absence of media ratings, it is impossible to determine whether this has had an impact on media performance. However, this has certainly led to the potential for greater access by Albanians living abroad, though no data are available to allow assessment of their ratings.

1.2.2 Availability of a Diverse Range of News Sources

At the moment, almost all existing mainstream media outlets have their own websites, such as Top Channel, TV Klan, Televizioni Shqiptar (TVSH), Ora News, News 24, Vizion Plus, Alsat TV (now Albanian Screen TV), KohaTelevizion, etc. Apart from the online versions of what is already available in print or broadcast, some websites use additional features, such as opinion surveys, forums, chat rooms, comments, e-mail, and Really Simple Syndication (RSS) feeds. Video and audio streaming are also available on these websites. Lately, these media have made regular attempts at constant updates of the information online, instead of reproducing their print or broadcasting content.

None of the existing print media has ceased hard-copy publication. For some months the online editions of *Panorama* and *Gazeta Shqiptare*, two of the largest daily newspapers, were available only by paid online

20. "Albanian Facebook Statistics," Socialbakers, available at <http://www.socialbakers.com/facebook-statistics/albania> (accessed 20 January 2012) (hereafter, "Albanian Facebook Statistics," Socialbakers).

21. Commissioner for Personal Data Protection, "Results of the Questionnaire on Social Network Use," available at <http://www.kmdp.al/> (accessed January 2011).

22. Albanian Media Institute, "Children and the media: A survey of the children and young people's opinion on their use and trust in media," December 2011, p. 28.

subscription. Their online printed versions are still available by paid subscription, but the articles are back online for free.

Given the lack of publicly available audience and readership research, it is difficult to conclude that online versions of existing media have had an impact on consumer habits or news consumption. The existing data on ranking of Albanian websites indicate the popularity of some online versions of traditional media. However, it is not possible to see whether a portion of the population prefers online to offline editions. In this context, it is safe to conclude that there are increasing opportunities for news consumption as a result of digitization, but the tools for describing actual trends are still missing or unreliable.

However, websites of traditional media outlets are fairly important, bearing in mind especially the migration trend since 1990, as well as the Albanian population living outside its territory. Some editors claim that their newspapers have a significantly larger readership online, rather than on newsstands.²³ This can be explained by the fact that content is still free online, but also by the large number of Albanians living abroad. The data show that, with a few exceptions, the percentage of readers in Albania constitutes on average 40 to 50 percent of the whole readership.²⁴ Indeed, according to one source, “the internet website of a daily newspaper that sells about 5,000 copies has about 16,000 visitors per day, most of whom are emigrants abroad.”²⁵

Apart from traditional media on the web, new players have joined the media scene, represented by the so-called news aggregators or news agencies. Among them the most important are the public Albanian Telegraphic Agency (ATA), BalkanWeb, NOA, Gazeta Start, and Lajmi Fundit. ATA and the commercial agency NOA publish news from Albania, Kosovo, and Macedonia. Their websites offer an array of information and topics, similar to the main daily newspapers and main generalist media, which rarely have a specific target. The information range includes everything from current affairs to gossip. These sections are continuously updated and subscription is available for free. The content of these websites does not differ dramatically from the content found in newspapers and other traditional media.

In fact, the range of topics is the same, and the manner of writing is similar, usually in the form of brief news. In addition, they have some interactive elements, such as commenting, forums, and the possibility of RSS feeds. Online content so far is not dramatically different from that offered in traditional media. Although they have the ability to convey news to the online public in real time, they do not differ in approach, range of information, and style of reporting from daily newspapers or news agency reports.²⁶ In many cases they even disseminate content that is already in the traditional media, and vice-versa. However, bearing in mind that not all traditional media cover the whole territory of the country, in theory, the spread of the internet enables parts of the population to access a variety of online news offered by traditional or new media. In practice,

23. Interview with Aleksandër Çipa, editor-in-chief of *Shqip*, 10 January 2011.

24. Alexa.com data on media audience in Albania (BalkanWeb – 49 percent; Top Channel– 40 percent; *Gazeta Tema* – 53 percent; NOA – 56 percent; *Shekulli* – 43 percent; *Panorama* – 49 percent) available at <http://www.alexa.com/topsites/countries/AL> (accessed 27 September 2011).

25. IREX, *Media Sustainability Index 2010 – Albania*, p. 10, available at http://www.irex.org/system/files/EE_MSI_2010_Albania.pdf (accessed 12 October 2011) (hereafter, IREX, *Media Sustainability Index 2010*).

26. Albanian Media Institute, *New Media in Albania*, June 2010, p. 8.

given the lack of consumer surveys or other data on news consumption, it is not possible to determine exactly how the spread of the internet has affected patterns of news consumption.

1.3. News Providers

1.3.1 Leading Sources of News

Any assessment or rating of leading news providers is difficult as in Albania research on the readership of print media or the audience share of electronic media is not publicly available. Moreover, to determine how the audience share has changed over the past five years is even more challenging, given that the last attempt to conduct publicly available audience and readership research dates back to 2002 and 2003, when such research was carried out by the then Institute of Surveys and Opinions. This practice was, however, discontinued.

Some media outlets carry out their own research, but the objectivity of the results seems too questionable. “All media outlets carry out their own market research and present their own findings to their advertising clients,”²⁷ according to one report, leading to a highly subjective overview of the market situation and audience measurement. In this context, any attempt to rank news providers, be it print or broadcast, would be pure speculation.

1.3.1.1 Print

At the moment, 26 daily newspapers are published in Albania. While their circulation and number of sold copies are not made public, the total combined circulation is believed not to exceed 70,000 copies, with the biggest-selling newspaper having a circulation below 25,000 copies.²⁸ These papers include three party newspapers—*Zëri i Popullit*, of the leftwing Socialist Party, *Rilindja Demokratike*, of the rightwing Democratic Party, and *Integrimi*, of the leftwing Socialist Movement for Integration (*Lëvizja Socialiste për Integrim*)—and some sports newspapers. The other newspapers are generalist in kind, covering everything from politics, economics, and social issues to culture, lifestyle, gossip, and so forth.

In this context, it is difficult to draw a clear distinction between newspapers in terms of the news range they offer. Quality of reporting and political affiliation make the difference, rather than the selection of news topics. For example, the daily newspapers can be divided into mainstream newspapers, party-owned newspapers, sports newspapers, and newspapers that openly support one political wing. Party-owned newspapers focus almost entirely on party activities and political battles with the other parties, and the same is true to some extent for newspapers that openly favor one party over the other. Articles in mainstream newspapers are mostly of a neutral tone, although a deeper look at the choice of topics and quotes certainly reveals preferential treatment of certain parties or politicians over others. The mainstream newspapers also present the widest range of articles, from politics and economics to social issues and culture to lifestyle and gossip.

27. T. Goga, “Footprint of Financial Crisis in the Media.”

28. T. Goga, “Footprint of Financial Crisis in the Media,” p. 2.

Surveys and research indicate that print media are constantly losing ground. Monitoring in 2010 found that the advertising revenue of daily newspapers dropped to €3 million–3.5 million (US\$4.1 million–4.8 million), or 5–7 percent of the total media advertising market, compared to 10 percent in 2008.²⁹ Competition from television and new media, combined with the lack of improvement of quality in reporting, has led to a steady fall in the popularity of newspapers, especially among young people. In a survey of more than 2,000 people aged 15–39, almost 72 percent said that they did not read newspapers at all.³⁰

1.3.1.2 Radio

There are about 63 local radio stations, which due to non-existent data on listenership are difficult to assess in terms of ratings and importance. Apart from Radio Tirana, the public operator, there are two other national commercial stations, Top Albania Radio and +2 Radio. Public radio covers 80 percent of the territory, while Top Albania Radio and +2 Radio cover respectively 87 percent and 72.6 percent of the country. Despite the rapid rise of commercial stations, the relative importance of radio as a source of information has faded. In general, radio is seen as entertainment, where most of the stations broadcast non-stop music, interrupted usually by news flashes.³¹

1.3.1.3 Television

In a similar way, it is not possible to determine which television station is the most popular news provider, as the audience data are not publicly available. However, according to statistics on use of time, Albanians spend from one third to 40 per cent of their free time watching television, with an average of about two hours per day.³² Of all existing national analog television stations, the public broadcaster Radio Televizioni Shqiptar (RTSH) enjoys the greatest coverage: 80.5 percent of the territory, followed by TV Klan with 70.2 percent, and Top Channel with 62.1 percent.³³ If estimates of the advertising market are taken into account, TV Klan, Top Channel, Ora News, News 24, KohaTelevizion, TVSH, Vizion Plus, and Alsat TV (Albanian Screen TV) account for 81 percent of the advertising market.³⁴ As already mentioned, however, some of the main television stations are also available digitally, which may increase their audience with regard to both their number and their scope. (See section 1.3.2.)

1.3.1.4 Online

Most traditional media have their own websites, while the new media are similar in content to traditional media. It is interesting to note that some of the media outlets in the top 40 ranking websites also include

29. O. Liperi, "Special: Advertisement 2010."

30. Open Society Foundation for Albania, "Përdorimi i Facebook, Twitter, YouTube dhe Blogjeve për ligjërim politik mes të rinjve dhe kandidatëve për bashki e komuna" (Use of Facebook, Twitter, YouTube, and Blogging for political deliberation between the youth and candidates for local office), 2010, available at <http://www.soros.al/2010/article.php?id=274> (accessed 31 March 2011) (hereafter, Open Society Foundation for Albania, "Use of Facebook, Twitter, YouTube, and Blogging").

31. Albanian Media Institute, "Media dhe shoqëria e informacionit në Shqipëri" (Media and the Information Society in Albania), Tirana, 2011, p. 8.

32. INSTAT, "Albania: Time Use Survey 2010–2011," Tirana, December 2011, pp. 41–42, available at http://www.instat.gov.al/graphics/doc/tabelat/TUS_2012/Studimi%20%20.pdf (accessed 20 January 2012).

33. KKRT, *Annual Report 2009*, p. 62.

34. O. Liperi, "Special: Advertisement 2010."

Albanian-language media based abroad, such as *Telegrafi*, *Koha Ditore*, and *Bota Sot*. According to website traffic ranking, the most popular online media are: Top Channel, BalkanWeb, Ikub.al, *Telegrafi*, NOA, *Shekulli*, Lajmi Fundit, and *Gazeta Tema*.³⁵

Of these websites, Top Channel, *Shekulli*, and *Gazeta Tema* represent existing television stations and daily newspapers. BalkanWeb is one of the first online news media or news agencies to benefit from belonging to a media group that also owns a news channel, a daily newspaper, and a radio station. Such a business enterprise does not violate the legal provisions that forbid cross-ownership, as ownership provisions only pertain to electronic media, while print media are not regulated at all in this respect. In fact, similar patterns of ownership have not been unknown in Albania during the last decade. NOA and Lajmi Fundit are also similar, serving as news agencies: they have constantly updated news from every section and do not have any visible specialization or target. The last one, Ikub.al, is a mix of news and “Yellow Pages”-style information related to job searches and real estate, for example, and includes a legal database and a phonebook database.

1.3.2 Television News Programs

It is extremely difficult to determine the most popular Albanian news bulletins offered on analog television over the past five years. The total absence of credible and systematic audience research that is also publicly available is the main reason for this. The media market continues to develop in a very dynamic way, and new media outlets emerge constantly, though it is impossible to assess their market shares and credibility with any accuracy, due to the dearth of audience research or market studies that would allow media outlets to be ranked by performance or profits. It can be ventured, however, that the news bulletins of the national television stations TV Klan and Top Channel, as well as Vizion Plus, are widely considered to be highly popular. In addition, although the quality of RTSH’s news bulletin has been debatable in the media community for several years, this television station still enjoys the largest coverage in terms of reach. Moreover, it is the only available television station in some areas.

A particular feature of Albanian television is also the increasing number of news channels in recent years. Some of the most popular channels are News 24, Ora News, ABC News, and SCAN TV, but the list of “news-only” channels is longer. The reports of the regulatory authority and other sources, such as the panel of the Media Sustainability Index, underline the ubiquitous presence of news and current affairs programs. According to media expert Remzi Lani: “Commercial media produce tons of news, and this appears to be their main ambition at a time when we would want them to produce other things apart from news.”³⁶

The latest annual report of the National Council of Radio and Television (*Këshilli Kombëtar i Radios dhe Televizionit*, KKRT) shows the same tendency: the disproportionate ratio between news or current affairs channels or programs and other channels or other program genres, leading to the availability of stations overcrowded by programs that feature opposing politicians or political topics. According to KKRT:

35. Alexa.com rating for 18 January 2011, available at <http://www.alexa.com/topsites/countries/AL> (accessed 12 December 2011).

36. IREX, *Media Sustainability Index 2010*, p. 11.

This phenomenon has resulted in a certain uniformity in terms of content, leading to tabloidization, and away from professionalism; it even affects the freedom of viewers, allowing only for a limited choice.³⁷

Since most television stations broadcast political and current affairs debates on an almost daily basis, the choice of television programs is considerable in terms of voices and figures, but limited in terms of format and program range.

The main existing analog television stations with news or generalist orientation broadcast also digitally in the two multiplexes, terrestrially, and via satellite. Those stations include Top Channel, TV Klan, Ora News, News 24, Vizion Plus, ABC News, and Albanian Screen TV (formerly Alsat TV). The first program of the public broadcaster RTSH is available in both platforms. Tring Digital also hosts the programs of three television stations based in Kosovo. These are available in Albania by subscription only.

As a result of the presence of these main television stations and news sources both in analog and digital broadcasting, their audience can only have increased. Apart from the current analog coverage area, these stations are now available also to Albanian subscribers living abroad. However, it is not possible to estimate the clear effect of digital broadcasting, as data on both analog and digital broadcasting audiences are not publicly available. Both existing digital platforms also host a news-only channel each, available only digitally. However, given the plethora of news channels or the availability of important and popular news bulletins offered for free, for the moment these news channels can hardly be regarded as a real threat to analog news channels.

1.3.3 Impact of Digital Media on Good-quality News

It is still too early to assess whether new digital channels and new media have contributed to any improvement in news quality. As mentioned above, there are only two news channels available in digital broadcasting platforms; in addition, they are only available through subscription, which certainly limits their impact. While the same news content is also available in analog mode, it is difficult to make the distinction in quality, reach, or impact between news offered only digitally and news offered both in digital and analog broadcasting. Moreover, in terms of the news they offer, it is the same or very similar to the existing analog news channels. In addition, they are affiliated with existing news production channels or important television stations, using the same sources or information. In this context, although in Albania digitization has brought about a greater choice of channels, this cannot be reliably taken to mean a wider choice of information, offering a higher quality of news.

By the same token, it is difficult to perceive any visible departure in the quality or range of news. This is also due to the fact that online and traditional media are often part of the same group and offer the same news content. For example, BalkanWeb, one of the most popular online outlets, is in the same media group as a daily newspaper, television news channel, and radio station. *Shekulli* online is the online version of the daily newspaper *Shekulli*. Although the online version is updated regularly and also has other possibilities

37. KKRT, *Annual Report 2010*, p. 29.

that the print newspaper cannot offer, the pool of journalists and contributors—and, hence, the news and information—is more or less the same. There is definitely a change in terms of the availability, speed, and form in which news is offered, but not necessarily in its quality.

1.4 Assessments

The impact of digitization on the news offer and choice is clearly conditioned by both the spread of internet access and the development of digital broadcasting. This has certainly had a positive effect on the offer of information and news. Currently it is difficult to find any analog media outlet in the country that does not maintain a website. In addition, unlike two years ago, when those websites were a mere copy of the print press, the effect of the information which is constantly being updated and influenced by new interactive features is now becoming more and more visible in the media outlets.

Apart from the websites of the traditional media, new media have also emerged, mainly in the form of news agencies or news aggregators, featuring brief, informative pieces. These new media, however, lack any kind of targeting and do not handle the demands of any specific audience: they all address every possible area, from politics to tabloid content or lifestyle. And although entertainment has quite an important place in most of these websites, the share of the political news is also very high. In this regard they are not significantly different from what traditional media offer. In fact, often some of the information is identical on the different websites.

Therefore, although there is an increasing choice of news media and sources of information, this has not necessarily resulted in a leap in quality or quantity. On the other hand, increasing availability of new media online has had quite an impact on the information available to Albanians abroad. Interactivity and forums are an added bonus for discussion and participation, apart from mere news reading or watching.

Along with that, Albanian trends in accessing online information are in line with global trends. Social networks such as Google, Facebook, YouTube, Yahoo!, Windows Live, Wikipedia, MSN, and, to a lesser degree, Twitter, are invariably among the top 10 sites visited every day. Accessing the internet to acquire information, see news, watch video, and especially for social interaction, has become a significant trend. Facebook users in the country amount to over one million, or 35 percent of the whole population.³⁸ With the exception of elderly people, the percentage of those who access the internet on a daily basis becomes even more significant, given the sizable number of Albanians who live abroad but are counted as part of the population of the country.

As a result, the internet has become a source of information that cannot be easily dismissed, especially against the backdrop of the rapid spread of the internet and growing media literacy among younger generations. The absence of consumer surveys or other data on the purpose of internet use and the kind of content most searched for do not allow for a clear idea of what the main uses of the internet for Albanians are today. However, this is a trend that certainly seems to affect dissemination of information among the population and one that will need further attention and monitoring.

38. "Albanian Facebook Statistics," Socialbakers.

2. Digital Media and Public or State-Administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

The public service broadcaster is Albanian Radio and Television (*Radio Televizioni Shqiptar*, RTSH). Radio Tirana (RT) was established in 1938 while the public television station, Albanian Television (*Televizioni Shqiptar*, TVSH), was set up in 1960. RTSH was legally transformed from state to public broadcaster in 1998 with the introduction of the Law on Radio and Television. However, in practice, RTSH's performance has come under steady attack over the years from opposition and public opinion in general, mainly for its lack of editorial independence. TVSH and RT are the national television and radio stations, respectively. Recently, TVSH launched its second channel, TVSH2. Meanwhile, RT broadcasts two national channels, as well as a third channel designed to cover the needs of Albanians abroad. Both TVSH and RT have regional broadcasting centers: four for RT, and three for TVSH.

There are no accurate statistics for the public broadcaster's annual output by genre. The regulatory authority for electronic media regularly monitors the main news bulletins of the public broadcaster and national TV stations, as part of its duties, but the rest of the schedule is not covered. As a result, the percentage of news and current affairs content vis-à-vis other program strands cannot be calculated. RT has a total of 14 news bulletins throughout the day, five of which last 20 minutes, while the others are flash bulletins.³⁹ TVSH broadcasts eight news bulletins during the day, one of which is a flash news bulletin; the last one is a rebroadcast of the evening news bulletin. The bulletins often have live broadcasts from the four main branches in other cities in the country, reporting on the main events in the area. TVSH also has correspondents in all the main cities in the country.

One of the news bulletins is aimed at people with impaired hearing, using sign language, while there is a special news bulletin in English on weekdays.⁴⁰ Apart from news bulletins, there are also several current

39. RTSH, Annual Report 2009, p. 25.

40. RTSH, Annual Report 2009, p. 25.

affairs programs broadcast on a weekly basis, such as “*Log*,” “*Duel*,” and “*7x7*.” TVSH also has a weekly program that summarizes parliamentary activities as part of its public mission.⁴¹ TVSH is also in charge of broadcasting religious ceremonies during particular religious festivities.⁴²

The news on TVSH is produced in the Directorate of Current Affairs, a department in charge of news production and current affairs programs (meaning, in the first place, weekly political debates).

News bulletins on TVSH have been under continuous attack by the opposition, parts of civil society, and sometimes the commercial media, mainly on the grounds of a lack of editorial independence and open support for the Government. In 2010, the activity of the Government and Parliament accounted for 26 percent of total time, as compared to 14 percent for the national station TV Klan and almost 8 percent for another national station, Top Channel.⁴³ On the other hand, the news bulletins on TVSH devoted almost 29 percent to soundbites from the Prime Minister, while for TV Klan this amounted to more than 31 percent, compared to almost 18 percent for Top Channel.⁴⁴ Similarly, the time devoted to the Prime Minister, the Government, and the ruling party is 71 percent for TVSH and 73 percent for TV Klan, compared to 39 percent for Top Channel.⁴⁵ According to IREX: “The time devoted to pro-government news is larger than that devoted to opposition activities, but also the way the events are presented, selected, and interpreted clearly serves the government in power.”⁴⁶

RTSH management has not initiated public debate to refute the accusations of favorable government coverage. They have stated that the political programs are balanced and have offered space for expression to all political forces.⁴⁷ In addition, while recognizing that there is a certain lack of balance between political wings in news bulletins, part of the explanation,⁴⁸ according to RTSH management, lies in the need to balance out the excessive critical stance of other television stations against the Government after the Gerdec events.⁴⁹

Criticism of TVSH news bulletins has been constant for the last 20 years. There are always claims from the opposition that news bulletins are not balanced and are editorially biased in favor of the Government and the majority. These claims are usually voiced in parliamentary meetings and debates, especially when discussing the annual reports of RTSH, with a significant dose of politicization. Less often, these claims are made in print by media professionals or editors. Considering the relatively less dynamic nature of debates in print as

41. Law on Radio and Television, Article 80.

42. Law on Radio and Television, Article 82.

43. KKRT, Annual Report 2010, p. 27.

44. KKRT, Annual Report 2010, p. 25.

45. KKRT, Annual Report 2010, p. 24.

46. IREX, *Media Sustainability Index 2010*, p. 11.

47. RTSH, Annual Report 2010, p. 17.

48. Interview with Petrit Beci, General Director of RTSH, 20 January 2011.

49. Gerdec is a village 20 kilometers from Tirana, where in 2008, after an explosion in a weapons-dismantling factory, 26 people died. The opposition claimed that safety rules were not respected and that there was corruption involved in the establishment of the factory.

compared to television debates, only rarely has there been any reply or debate on the matter. While organizing a debate on television programs would allow for a more effective debate, neither TVSH nor its commercial rivals seem interested in hosting such events. Media professionals in general are not very engaged by the challenges that confront RTSH, seeing them as political in nature and awaiting a political solution. Even in the rare cases when RTSH's problems are discussed, attention focuses on unbalanced news coverage, rather than other, structural issues. The same holds true for civil society. This has crippled the quality of public debate on the matter, since the criticism voiced is almost always unilateral, against the public broadcaster, sometimes politicized, and draws no reaction or relevant and new information from the public broadcaster.

The Department of Information in RT prepares the news bulletins for RT's three stations. The first station is the main one, broadcasting 14 news bulletins each day, five of which are 20-minute bulletins, while the others are two-minute flash bulletins. The same department prepares the news for the second station, which is devoted more to entertainment, and for the third station, targeting Albanians abroad. Live broadcasting and coverage of political and cultural events in the studio are covered by the department's own journalists. Weekly reviews of events are also part of the department's duties. Due to the progressively weaker role of radio in informing the public, RT has not been part of the debate on news quality and editorial independence at RTSH in the way that TVSH has been. (See section 7.1.)

The RTSH website provides brief news from the country, the region, and the world along with information on the stations, the daily schedules, and extracts from the law on RTSH and the broadcaster's statutes. However, the news is not regularly updated. The problem of the lack of a competitive news offer on the web is recognized in RTSH's annual report, which says that the staff works to offer not just news but also audio and video broadcasting, as well as English-language versions of the news.⁵⁰

2.1.2 Digitization and Services

Digitization has not so far had an impact on the number of services that the public broadcaster provides. This is due to the fact that digitization is in an early phase. Although there has been some progress in modernizing outdated equipment, and digital technology has been introduced, the effects of digitization are still insignificant in terms of services offered. Apart from the website of the public broadcaster, there are no new services in this regard.

The lack of new services is also due to the fact that the Strategy for Digital Switch-over, first drafted in 2004 and since redrafted and amended several times, has yet to be approved in Parliament. In addition, even though RTSH, supported by the European Broadcasting Union (EBU), produced a plan in 2007 for digital switch-over, efforts to implement it have not been successful. The main problem has been a lack of funds. Even though the Government has expressed support for RTSH's digital switch-over, the management is still trying to negotiate a financially and technically viable agreement on the matter with a private partner. Moreover, the delay in approval of the overall Strategy for Digital Switch-over clearly does not help. Public

50. RTSH, Annual Report 2010, p. 26.

debate on the digitization of RTSH and digitization in general has been weak, gaining momentum only when the powerful players are affected (see sections 1.1.2 and 5.1.1). Even though the public broadcaster has been part of discussions organized by the KKRT or the parliamentary commission, a wider debate on the matter is missing.

2.1.3 Government Support

After numerous debates, the Law on Digital Broadcasting was adopted in 2007. The Strategy for Digital Switch-over, with different stakeholders already consulted, has yet to be approved. With this in mind and, in view of the fact that the Law on Radio and Television is undergoing comprehensive revision, the Law on Digital Broadcasting is also likely to change, without being implemented.

This law and the present draft of the Strategy for Digital Switch-over allocated two national frequencies to the public broadcaster, out of eight assigned to Albania. This reflects the current situation, where the public broadcaster is entitled to two analog national frequencies. Since business interests and commercial players have been exploring digital broadcasting for six years now, they have certainly had some impact on regulatory efforts, such as lobbying for specific legislation and for audiences with parliamentary commissions.

This sometimes resulted in situations where the interests of RTSH were not represented at advisory meetings. For example, when one of the first drafts of the law was discussed by the Parliamentary Media Commission, RTSH representatives were not even invited to participate.⁵¹ However, the situation has changed, and RTSH is now part of the ad hoc committee established at the Ministry of Innovation and ICT (*Ministria për Inovacionin dhe Teknologjinë e Informacionit e të Komunikimit*), which is in charge of digital switch-over strategy. Apart from this ministry and the public broadcaster, the committee is composed of government ministries and agencies that are relevant to digitization, the Association of Electronic Media, and—from civil society—the Consumer Protection Association.

Stalled by the delay in finalizing the switch-over strategy and by economic difficulties, the plans for switch-over by the public broadcaster have yet to be implemented. After preparing its 2007 draft plan for switch-over, RTSH presented this plan to the Government, which expressed support and was willing to subsidize this reform. However, due to the global financial crisis, and some unresolved issues Albania has had with eurobonds, the loan has been delayed. Meanwhile, RTSH management has explored other channels of financing, such as Japanese and Chinese government help and a coalition of Austrian and German firms and banks. Some of these options are still in negotiation, but the Government has the firm intention and readiness to support the reform financially.⁵² It is not possible to assess whether this readiness to support digitization has affected RTSH's independence, as digitization is still in the planning phase.

51. Interview with Petrit Beci, General Director of RTSH, 20 January 2011 (hereafter, Interview with Beci).

52. Interview with Beci.

2.1.4 Public Service Media and Digital Switch-over

The digital switch-over of terrestrial broadcasting by RTSH has yet to start. TVSH is currently part of the bouquet of channels on the two existing commercial multiplexes, which are both terrestrial and satellite platforms. However, the switch-over process has not started officially in any area, due to the non-adoption of the Strategy for Digital Switch-over. In addition, RTSH has broadcast via satellite for many years, enabling it to reach Albanians abroad.

All these factors have increased RTSH's ability to reach its audience in terms of viewers and territory covered, including Albanians abroad. As with all other media, the lack of public data on audience or on subscription to multiplexes does not allow accurate conclusions about how the first steps of digital broadcasting have affected the public broadcaster.

By the same token, no special efforts are being made to start digital production. In view of imminent digitization, this attitude may be explained by the fact that switch-over has not yet started officially. Meanwhile, in the last few years RTSH has invested in digital equipment and installed digital editing equipment in its studios. This, however, has created another problem, as the technical staff needs to be trained.⁵³ This is currently regarded as a major disadvantage of the public broadcaster compared to other media outlets, and is an area that will need further reform.

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

The Law on Radio and Television imposes extra obligations on RTSH in view of its public mission. The law states that RTSH's programs should be of high quality and serve "all groups of society, national minorities included."⁵⁴ RTSH output should reflect the variety of Albanian life for listeners and viewers of all ages,⁵⁵ as well as inform, educate, entertain, and enrich the mental and spiritual life of the public.⁵⁶ Along with that, the law requires the public operator to provide diversity of information and entertainment over the entire territory of the country and for Albanians who live abroad,⁵⁷ making it clear that coverage of national and international news should be comprehensive and impartial, and RTSH should not broadcast any political or religious propaganda.⁵⁸ The law also requires RTSH to broadcast, without charge, religious services or ceremonies held on official religious holidays and sessions of Parliament, as specified in legislation on elections and referenda.

53. Interview with Beci.

54. Law on Radio and Television, Article 66.

55. Law on Radio and Television, Article 66.

56. Law on Radio and Television, Article 66.

57. Law on Radio and Television, Article 68.

58. Law on Radio and Television, Article 84.

In addition, RTSH is supposed to promote Albanian culture and language, and artistic and literary creativity. RTSH's public obligations are also envisaged by its Statute, which demands that the station should produce or broadcast, without payment, content related to national health and public order, as well as in cases of national emergencies.⁵⁹ In meeting these requirements, the public broadcaster should produce on its own at least 50 percent of the programs broadcast. Sports activities of the national team taking place in Albania are an exclusive right of the public broadcaster, with permission from the respective federation or sports committee that is entitled to these rights.

RTSH's public mission and its independence from any political and/or corporate influence have, however, remained a serious cause of concern and a continuous source of debate over the last 20 years. According to one source: "The tradition of this institution over several decades, characterized by political partisanship and continuous services to the ruling party is so powerful and imposing that it can easily defeat any attempt at reform."⁶⁰ This pressure is especially sensitive during election periods. As media monitoring during the most recent (June 2009) general election shows, the public broadcaster devoted 45 percent of its news and current affairs programs to the ruling party and 25 percent to the main opposition party.⁶¹ The same trend was confirmed by the Election Media Monitoring Board's report: the news bulletins allocated 28 minutes more to the ruling party than to the opposition, while the special bulletins, following the main news bulletins, favored the ruling party by 143 minutes during the one-month monitoring of the election campaign.⁶² The same trend was noticed in the 2011 local elections, when TVSH devoted 42 per cent of its political news coverage to the ruling party and 35 per cent to the opposition, with the tone more positive for the ruling party and slightly negative for the opposition.⁶³ Although there has been debate on the unclear provisions of time allotment to political parties, and criticism of similar violations by the commercial media, the fact remains that the public broadcaster could not provide the due balance as set out in the Electoral Code.

Representatives of the public broadcaster have constantly opposed the claim of politicization of RTSH, or at least have limited their validity just to the information department: "There is a standard perception in relation to the image of the RTSH, which is always relegated to the news edition, as if its entire media activity begins and ends with the news."⁶⁴ This statement indicates that even the Steering Council (*Këshilli Drejtues i Radiotelevizionit Shqiptar*, KDRTSH) recognizes there is a problem with the news bulletins, and that criticism is not groundless. Along with this, however, RTSH has shown recent progress in regard to its greater efforts to offer newscasts for people with disabilities and to insert a bulletin of news in English, as the latest annual report states.

59. Statute of RTSH, Article 40.

60. M. Nano, "TVSH-ja. Bunker i paprekur i komunizmit" (TVSH: The untouched communist bunker), *Shqipëria*, 19 September 2008, available at <http://www.shqiperia.com/shqip/opinionart/aID/308/> (accessed 12 October 2011).

61. "OSCE/ODIHR Election Observation Mission Final Report 2009," Office for Democratic Institutions and Human Rights, Warsaw, 14 November 2009, p. 17, available at <http://www.osce.org/odihr/elections/albania/38598> (accessed 12 October 2011) (hereafter, OSCE/ODIHR Election Observation Mission Final Report 2009).

62. Media Monitoring Board, Final Report on 2009 Elections, p. 1.

63. "OSCE/ODIHR Election Observation Mission Final Report 2011," Office for Democratic Institutions and Human Rights, Warsaw, 15 August 2011, p. 17, available at <http://www.osce.org/odihr/81649> (accessed 20 January 2012).

64. RTSH Steering Council, Annual Report 2009.

In addition, RTSH broadcasts part of its programs in Greek and Macedonian for the ethnic minorities in the south and southeast of the country (see section 4.3.2). The issue of programs for minorities has not been part of public debate, even for the minorities themselves, perhaps due to the relatively small percentage of non-ethnic Albanians in the country, and to the fact that criticism of TVSH targets almost exclusively its political bias.

With regard to program structure, RTSH claims it has made significant progress, as the broadcasting time of TVSH-produced programs has increased by 579 percent compared to 2006, when the current management team took over.⁶⁵ In this team's opinion, their reform of the program structure aimed to meet the demands of a broader array of social and age groups, as well as to establish a regular and systematic schedule, as an alternative to the previous chaotic structures.⁶⁶

This opinion is supported by various media experts who concede that the ongoing attempts by TVSH staff to address program deficiencies has further enriched TVSH's output.⁶⁷ Nevertheless, persistent criticism of the public broadcaster's performance, especially in regard to political balance in news and current affairs, remains. "Media in Albania are in great debt to RTSH, since it has become a model of how a television station is *not* supposed to be," said a former director of the Information and Current Affairs Department in the public broadcaster.⁶⁸ In spite of prevailing public perception or the claims of RTSH management, given the absence of public data on regular audience research, it is impossible to measure the success of this reform, or to see the extent to which it has fulfilled its public mission and obligations.

The Steering Council is the highest governing body of RTSH. Its main competences include approving the Statute; appointing and dismissing the General Director, Deputy General Director, and the directors of Radio and Television; approving the strategy, organizational structure, and program structure; monitoring the impartiality, objectivity, and comprehensiveness of programming; advising and assisting the General Director in carrying out his program responsibilities; and drafting the annual report on RTSH activities for submission to Parliament.

The Steering Council has not issued any monitoring reports on particular or overall programs of RTSH. When asked by the Parliamentary Media Commission about the performance of RTSH, and especially the disproportionate time its news bulletins allot to the ruling majority and the opposition, the Steering Council recognized that this was an issue that needed to be addressed. Agron Tufa, its chairman, said that "the council is part of the attempt to establish a fair ratio and proportionality, which is problematic, as we know. We have tried to establish some new criteria in the laws that are changing or redrafting, so that we can have a clear balance and control instruments on the coverage of political parties."⁶⁹ However, part of the explanation and complaints from RTSH on the oft-quoted political imbalance in news is that the mechanism of calculating

65. RTSH Steering Council, Annual Report 2009.

66. RTSH Steering Council, Annual Report 2009.

67. IREX, *Media Sustainability Index 2009–Albania*, p. 10, available at <http://www.irex.org/resource/albania-media-sustainability-index-msi> (accessed 14 October 2011) (hereafter, IREX, *Media Sustainability Index 2009*).

68. Lutfi Dervishi, quoted in IREX, *Media Sustainability Index 2010*, p. 6 (hereafter, Dervishi quoted in IREX).

69. Dervishi quoted in IREX.

percentages penalizes RTSH, by categorizing as government coverage events that should not fall into this category. According to Tufa, “A series of heterogeneous elements are often mixed in the news, where news reporting on government activities is often perceived as political party coverage.”⁷⁰

In fact, controversy over the calculation of TV time given to political parties emerges during every election campaign and has often divided the Media Monitoring Board, which monitors media coverage during election campaigns. RTSH management claims that due to its obligations, it has to broadcast more activities related to parliament and government than other TV stations. As a result, the balance is bound to tip towards the government, reflecting the fact that election campaigns bring increased activity by government and more events to report. However, the other stations’ time is measured in the same manner as the public broadcaster, so major differences in time allotted can be a result of editorial policies for any television station.

Perceptions of RTSH also divide politicians. As would be expected, opposition politicians often criticize the coverage of opposition activities or news in general, sometimes even calling for the Steering Council to be sacked. In general, the opposition sees RTSH as failing to offer a realistic and balanced view of society. On the other hand, politicians of the ruling majority refrain from any significant criticism of RTSH, as also from open support for it. Public perception of RTSH is more difficult to gauge, since audience research and media consumption surveys are not publicly available.

2.2.2 Public Service Provision in Commercial Media

There are no detailed program obligations imposed on the commercial broadcasters. The law defines some public duties regarding duration of broadcasting time and frequency of newscasts, but no other specific content obligations are envisaged. According to existing provisions, commercial television stations with national coverage should produce and offer original news programs every day⁷¹ and broadcast at least six hours per day, while daily airtime of local stations should not be less than four hours.⁷² Along with that, the Law on Radio and Television sets out some general obligations for all television stations, pertaining mainly to human dignity, respect for the law, and human rights.⁷³

In terms of public service, commercial television stations are required to broadcast messages and information of great public interest, free of charge, in accordance with the relevant regulation drafted by the regulatory authority,⁷⁴ or when requested by local government bodies. Such information usually includes short public announcements, especially in emergency situations such as natural disasters, or issues related to health and safety and public order. In general, there have been no problems with the observation of these provisions.

70. Minutes of the Meeting of the Parliamentary Media Commission, 7 March 2011, available at http://www.parlament.al/web/Procesverbalet_10072_1.php?evn=srm&rpp=2&rp=20&msv=msvSrc&ser=292 (accessed 12 October 2011).

71. KKRT, “Kritere Për Dhënie e Licencave Për Transmetime Televizive Analoge Tokësore Në Nivel Kombëtar” (Criteria on Licensing of Analog TV Stations with National Coverage), available at <http://www.kkrt.gov.al/images/stories/rreg.1.pdf> (accessed 5 April 2011).

72. KKRT, “Rregullore Për Licencimin e Operatorëve Privatë Për Transmetim Radioteleviziv Analogjik Tokësor Në Nivel Vendor” (Regulation on Licensing of Analog TV Stations with Local Coverage), available at <http://www.kkrt.gov.al/images/stories/rreg.7.pdf> (accessed 5 April 2011).

73. Law on Broadcasting, Article 36.

74. Law on Broadcasting, Article 39.

The provisions on public service for both public and commercial broadcasters have not changed. Currently the Law on Radio and Television is under complete revision by the Parliamentary Media Commission and this may bring changes in this regard. (See section 5.1.1.)

2.3 Assessments

Although commercial operators launched digital broadcasts several years ago, TVSH has not yet followed suit. However, digital multiplexes used by the commercial stations offer TVSH programs as part of their packages.

Delayed digitization makes it too early to assess gains and losses in this process. What can certainly be concluded, however, is that in recent years digital platforms have gained new audiences for commercial operators, while TVSH and other outlets that are not yet part of these platforms have missed this opportunity. Even though TVSH is technically part of the existing platforms, it has still not started to explore the benefits of having its own platforms, with new programs, and potentially reaching a wider public. On a more positive note, the current trend in media regulation recognizes the special role of the public broadcaster in the whole digitization process. And since from a legal point of view this process has yet to start, the position of all the players involved is likely to change in the near future, making any assessment at this moment premature.

Public service provisions have not changed in recent years. Perhaps the imminent amendment of the Law on Radio and Television and the finalization of the Strategy for Digital Switch-over will also reform this area. The Strategy for Digital Switch-over will finally lead to the allocation of frequencies, the analog-to-digital frequency migration plan, and the financing scheme for decoders. These factors all affect RTSH's own preparations and plans for digitization, which should conform to the same regulatory framework.

3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

The 10 most popular websites in Albania are Facebook, Google, YouTube, Yahoo!, Windows Live, Ikub.al, BalkanWeb, Top Channel, Wikipedia, and MSN.⁷⁵ Of these, Facebook and YouTube are widely popular, along with Google. Recently, Facebook appears to have overtaken Google, which was the most popular site for a long time. Facebook profiles in Albania number close to one million, with a 75 percent penetration of the online population.⁷⁶ Another popular international UGC provider is Wikipedia,⁷⁷ although less popular than the former two and some of the Albanian media websites.

BalkanWeb, part of an established media group, is the seventh most popular website in the country and frequently the most visited media website. According to Google Ad Planner, BalkanWeb was projected to have 290,000 unique users in January 2012.⁷⁸ BalkanWeb serves as a news website, offering video format of the news as well. Live streaming of News 24, which is part of the same media group, is also available. The website is regularly updated and apart from news includes other services such as the weather forecast, opinion surveys, news sent to mobile phones, and RSS feeds. BalkanWeb also has a forum which claims more than 23,500 members.⁷⁹ The forum has an array of discussion topics, ranging from politics to humor. Similar to Top Channel, the only portion of the site generated by users is the forum and comments on news. The site also offers the opportunity to share content on social network accounts.

Top Channel, one of the two commercial national television stations, ranks as the eighth most popular site.⁸⁰ According to Google Ad Planner, this website was projected to have a total of 320,000 unique visitors

75. Alexa.com available at <http://www.alex.com/topsites/countries/AL> (accessed 20 January 2012).

76. "Albanian Facebook Statistics," Socialbakers (accessed 20 January 2012).

77. Wikipedia in Albanian has 40,321 articles, available at http://sq.wikipedia.org/wiki/Faqja_Kryesore (accessed 20 January 2012).

78. Google Ad Planner statistics for BalkanWeb, available at https://www.google.com/adplanner/planning/site_profile?hl=en#siteDetails?identifier=balkanweb.com&clp=true (accessed 20 January 2012).

79. BalkanWeb Forum, available at <http://www.balkanweb.com/forum/> (accessed 14 February 2011).

80. Alexa.com available at <http://www.alex.com/topsites/countries/AL> (accessed 20 January 2012).

during January 2012.⁸¹ Together with BalkanWeb, the website of Top Channel receives more than half of online media advertising.⁸² The website of Top Channel is updated regularly with news, both in the form of articles and in video format. It also offers rebroadcasts of its main information and entertainment programs. The website offers buttons to share content in Facebook or Twitter accounts. However, apart from the forum section, the content of the website cannot be ranked as UGC.

Another popular website is Ikub.al, with an estimated 150,000 unique users.⁸³ This website is a mix of news, “Yellow Pages”-style information, and what can be considered useful notices, such as job vacancies, real estate listings, or other business notifications. The website also offers access to a library of laws, the telephone directory of companies or households, and information on ongoing cultural events. This information prevails over the news section, which is updated more or less regularly, but occupies a minor space compared to the other information. The website offers an e-mail weekly edition subscription to this information. The website also has a discussion forum, but does not post any statistics about its users.

The next most popular website belongs to the NOA news agency, with a projected 93,000 unique users for January 2012.⁸⁴ This site offers mainly news, some of it in video format. While the site offers the opportunity to share content over social media, the opportunity to comment on the news is the only UGC content on the site.

No blogs are present in the top 10 most popular websites. Blogspot.com ranks 11th in the overall list for Albania, and the websites that represent genuine blogs or can be classified as such hardly appear in the top 50 positions in the ranking.

3.1.2 Social Networks

According to Alexa.com, Facebook is the most popular social network, with almost one million users in the country. Other popular websites include the most known international websites, such as YouTube, Yahoo!, Windows Live, Wikipedia, and MSN. Unlike in many other countries, Twitter does not seem to be highly popular in Albania, ranking only 17th among the most used websites.⁸⁵ The next international most popular network is LinkedIn, ranked 18th. A survey of people under 40 revealed that more than 35 percent of respondents used social networks and Web 2.0 technologies to interact with friends and families, while

81. Google Ad Planner statistics for Top Channel, available at https://www.google.com/adplanner/planning/site_profile?hl=en#siteDetails?identifier=top-channel.tv&lp=true (accessed 20 January 2012). However, Google Ad Planner does not have a special section on Albania; it measures total traffic of the website, meaning that visitors from other countries are included in the number of visitors. However, since these websites are only in Albanian, the visitors can be safely limited to persons that understand Albanian.

82. O. Liperi, “Special: Advertisement 2010.”

83. Google Ad Planner statistics for Ikub.al, available at https://www.google.com/adplanner/planning/site_profile?hl=en#siteDetails?identifier=ikub.al&lp=true (accessed 20 January 2012).

84. Google Ad Planner statistics for NOA, available at https://www.google.com/adplanner/planning/site_profile?hl=en#siteDetails?identifier=noa.al&lp=true (accessed 20 January 2012).

85. Alexa.com, available at <http://www.alexa.com/topsites/countries/AL> (accessed 20 January 2012).

more than 25 percent used them for reading articles and opinions; only 5.2 percent of respondents published online articles.⁸⁶

With regard to Albanian websites, those of the established traditional media continue to be the most popular, although newcomers have also risen in the ranking. BalkanWeb ranks first, followed immediately by Top Channel. Ikub.al ranks above BalkanWeb and Top Channel for January 2012, but, unlike the first two, it is not a genuine media outlet, but rather a portal where news from different media are also present. NOA is also popular, followed by Telegrafi.com, Albeu.com, Gazetatema.net, Panorama.com.al, and ora-news.com. However, none of these websites is a purely social network, although almost all of them have forums of users or other services of a socializing nature. Most of them offer news and information, mainly produced by the traditional media, while comments and forums on this information are an added value. Hence, while the overall popularity of Facebook is indisputable, it is difficult to determine which social network is most used by Albanians.

Attempts to establish social networks in the Albanian language have emerged in the last few years, although their popularity is far from those of the international social networks. The most popular seems to be Top.al, which registered 46,132 users in January 2011.⁸⁷ Others include Iliria.net, Albfriend.com, and Adoli.net. However, the users of these sites seem to be mainly Albanians from Kosovo, Macedonia, or the diaspora in general. For example, some 46 percent of visitors to Forumishqiptar.com are in Albania, while the rest are in Kosovo and the diaspora; at Peshkupauje.com, visitors in Albania account for 41 percent of total visitors.⁸⁸

3.1.3 News in Social Media

The total absence of any consumer surveys and other data related to the consumption of information in the web portals in Albania makes it extremely difficult to establish the real use of social networks and blogs. Websites that include information and social networks such as Google, Facebook, YouTube, Yahoo!, MSN, and Wikipedia are widely popular, though there is no information as to whether they are used for personal interaction or for any other informational purposes. On the other hand, the mere fact that four of the top 10 websites belong to the news and information business may indicate that one of the main activities of Albanians on the web involves looking up news and information sources.

Along with that, traditional media have already started to use social media, although still in an elementary way. Most traditional media have Facebook profiles and share part of their print or broadcast content in this platform. Some of them also allow the public to share media content in their own Facebook profiles. This allows the opportunity for greater dissemination of news. However, there are no data on the extent to which this opportunity is used, as only a few media share the statistics on dissemination of articles over social platforms.

86. Open Society Foundation for Albania, "Use of Facebook, Twitter, YouTube, and Blogging."

87. Albanian Media Institute, *Social Media Landscape: Albania*, March 2011, p. 8 (hereafter, Albanian Media Institute, *Social Media Landscape: Albania*).

88. Albanian Media Institute, *Social Media Landscape: Albania*, p. 7.

Blogs are hardly used by politicians, whereas there are some intellectuals who have started blogging. One of them is Fatos Lubonja, a prominent intellectual, columnist, and publisher of a quarterly magazine, *Përperjekja*, who maintains a blog of the same name (<http://perpjekja.blogspot.com>). This blog features the editorials or comments published by the author in the daily press or other media outlets, as well as articles published in *Përperjekja*. The articles are open for comment from the public. There are no statistics on the popularity of the page, but it seems that the blog is visited more frequently by users who are in the 18–24 age range and educated up to graduate level.⁸⁹ Another blog maintained by an academic and intellectual is Xhaxhai.wordpress.com, by Ardian Vehbiu. The blog features articles, comments, and the author's opinions on different topics, such as history, politics, culture, sociology, and linguistics, and it is also open to comments from the public. The site ranks as number 850 in Albania.⁹⁰ Some of these articles are also published in daily newspapers.

Apart from these two blogs, there are a few, less popular blogs of journalists or academics, similar to the above-mentioned blogs, such as Diary of Tirana (<http://diaryoftirana.blogspot.com/>), written by journalist Gjergj Erebara; journalist Edlira Gjoni's Blog (<http://edliragjoni.wordpress.com/>); Urban Survivor (<http://urbasurvivor.blogspot.com/>), by journalist Sokol Shameti; Saktivista (<http://saktivista.com/>), maintained by a group of young intellectuals from Albania and Kosovo; and Gjeneral Megafoni (<http://gjeneralmegafoni.com/>), which mostly has editorials and opinions on politics and ranks 278th among sites in Albania.⁹¹ One of the earliest established and very popular sites is Peshkupauje.com, which ranks at 188th,⁹² and consists of a collection of articles and editorials from daily newspapers, as well as comments and articles from other sites or blogs.

What these blogs have in common is the duplication of published content: almost every article has also been published in daily newspapers. However, online publication of these articles has led to the exchange of opinions and discussions online among readers, an opportunity that is missing in hard-copy newspapers. In addition, these blogs are not used for disseminating news; rather, they serve to display the opinions and comments of their authors and some of them also operate as platforms for discussions with the public on the topic in question. The topics are mostly related to the political situation in Albania and, to a smaller extent, social problems and cultural life in general.

In general, commercial enterprises and companies have not practiced blogging. They have preferred social networking, especially Facebook, as a good opportunity to raise awareness about their commercial activity. These profiles have assigned importance to the element of popularity, making as many online “friends” as possible, in the hope that this would lead to increased consumer attention and attraction. In addition, the opening, maintenance, and expansion of commercial companies' profiles are considered as free advertisement.⁹³ However, blogging alone is not a popular practice.

89. Alexa.com, available at <http://www.alex.com/siteinfo/perpjekja.blogspot.com> (accessed 20 January 2012).

90. Alexa.com, available at <http://www.alex.com/siteinfo/xhaxhai.wordpress.com> (accessed 20 January 2012).

91. Alexa.com, available at <http://www.alex.com/siteinfo/gjeneralmegafoni.com> (accessed 20 January 2012).

92. Alexa.com, available at <http://www.alex.com/siteinfo/peshkupauje.com> (accessed 20 January 2012).

93. Albanian Media Institute, *Social Media Landscape: Albania*, p. 8.

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

Internet penetration has slowly but steadily increased in Albania. This should mean more opportunities for civil society activism. However, in Albania this is not the case. Civil society and other groups rarely use digital platforms for mobilization or public awareness. Only a few of the main non-governmental organizations (NGOs) in the country have Facebook profiles, which are neither regularly updated nor used as ways of mobilizing the public toward a specific goal. Practice shows that these platforms are used mostly as ways of disseminating information on activities by the organizations, rather than as an alternative means of improving organization and mobilization.

LGBT in Albania

A positive example of a more active stance in this regard is Albania's coalition of lesbian, gay, bisexual, and transgender (LGBT) organizations. The active Facebook profile of the representatives of this organization offers regularly updated information on their activities and disseminates their newsletters and other materials. Their Facebook profile and website also host various topics for discussion with active participation, which make them different from the other NGOs where participation is significantly weaker. This participation, however, remains limited to raising awareness or offering a discussion platform, rather than presenting a tool for the real mobilization of people or using digital platforms to affect policies. According to Estela Ziu, "In general, traditional media have portrayed LGBT issues in a friendly way but you need to have an event to get coverage in these media. With Facebook and social media, you can reach a great number of people immediately and more frequently."⁹⁴

3.2.2 The Importance of Digital Mobilizations

Mobilization through social platforms has been poorly used so far by political parties and civil society. Although there are no clear and accurate statistics, the infrequently updated profiles, blogs and websites, along with the poor level of discussions, tell their own story. Moreover, the low level of digital literacy and the limited access to the internet have a negative effect on the potential mobilization rate as well. As a result, traditional media still seem to be the most effective means to reach a wide audience in this regard.

However, different actors are increasingly turning to social media as a means of mobilization. Politicians especially used social media as an important instrument during the local elections of May 2011. Different candidates running for mayor had their own pages and profiles, updating them regularly and gathering the support of fans. Even after the campaign, several politicians from the opposition, but also from the majority,

94. Interview with Estela Ziu, Pink Embassy Program Manager, 8 April 2011.

continued to use their Facebook profiles to communicate with a wide group of people. The same tools are also used by the LGBT community, who maintain a very active Facebook page, posting information about events and about relevant issues from other countries.

3.3 Assessments

Digitization has certainly had an impact on the overall news offer, more in terms of volume than quality. With online editions of traditional media the most popular sources of news, it is difficult to speak of a big leap in quality of information. Moreover, traditional media have slowly but steadily tried to take advantage of the opportunities for greater dissemination offered by the new platforms, duplicating the same news across different platforms. On the other hand, the list of most popular websites shows that people have increased access to social network platforms, news, audio and video streaming, images, and other information. The concrete usage of these websites and the extent to which the public is interested in them are not known, however. Finally, the availability of news and other information offered by digitization is dependent on internet access and computer literacy, which vary across geographic areas, age groups, and social strata.

Citizens remain far from taking real advantage of the opportunities offered by new media for civil and/or political activism. The main form of activism is related to commenting or expressing opinions on particular news, editorials, video, or other information available online. In addition, these forums often become a place for quarrelling or a hub of hate messages rather than the host of quality debate, and they offer limited expression of opinions. (See section 4.1.2.) Although the creation of Facebook profiles with a common cause has become a well-known practice in Albania, in terms of mobilization there is still a very distinct line between virtual life and real life. Consequently, social mobilization has not yet become an issue in the digitized environment.

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

There have been no major changes in the work of journalists over the last few years. Labor relations continue to be one of the main problems facing journalists. About 90 percent of them work without contracts, therefore owners can easily pressure them to apply self-censorship.⁹⁵ After several failed attempts to organize a trade union of journalists, one was established in 2005. Weak traditions of organization among the media community itself do not help in enhancing journalists' rights. The chairman of the trade union explains: "The only gesture of solidarity among us is the reaction when a reporter is threatened by crime or politics, or when a media outlet confronts politics, the government, or the main parties."⁹⁶

In recent years some of the main commercial outlets have agreed to sign contracts with their employees, while RTSH employees do have work contracts. However, in spite of the work done in this time, it is clear that proper formalization of labor relations in the media is going to be a lengthy process. Furthermore, without any of the formal protection guaranteed by the Code of Labor, journalists will remain highly vulnerable to the interests of the media owners and self-censorship practices will continue to exist.

Another factor that affects quality journalism is the work overload. Most newsrooms, especially in print media, suffer from a shortage of staff and overwork. According to one source: "You cannot speak of fair, objective, and well-informed reporting when the largest newspaper in the country has only 15 reporters and when journalists and editors never have the time to understand what has happened, but only to convey what the politicians say in press conferences."⁹⁷

The Union of Albanian Journalists (*Unioni i Gazetarëve Shqiptarë*, UAJ) speaks of some 5,000 media employees across the country, including technical and administrative staff.⁹⁸ However, there are no accurate

95. Aleksandër Çipa, Chairman of the UAJ, quoted in IREX, *Media Sustainability Index 2010*, p. 6.

96. Aleksandër Çipa, "Pushteti që zhvishet nga dinjiteti" (Power Devoid of Dignity), *Shqip*, 26 August 2008, p. 9.

97. Dervishi quoted in IREX, p. 8.

98. Interview with Aleksandër Çipa, 15 October 2010.

data on the exact number of journalists each newspaper has or on the salary levels at different outlets. The general opinion is that salaries remain low, though journalism is not among the lowest-paid professions. The salaries of journalists are above the average level of salaries of approximately €250 (US\$344) per month and reporters in Tirana are rarely paid less than €300 (US\$413) per month,⁹⁹ while the general average salary of journalists is estimated to be in the range of €400–500 (US\$550–688) per month, while editors and talk show hosts can also be paid €1,500–3,000 (US\$2,065–4,130) per month. The situation seems to be more difficult for journalists outside the capital where, according to the UAJ, about 60 percent of journalists do not even reach the average salary level as defined by government standards.¹⁰⁰

In this regard, digitization seems to have had only a minimal impact on the work of journalists. In some ways, technology has made their work easier and quicker, thanks to the use of e-mail and institutional websites.¹⁰¹ This greater availability of tools and means for journalists, such as laptops, the internet, and digital cameras, has led to enhanced and quicker ways of delivering the news compared to the time when these tools were not available.¹⁰² On the other hand, these developments may have resulted in less frequent and weaker relations with ordinary people, leading also to a possible disconnection from reality.¹⁰³ While citizens are relatively active in commenting on the news, they have not assumed the role of journalists. In addition, having a variety of news aggregators available makes certain aspects of journalism easier, at least logistically. According to one source: “With the availability of all these websites with news online it is easier to instantly retrieve some news or statement from the archive, making it more practical and quick to follow up on a story.”¹⁰⁴

This seems to be a learning process for the journalists themselves, as not all possess the skills to make use of new technology. For this purpose, most media outlets have webmasters or IT assistance to maintain the online editions, so journalists are not directly responsible for uploading materials onto media websites. In this regard, digitization has not yet increased journalists’ tasks within the newsroom.

4.1.2 Ethics

Digitization seems to have not yet significantly affected the ethical behavior of journalists. While Albania has a Code of Ethics,¹⁰⁵ there is still no specialized body to oversee its implementation. In this context, both new and traditional media face the same situation, where ethical conduct is determined within the newsroom, on a case-by-case basis. Consequently, given the fact that online media are part of the same media groups that own traditional media, and consequently use the same resources, including the same staff, it is difficult to see any difference in ethical conduct in this regard. In some cases, the ethical level of online media seems to suffer more than the traditional offline outlets within the same group.

99. IREX, *Media Sustainability Index 2009*, p. 8.

100. IREX, *Media Sustainability Index 2009*, p. 8.

101. Interviews with Mustafa Nano, publisher of *Respublica.al*, and Lutfi Dervishi, media expert and columnist for *Gazeta Shqip* and *Gazeta Start*, 14 February 2011 and 16 February 2011, respectively (hereafter, respectively, Interview with Nano; and Interview with Dervishi).

102. Interview with Arben Muka, *Deutsche Welle* correspondent and media expert, 10 February 2011 (hereafter, Interview with Muka).

103. Interview with Nano.

104. Interviews with journalists from *Shqip*, *ABC News*, *Panorama*, *Ora News*, and *News 24*.

105. Drafted in 1996 and revised in 2006, the Code has been endorsed by the main journalists’ associations.

Another problem that has emerged with digitization, or become even worse, is plagiarism and the further weakening of respect for copyright. Nowadays it is common practice to find the same article on more than one Albanian website, with smaller sites usually taking material from the websites of important traditional media.¹⁰⁶ Although this has led to complaints, respect for copyright has proved difficult, even in a highly regulated sector like broadcasting, let alone in a totally unregulated sector like the internet.

One problematic aspect of digitization to date is that it has opened the gates to comments and opinions from virtually anyone with access to the internet. According to one source: “The emergence of online media has also enabled the influx of unethical opinions, reactions, and communications in their websites, with a negative, populist content.”¹⁰⁷

Most of the forums and other online media discussions do not use a moderator or any filtering. As a result, comments, opinions, and discussions in these websites are rarely filtered for discrimination, hate messages, slander, or any other breach of ethics. As one commentator puts it: “New media, social media and the blogosphere are used by different individuals for personal attacks and damaging other people’s images.”¹⁰⁸ Although online discussions and forums were supposed to expand public debate, they are mainly used as a space for quarrelling, where the main subject is not the article or the ideas it conveys, but rather the person who wrote the article. Although this is not directly related to professionalism and ethics in journalism, it may in future contribute to creating an unfavorable climate for professional standards.¹⁰⁹

4.2 Investigative Journalism

4.2.1 Opportunities

The watchdog function of the media has strengthened over recent years, and consequently the public perception of their role has improved. In 2009, the media were regarded as the most trusted institution in fighting corruption: a survey of public opinion showed 63 percent of interviewees sharing this opinion.¹¹⁰

Paradoxically, however, investigative journalism in Albania is not significantly developed. Television programs that aim at investigating one or another aspect of the work of the Government or other actors, as well as at exposing corruption, are very much the exception.

106. R. Zguri, “Social Media in Albania Report.”

107. Interview with Muka.

108. R. Zguri, “Social Media in Albania Report,” January 2011 (hereafter, R. Zguri, “Social Media in Albania Report”).

109. Interview with Dervishi.

110. Institute for Development Research and Alternatives, *Corruption in Albania: Perception and Experience Survey 2009*, 2010, p. 13, available at <http://www.idra-al.org/cs2009/Corruption%20in%20Albania%202009%20-%20Summary%20of%20Findings.pdf> (accessed 12 October 2011).

Nevertheless, the public places significant trust in some (commercial) media outlets. This can be partly explained by the progress made by the media in a relatively short period. Over the last 20 years, the Albanian media system has changed from being totally controlled, pro-government and propagandist, to pluralistic and increasingly professional, albeit still flawed. Even though investigative journalism, usually associated with professional media that serve the public interest, is not strong, the fact that there has been no such tradition at all in Albania does not affect current public trust. The undoubted bias and selectivity of coverage is offset by the variety of outlets. “The news remains politically fragmented and viewers often have to watch several outlets and then form their own opinions.”¹¹¹ Hence, even though news coverage is politicized and fragmented, the public can gain a more complete picture when referring to more than one media source.

The public now expects to see criticism of the Government, exposure of corruption, and plenty of analysis of the situation by various commentators. As media expert Lutfi Dervishi says: “We talk today about problems in politics, justice, economic development, and when we weigh everything up, media are an achievement we should be proud of, if only because the people in power cannot sleep soundly thanks to the media.”¹¹² Moreover, there are programs, such as “*Fiks Fare*,” broadcast by Top Channel, that have exposed corruption or have solved some everyday problems for common people, even though ethical questions have often emerged in these cases.

In general, investigative journalism remains insufficiently developed and unable to meet the challenge posed by increasing corruption.¹¹³ The vested interests of media outlets, self-censorship, lack of economic means, and lack of media independence, combined with the poor tradition of investigative journalism, have all taken their toll on the development of investigative reporting. According to Dervishi: “It is difficult to find *genuine* investigative journalism; the examples presented as investigative reporting are often the results of manipulation targeting political and/or economic goals, where materials are deliberately submitted to the media by interested actors, rather than unearthed by journalists themselves.”¹¹⁴

In this context, the extra opportunities offered by digitization have not yet had any visible impact on investigative reporting, since the other fundamental criteria for good quality journalism are no more present than before. As Mustafa Nano says:

Digitization has not affected investigative journalism, as there is a climate of fear and journalists do not tend to do in-depth reporting. In addition, the deep clientelism of the media outlets further impedes the development of investigative journalism.¹¹⁵

111. IREX, *Media Sustainability Index 2010*, p. 6.

112. L. Dervishi, “20 vjet tranzicion: Media e pavarur quo vadis?,” at the conference “20 vjet tranzicion: Sa po ndihmon integrimi Europian përfundimin e kësaj faze dhe afrimin drejt demokracisë së konsoliduar?” (20 years of transition: is European integration helping Albania to pass this phase and approach democratic consolidation?), organized on 4 June 2010 by Marin Barleti University, Tirana.

113. IREX, *Media Sustainability Index 2010*, p. 9.

114. Interview with Dervishi.

115. Interview with Nano.

What can be mentioned as a slight opportunity in the context of digitization is the availability of online data with regard to certain government and business policies. For example, government decisions are published online on a daily basis. After a continuous monitoring of the website of the Government, however, certain media have alleged that authorities have not published some decisions that might lead to the exposure of potential corruption. According to IREX: “There have been significant cases when decisions that seem rather controversial have been removed from the governmental websites, making it more difficult to reveal the truth that the public seeks.”¹¹⁶ Although this kind of information might not always be available, the monitoring of its availability is another tool that the media can use to hold the Government accountable for transparency.

Another case that involved digital tools arose in 2010 when, against a background of political crisis, opposing political wings traded accusations of corruption or illegal possession of property and were covered extensively by all media. During this campaign several reports on the verification of assets owned by government officials or members of Parliament were published as journalists used the opportunity to check these data online through the National Registration Center, where every business is registered. It is unclear, however, whether these actions would have been undertaken by the media on their own initiative, without the context of inter-party struggle.

4.2.2 Threats

Albania ranks at number 80 out of 175 countries in the 2010 Reporters Without Borders *Press Freedom Index*. This represents a significant downgrade in comparison with 2003, when Albania ranked 34th and was assessed as the best performer in the entire Western Balkans, although it represents a slight improvement on the 2009 ranking, which saw it placed at number 88. This poor performance, which “hampers editorial quality,”¹¹⁷ is often attributed to “the lack of adequate legal framework combined with insufficient transparency in the funding of print and electronic media, which leads to favoring of the interests of media owners and politicians rather than to account for the public interest.”¹¹⁸ The main reason for the drop in ranking in these reports is journalists’ lack of freedom to report on issues that go against the interests of their media owners. A lack of labor contracts that guarantee adequate protection to journalists is also part of the explanation.

Although press freedom surveys have recorded a steady decline in recent years, there is no visible government repression. Crimes against journalists and the media are quite rare, unlike the cases of more subtle forms of pressure and harassment, which are increasing and which include efforts to control editorial policies through media owners, or by exerting indirect pressure on critical journalists. (See section 6.)¹¹⁹ This climate does not, of course, contribute to a healthy environment for investigative journalism. The complex and interdependent relation between media, business, and politics, along with the insecure situation of journalists, can hardly produce professional investigative journalism, which often goes against the interests of media owners. As a result, journalists often resort to self-censorship as the most convenient way of preserving their job and

116. IREX, *Media Sustainability Index 2010*, p. 7.

117. G. Gjipali, “Nations in Transit – Albania.” Freedom House, 2010, p. 3, available at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Albania-final.pdf> (accessed 12 October 2011) (hereafter, G. Gjipali, “Nations in Transit – Albania”).

118. G. Gjipali, “Nations in Transit – Albania.”

119. IREX, *Media Sustainability Index 2010*, p. 6.

earning a living. According to Andi Tela, director of one of the major daily newspapers: “Self-censorship is a plague for Albanian journalism, and it is the most serious problem, which will haunt it for years to come.”¹²⁰ (See section 6.)

The process of digitization has hardly changed the nature of the threats to investigative journalism. No cases of censorship by government have been reported; nor has any blocked website content. However, there might be a new aspect of digitization that seems to bother some experts who see the virtual world of the new media as a place where journalists are more accessible and more prone to threats. For Mustafa Nano, the publisher of *ResPublica*, the expansion of the space for public expression is a positive effect of digitization, which, however, has paved the way for nasty comments on many websites. “When I used to write for the paper, people had to know where I lived or had to track me down and follow me; they had to know my schedule,” says Nano. “Now, they just write offensive comments or post threats on my website.”¹²¹

4.2.3 New Platforms

Investigative reporting through blogs or other digital platforms does not exist. Blogs or new platforms are quite significant in terms of freedom of expression of opinions and dissemination of opinions and information, but their opportunity for investigative reporting has not been used so far. Although there seems to be a high number of blogs, the majority are related to lifestyle issues, poetry or literature, or simply serve as a space for personal expression, rather than a tool for investigative reporting.

4.2.4 Dissemination and Impact

There are no prominent blogs that publish investigative content. The relatively small-scale investigative reporting is practiced mainly by the biggest commercial television stations in Albania. Genuine journalistic blogs hardly exist. Those that exist focus on personal, lifestyle, or artistic issues. The few that tackle the political and social situation lack in-depth reporting or investigative journalism. As a result, such investigative journalism as is carried out is still done by television, and only then replicated in the print media and sometimes on the internet.

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

The most sensitive issues for society are related to ethnic, religious, and sexual minorities. Albania is significantly more ethnically homogeneous than neighboring countries, with a fairly good history of interethnic relations, and no tradition of tension or conflict between ethnic groups. Under the communist dictatorship, repression was evenly applied, with no particular repression based on ethnic origin. Moreover, in certain ways the regime favored minorities, especially the Greek minority, in terms of political representation or financially, in order to avoid trouble with neighboring Greece.

120. Andi Tela, director of *Panorama*, quoted in IREX, *Media Sustainability Index 2010*, p. 8.

121. Interview with Nano.

Albania's Constitution provides for the protection of the civil, economic, social, and political rights of minorities.¹²² The State recognizes three “national” minority groups (Greek, Macedonian, and Montenegrin) and two “ethno-linguistic” minorities (Aromanian and Roma). Officially, people of different national and ethno-linguistic minorities enjoy the same rights. The Egyptian community¹²³ seeks recognition as an ethno-linguistic minority and the Bosniak community¹²⁴ as a national minority. As already mentioned, interethnic relations are generally good.¹²⁵

Representation of minorities in the political system is possible, although no regulation or quotas guarantee it. In addition, the most recent changes to the electoral system resulted from the agreement of the two main political parties and are designed to favor these parties, penalizing the representation of any small party, including minorities, in Parliament. However, the Greek minority has been constantly represented in Parliament over the last 20 years and there are Greek minority members in both main parties.

Being the largest and best-organized ethnic group, it is the Greek community that usually generates debates on minority issues covered by the media, although not on a regular and ongoing basis, but rather when certain issues inherited from the past resurface—such as disputes over the number of Greek minorities, the registration of the minority population, the treatment of Albanian emigrants in Greece, or the claim that Greece has “corrupted” Albanians into changing nationality through granting pensions.

Accurate data on minorities are lacking and this problem will be addressed by the 2011 census. This census has already received considerable media attention leading to public debate, mainly between the Albanian majority and the Greek minority. This debate turns on the principle of self-declaration, with ethnicity and religion as the most controversial question. Some Albanians claim this will depict a distorted outcome, artificially inflating the numbers of minorities, especially the Greek one. This claim derives from the practice that many Albanians working in Greece as emigrants have found it easier to work and live there by changing their names and converting to Greek Orthodoxy. This topic received considerable attention in the media and the regulation of the census was changed to include a sanction for anyone who provided false information about their origin.

Greek minority representatives opposed this, saying that it violated the principles of confidentiality and self-declaration. They also complained of not having been properly consulted on the questionnaire and the census. Other resistance to the census by the Greek minority included the lack of an information campaign, as well as the inability to put local census-taking teams punctually on the ground.

122. Constitution of the Republic of Albania, Article 3.

123. The de facto Egyptian minority is included in the same group as the Roma minority while the Government notes that the Egyptian community is well integrated into Albanian society, and their members speak only Albanian, having lost their ethnic memory. Members of this minority consider themselves to be a national minority distinct from both Roma and Albanian communities and prefer to receive recognition as a national minority in the Albanian legislation.

124. The Bosniak community consists of Bosnians whose ancestors arrived in Albania in the late 19th century, and who live in two villages in central Albania.

125. European Commission, *Analytical Report on Albania*.

In a way quite similar to issues of ethnicity, Albanian society emerged from communism with a calm, almost indifferent approach to religion, largely due to the general ban on practicing any faith under communism, but also to a good tradition of religious co-existence. Freedom of religion is constitutionally guaranteed.¹²⁶ No religion is endorsed by the State, although there are large religious communities of Muslim Sunnis and Bektashi, and Christian Orthodox and Roman Catholics. Interfaith relations are based on mutual respect and tolerance.¹²⁷ The difficult Albanian transition, the regional conflicts often based on religious elements, as well as the range of religious and civilization issues that have descended on a global scale after 11 September 2001, have not seriously affected inter-religious relations in Albania, nor have they damaged its image of a multi-religious country with a model of religious harmony, tolerance, and co-existence. However, in view of the global debate and future developments, this is an issue that needs to be tackled by the media and society with caution.

Sexual minorities have long been subject to persecution and are currently a focus for exclusion and disdain. Although the country recently approved a law against discrimination,¹²⁸ which seems to accord with international standards, this prejudice remains strong. Marginal printed media outlets express strong doses of homophobia. Human rights activists and foreign diplomats who have spoken against homophobia have also been subjected to assault and hate messages, as was the case with a participant in the television program “Big Brother” who publicly declared his homosexuality. Following this revelation, protests emerged in his hometown, with his fellow citizens publicly disowning him. Some foreign diplomats went to the television studio to show support for his right to have and declare his sexual orientation.

4.3.2 Coverage of Sensitive Issues

Apart from these general guidelines on respect for human dignity and social diversity, there are no specific quotas for languages or minority group representation. However, the branch of RTSH in Gjirokastra, southern Albania, broadcasts part of its program in Greek, while the public radio station in Korça also broadcasts in Macedonian. Radio Korça¹²⁹ broadcasts 30 minutes of news and music every day except Sundays.¹³⁰ Radio Gjirokastra broadcasts 45 minutes of news, music, and other programs in Greek every day, as well as two news flashes in Greek following the news in Albanian.¹³¹ TV Gjirokastra¹³² broadcasts a weekly one-hour program in Greek.¹³³ Since November 2011, TV Kristal Plus, a local television in Korça, has broadcast a 30-minute weekly program in Roma and Albanian; the same program is broadcast by Sot 7 TV in neighboring Pogradec.¹³⁴ There is no public debate on, or reaction to, the practice of broadcasting part of the program in minority languages, which may reflect either tolerance or indifference on the part of the public.

126. Albanian Constitution, Article 10.

127. European Commission, *Analytical Report on Albania*.

128. Law No.10221, “On Protection from Discrimination,” 4 February 2010, published in *Official Gazette* No. 15, 25 February 2010.

129. Radio Korça broadcasts for 24 hours a day, switching to music only after midnight.

130. Interview with Roland Karanxha, director of Radio Korça, 8 April 2011.

131. Radio Gjirokastra broadcasts for 24 hours a day, switching to music only after midnight.

132. TV Gjirokastra broadcasts for 18 hours a day.

133. Interview with Ilir Gjini, director of Radio Gjirokastra and TV Gjirokastra, 8 April 2011.

134. Interview with Arben Kosturi, chairman of association Disutni Albania, January 2012.

The Law on Broadcasting requires TVSH to broadcast religious ceremonies during the most important religious holy days.¹³⁵ Moreover, on such occasions representatives of the clergy always attend television programs of various stations. The observation of this legal provision has never caused any problems.

In general, the Albanian media report on a wide array of social issues related to gender, ethnicity, social conventions, religion, and sexual orientation, and there are no concerns regarding reporting on minorities.¹³⁶ However, the reporting of some issues, such as sexual orientation, remains more limited than others, mainly due to public prejudice.¹³⁷ Recently, there has been increasing coverage of the LGBT community, also as a result of isolated events and greater civic activism.

However, due to the profound political polarization of Albanian society, a great part of media coverage is still a hostage to political influence. Monitoring of the main television stations' news programs in 2009 revealed that politics and coverage of the government comprises 54 percent of the news bulletins, with economics, culture, and sports having 11 percent of the time each, and social issues receiving only 9 percent.¹³⁸ The percentage of news covering government and politics was highest on the public service broadcaster, with 66 percent, while the other three main stations allocated at least 48 percent to these topics. Press monitoring yielded the same results: newspapers lean mostly toward politics and to a much lesser degree toward crime and court reporting, while social issues occupy only a minor space.¹³⁹

4.3.3 Space for Public Expression

Digital media have not significantly changed the coverage of minorities, with the arguable exception of sexual minorities. Although not wholly disregarded or ignored by traditional media, this minority sometimes claims that it could hardly ever obtain media coverage. As a result, the recently established LGBT community has started publishing and distributing an electronic newsletter. Moreover, it has an active and regularly updated Facebook profile, as well as a fairly well-organized website. In this respect, it is among the minorities that have made greater use of the opportunities created by digital technology.

4.4 Political Diversity

4.4.1 Elections and Political Coverage

Albania's Electoral Code has seen changes almost each time elections have been held. However, media-related provisions have remained quite stable. In terms of the time allocated to political parties and candidates, its duration, broadcasting of advertisements, etc., the Electoral Code distinguishes between public and

135. Law on Broadcasting, Article 82.

136. IREX, *Media Sustainability Index 2010*, p. 12.

137. IREX, *Media Sustainability Index 2010*, p. 12.

138. Institute for Contemporary Studies & The Forum of Free Thought, *Towards a More Professional and Independent Media in Albania*, 2009.

139. Albanian Media Institute, *Reporting on Social Issues in Newspapers*, 2010.

commercial broadcasters. So far, digitization has not led to any changes in the Electoral Code provisions on media coverage. In addition, no news providers have moved from traditional media to the internet for this or any other purpose. Content on the internet is totally unregulated, unless self-regulated and filtered by an existing internal website policy.

The most recent general election took place in June 2009, when coverage by the main media outlets was monitored closely. The Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) mission to Albania found that the public broadcaster devoted 45 percent of its news and current affairs output to the ruling party and 25 percent to the main opposition party. The ruling Democratic Party (DP) received 37 percent and the opposition Socialist Party (SP) 28 percent coverage on Vizion Plus, while TV Klan dedicated 56 percent of airtime to the DP and 30 percent to the SP.¹⁴⁰ These results came as no surprise, as they were in line with editorial practices even before the campaign.

According to the OSCE/ODIHR report, these elections marked a low point for the Albanian media, which served as loudspeakers for political parties.¹⁴¹ In addition to the bias shown by the monitored broadcasters in quantitative and qualitative terms, the report stressed the significant lack of editorial independence shown by all mainstream outlets. Campaign coverage was largely reduced to broadcasting footage and commentary provided by the political parties themselves. Such control over editorial policies by political parties, at times disguised as the freedom and right of the program director to choose whom to invite, resulted in the absence of voices and opinions which could have been considered critical or inconvenient to a given outlet's allegiance, the report concluded.

4.4.2 Digital Political Communications

Digital communication has not been the main priority of political parties and politicians, even though they are turning to it in an attempt to reach as many young people as possible. A recent survey of people in the 15–39 age group revealed that 78 percent of interviewees spent less than two hours a day watching news and current affairs on television, while only 8 percent spent more than two hours; the corresponding figures for receiving political information from the web were 16 percent and 27 percent.¹⁴² Only 2.4 percent of people interviewed declared that they used the web interactively, to post comments or send messages to their political representatives at local or national level.¹⁴³ According to the same survey, 66 percent of respondents did not feel like participants in political decision-making and 12 percent declared that they believed the use of social media would affect politicians, while 41 percent were not sure.¹⁴⁴

140. OSCE/ODIHR Election Observation Mission Final Report 2009.

141. OSCE/ODIHR Election Observation Mission Final Report 2009.

142. Open Society Foundation for Albania, "Use of Facebook, Twitter, YouTube, and Blogging."

143. Open Society Foundation for Albania, "Use of Facebook, Twitter, YouTube, and Blogging."

144. Open Society Foundation for Albania, "Use of Facebook, Twitter, YouTube, and Blogging."

Political parties have slowly started to use digital media to achieve greater popularity and support, although television still remains their highest priority. The two main parties, the DP and the SP, have both launched websites, updated regularly with press releases and other information. Interestingly enough, the DP, currently in power, has left some sections of its website untouched since the 2009 election campaign. This party's material on YouTube has, likewise, not been updated since that time. The party maintains a Facebook profile, as well as Twitter and Flickr accounts.

The opposition SP, meanwhile, updates its website more regularly, including its television section, which features press statements and interviews by party leaders. Both parties are more regular and careful about updating their Facebook profiles, perhaps paying attention to the rising popularity of the network. At this time of writing, the SP has 28,141 Facebook "fans," while the DP has some 28,568 "fans."¹⁴⁵ Meanwhile, many politicians have Facebook profiles, usually playing the same role as that of the websites of their parties. However, some are very active in discussing politics in their Facebook accounts. In addition, the campaign preceding the local elections of 8 May 2011 turned into a virtual battle, where a candidate's Facebook following was treated as a predictor of the outcome. E-mail and Short Message Service (SMS) are other forms that both parties have employed, especially in the 2009 elections.¹⁴⁶

No political leader or activist maintained a blog until recently, when opposition leader Edi Rama started one. However, politics in the blogosphere are ubiquitous. Many websites and blogs publish the main news from offline media, along with the author's own material and contents from offline sources or other websites. (See section 3.1.3.) The main authors are journalists, academics, and columnists who usually publish in both traditional and new media. However, in the absence of accurate statistics, it is difficult to establish any clear impact of these blogs. Moreover, since most blogs contain so much content that is available offline, their impact would be even more difficult to identify.

Even though there has been an increasing use of digital platforms, there has not been a major departure in the quality of the message conveyed by traditional media. So far, the websites and communication in social network platforms duplicate what already appears in press conferences, television programs, or print interviews, as a way to reach more people. The main reason for this weak usage of digital platforms may be the limited access to the internet, which has only recently boomed. Television still seems to be the most important medium used to propagate political messages and broaden political campaigns. While the use of digital platforms by civil and political actors is increasing, it is not the main priority when it comes to mobilizing supporters, activists, or the wider public.¹⁴⁷

145. Facebook profiles of the SP and DP, accessed on 20 January 2012. Available at <http://www.facebook.com/psocialiste> and <http://www.facebook.com/partiademokratike> (accessed 20 January 2012).

146. R. Zguri, "Use of Internet in Political Communication."

147. Interviews with journalists from *Shqip*, ABC News, *Panorama*, Ora News, and News 24.

Digitization has not had any impact on the number of political parties. However, it might be argued that there is growing interest in politics among the public, especially younger people, because of digitization. The 8 May 2011 local elections were preceded by a fierce campaign for the municipality of Tirana and resulted in an over-lengthy legal and logistical battle over vote-counting in the city. All of these stages have had remarkable coverage in social media, especially Facebook. This led the Prime Minister to declare that the number of fans on Facebook was a clear indication of victory. Meanwhile, a daily newspaper close to the opposition claimed that politicians had spent money on Facebook services that artificially increased the number of “friends.”¹⁴⁸ Independent of the war for virtual fans during the elections, it can be seen that politicians are increasingly active on Facebook. They are mainly from the opposition but also from the governing Democratic Party, notably the new mayor of Tirana.

4.5 Assessments

Digitization has not affected the work or ethics of journalists. The work environment in terms of labor relations, independence, and professionalism remains similar for both traditional and new media. Self-censorship and clientelism prevent regular or even occasional use of the opportunities that digitization might offer for investigative reporting that goes against the economic interests of media outlets.

From the point of view of quality and accuracy of content, the same journalists quite often work both in offline media outlets and for their online editions, or for a different online outlet from the same group. As a result, there are no differences in coverage from one form of media to another. Citizens claiming to be journalists by uploading their own news and content have yet to emerge. In one respect, digital tools and resources such as e-mail, websites, and unlimited access to previously unavailable information, have made work easier for journalists. On a less positive note, democratization of content, especially comments on the web, have often led to slander or to sterile public confrontation, more concerned with defaming an individual than advancing a relevant political or social argument.

Digitization has not had any visible impact on election coverage. The greater opportunity to be informed about the electoral campaign and its aftermath, which social networks and online media have given to Albanians living abroad, is the only innovation. Investigative reporting has not been affected by online journalism. Intricate relations between media, business, and politics, along with the difficult economic situation, have pushed journalists to make self-censorship a more convenient and viable choice rather than practicing investigative reporting (see section 6). On the other hand, digitization has definitely created greater scope for expression by marginalized groups, although so far not all have taken advantage of this opportunity.

148. D. Dedej, “Numri i fansave ne FB, fiktiv,” *Shekulli*, 11 April 2011, p. 7.

5. Digital Media and Technology

5.1 Spectrum

5.1.1 Spectrum Allocation Policy

The Postal and Electronic Communications Authority (*Autoriteti Komunikimeve Elektronike dhe Postare*, AKEP) is the main body responsible for planning, licensing, and granting the spectrum, with the exception of the broadcasting spectrum, which is in the competency of the KKRT. The law regulating the allocation of the spectrum for digital frequencies was approved as an amendment to the Law on Public and Commercial Radio and Television in 2007.¹⁴⁹ The law states that the KKRT is responsible for granting licenses for digital broadcasting, distinguishing between three sorts of licenses: for service providers, network operators, and content providers.¹⁵⁰

The Law on Digital Broadcasting states that the regulator will make decisions on licenses for network operators on a series of criteria, such as the quality of technical offer, including non-exclusive standards and control access systems; plans for the sale of decoders to the public; diversity of services offered to the public, in terms of content diversity; and the ratio between free-to-air and subscription or paid events' channels.¹⁵¹ The law does not set a date for analog switch-off, but it specifies that operators licensed for digital broadcasting have to simulcast until the use of analog in their license area falls under 10 percent.¹⁵² On the other hand, the draft Strategy for Digital Switch-over (hereafter, the draft Strategy) envisages switch-over by the end of 2012.¹⁵³

National licenses for terrestrial digital broadcasting are supposed to have a 10-year term, while regional and local ones have an eight-year term.¹⁵⁴ The payments, fees, and dues for the licenses of the digital network operator and service providers are determined by the KKRT, based on the criteria of transparency of the

149. Law no. 9742, "On Digital Broadcasting," 28 May 2007.

150. Law no. 9742, "On Digital Broadcasting," 28 May 2007, Article 3.

151. Law no. 9742, "On Digital Broadcasting," 28 May 2007, Article 4.

152. Law no. 9742, "On Digital Broadcasting," 28 May 2007, Article 4.

153. KKRT, "Draft Strategy of Republic of Albania for Transition from Analogue to Digital Broadcasting," 2008, p. 5 (hereafter, the Strategy).

154. The Strategy, Article 9.

competition and equal and fair treatment of applicants.¹⁵⁵ After approval of the law, the KKRT defined the criteria for granting licenses to network operators. The minimum required capital is ALL 1 billion (€7.25 million or US\$9.98 million) for a nationwide license, ALL 400 million (€2.9 million or US\$4 million) for a regional license, and ALL 100 million (approximately €725,000 or US\$998,000) for a local license.

Four years after the approval of the law, the allocation of the broadcasting spectrum and implementation of the law has yet to start. This delay has been due to the long process of preparation and the numerous consultations on the draft Strategy, and especially with regard to the overall revision of the Law on Broadcasting, including digital broadcasting. In an attempt to bring current legislation in line with the EU Audiovisual Media Services Directive (AVMSD), the revised law, including digital broadcasting, is currently being discussed in the Parliamentary Media Commission. The main changes envisaged for this law aim to strike a balance between media freedom and respect for human rights, extending regulation to linear and non-linear audiovisual services. The proposed law introduces and further defines the regulation of advertising, teleshopping, and product placement; regulates free-to-air programs, places greater importance on the regulation and production of programs for persons with impaired hearing, and emphasizes the protection of minors. Representatives from regulatory authorities on electronic media and telecommunications, the public broadcaster, the two digital multiplexes, associations of electronic media, local and cable television stations, and associations of journalists presented their opinions to the commission on the new draft. Civil society was represented by the Albanian Media Institute and the Albanian Media Club. At this time of writing, the workgroup is working on the draft and will collect the feedback of stakeholders on the new changes again.

Similarly, attempts to finalize the draft Strategy have been ongoing, after a period of consulting with stakeholders. An inter-institutional task force is in charge of presenting decisions on the Strategy to the Council of Ministers, while a task force at the technical level is responsible for guiding and monitoring the practical steps to switch-over. The inter-institutional task force comprises representatives of Parliament, the Council of Ministers, various ministries, the public broadcaster, and media associations. The technical task force is composed of technical and legal experts from the regulator, representatives of the public broadcaster, representatives of the ministries involved, and representatives from consumers' organizations.

Providing the licensing criteria do not change significantly, the implementation of the current regulation of digital broadcasting will be a complex duty for the regulator. One of the main issues for discussion before and after approval of the law in 2007 addressed the licensing of the existing digital multiplex, DigitAlb, the main player in digital broadcasting until 2008. In these meetings, DigitAlb's representatives insisted that they sought nothing more than a legalization of their activity, without having to start from scratch.¹⁵⁶

155. The Strategy, Article 8.

156. Minutes of the Meeting of Parliamentary Media Commission, 20 April 2007, available at <http://www.parlament.al/dokumenti.asp?id=2351&kujam=Komisioni> (accessed 18 October 2011).

This was a continuous topic of public debate in consultation meetings and in sessions before the law was adopted. The debate took place in hearings of the Parliamentary Media Commission. Participants included analog broadcasters, representatives of the multiplexes, and civil society representatives. For almost two years after the law was adopted, the regulator, supported by the OSCE, organized meetings with local media outlets in the capital and several other cities. The main aim was to raise awareness of digital switch-over, identify expectations, check adjustment needs, and gather feedback on the proper criteria and aims that the final Strategy should define.

Although there were media reports on some of the hearings, there has been no further media coverage. To this day, the discussions on digital switch-over remain confined to the professionals involved; the average citizen's awareness of the process is almost nonexistent. There have been some attempts by civil society to raise awareness, but these have been sporadic and not nation-wide. The lack of a strong movement to educate the public reflects several factors, including the lack of funding, the limited knowledge of this process by civil society, and the fact that such a campaign depends on the finalization of the Strategy for Digital Switch-over.

Meanwhile, the two multiplexes, DigitAlb and Tring Digital, have continued their activity and grown stronger, although they do not have licenses. The Law on Digital Broadcasting, approved in June 2007, grants the KKRT the power to distribute digital licenses. Now the regulator faces the challenge of legitimating an existing operation while preserving fair competition. The regulator has not yet found a solution to this problem.

According to the KKRT:

As there are now unlicensed operators, offering digital networks, they can be licensed by applying the 'beauty contest' principle, obliging them to respect the necessary technical standards, transfer to the frequencies that the national plan demands, and uphold the other terms of the license. This would demand an amendment of the current law on digital broadcasting.¹⁵⁷

Public consultations with stakeholders in different cities posed the question whether existing broadcasters should be licensed without competition or whether the current law should be applied and all should compete from the start. A decision on this matter will be contained in the final Strategy and a potential amendment of the law.

5.1.2 Transparency

The allocation of spectrum has not yet started, pending the approval of the Strategy and the revision of the Law on Broadcasting.

In an attempt to start regulating digital broadcasting, the KKRT called in 2009 for digital terrestrial licenses to be allocated by competition. Even though the existing broadcasters had repeatedly called on the KKRT to

157. KKRT, "Continuation of Consultations on the Finalization of the Strategy for Full Digital Switch-over," April 2010, available at <http://www.kkrt.gov.al/sq/dixhitalizimi/148-materialiet-e-konferences-kombetare-televizioni-dixhital-sa-afet-sa-larg> (accessed 23 February 2011) (hereafter, KKRT, "Continuation of Consultations on the Finalization of the Strategy for Full Digital Switch-over").

legalize their operations, none of them expressed interest in this new proposal, citing as reasons the remarkably unequal positions of the competitors, the unclear legal framework, the unaffordable capital and licensing fees, the need for state subsidies for switch-over, and the lack of a finalized Strategy.¹⁵⁸ In fact, it probably would have been premature to introduce digital licensing, since the Strategy, which sets the framework and conditions for many concerns related to licensing, was incomplete. The same argument surfaced at the Parliamentary Media Commission in June 2011, leading to a revision of the bill and a postponement of its adoption until the Strategy was finished.

5.1.3 Competition for Spectrum

Spectrum allocation is expected to start upon approval of both the revised Law on Broadcasting and the final Strategy. However, due to the unregulated but steady development and investment of private operators, digital broadcasting is fairly popular in practice, despite the lack of accurate data on its popularity vis-à-vis analog broadcasting.

5.2 Digital Gatekeeping

5.2.1 Technical Standards

Technical standards have been debated among existing digital and analog operators, regulators, lawyers, and other interested stakeholders. However, these have been treated as highly technical topics, remote from public concerns. In fact, in spite of the high popularity of digital broadcasting among the population, the regulator has not yet started any information campaign on the imminence of digital switch-over. The first step in this direction came from the Albanian Media Institute, which started a series of television programs and discussions in universities, as well as meetings with journalists on the overall process, focusing on the public interest. The KKRT also co-operated in some of these events.

The debate over technical standards is reflected in the draft Strategy and has been discussed in the consulting sessions with stakeholders, especially representatives of multiplexes and existing analog broadcasters. The draft weighs the advantages and disadvantages of both MPEG-2 and MPEG-4 standards, and suggests that even though MPEG-4 is more expensive in terms of decoders and network building, it offers superior spectrum efficiency.¹⁵⁹ The Strategy has recommended that the RTSH network should employ this coding standard. This seems to be the regulator's preference, too. The call for applications for commercial multiplexes has also specified that the coding standard would be MPEG-4, thus leading to objections from several operators, due to the higher cost involved.¹⁶⁰ However, the final Strategy will likely suggest that existing operators broadcasting with MPEG-2 coding can have a transition period to make the proper arrangements.¹⁶¹

158. KKRT, Annual Report 2009, pp. 74–75.

159. The Strategy, p. 46.

160. KKRT, Annual Report 2009, p. 79.

161. KKRT, Annual Report 2009, p. 78.

DigitAlb, the main multiplex, has so far broadcast in MPEG-2. In late 2010, through advertisement spots, this operator started announcing and instructing all subscribers that it would change its standard to MPEG-4, warning that the existing decoders would no longer be usable after 2011. Tring Digital, which also currently broadcasts in MPEG-2, likewise announced that in 2011 it would convert to MPEG-4.¹⁶² However, neither multiplex has yet changed its coding standards.

The latest public draft of the Strategy, discussed at a final meeting in April 2010, failed to decide on the adoption of technical standards. The operators and the regulators seem to lean toward MPEG-4, for reasons of efficiency. However, neither the operators currently broadcasting in MPEG-2 but planning to change to MPEG-4, nor the KKRT itself, have addressed the way that households possessing the current decoders will be forced to buy new ones, without any reimbursement or incentive.¹⁶³

5.2.2 Gatekeepers

The regulator has to allocate the licenses in full agreement with the Frequency Plan adopted by the Regional Radio Communication Conference-06. The Law on Digital Broadcasting states that if a digital operator plans to build a network using a frequency that is occupied by an analog operator, the KKRT has to grant the analog operator a different frequency and cover any expenses incurred by the transfer. If the regulator cannot meet such expenses, the digital operator has to share the costs.¹⁶⁴

In order to implement the National Digital Frequency Plan, about 45 existing analog broadcasters will have to change their frequencies and the KKRT has already planned a budget for the cost of moving these stations.¹⁶⁵ Meanwhile, the regulator continues to license new analog radio and television stations, claiming that these new licenses do not interfere with the implementation of the National Digital Frequency Plan.¹⁶⁶ There is no public discussion on this matter, since a public information campaign on digital switch-over has not started.

The two existing multiplexes, DigitAlb and Tring Digital, host some of the main analog radio and television stations in the country. Both of them host the first channel of TVSH. So far, there have been no cases of analog broadcasters being excluded from the multiplex, except for cases when the analog broadcaster required it. Thus, Vizion Plus was originally part of the DigitAlb multiplex, but it switched to the Tring Digital multiplex, since the ownership and management of Vizion Plus is also part of the ownership of Tring Digital. In addition, all the present channels in the multiplexes are included in the Electronic Program Guide (EPG).

However, the future licensing process will reveal any problems with gatekeepers. For example, one of the main issues debated in the consultation phase was the question of who would build the multiplexes, and how access to them would be regulated. One alternative for building the multiplex infrastructure is to assign this

162. Tring Digital, available at <http://www.tring.tv/164-kompania.html> (accessed 2 March 2011).

163. Albanian Media Institute, *Monitoring of the Digital Switch-over Process*, 2010, p. 7.

164. Law on Digital Broadcasting, Article 3.

165. KKRT, Annual Report 2009, p. 50.

166. KKRT, Annual Report 2009, p. 50.

duty to RTSH, while the other option is to contract a commercial enterprise as determined by local, regional, or national operators.¹⁶⁷ It seems that this duty will be left to commercial companies, rather than to the public broadcaster, due to the huge economic interests involved.¹⁶⁸

The existing law does not pose any must-carry rules for digital platforms. It only states that 50 percent of the programs should eventually consist of European audiovisual works. In addition, the platforms should offer 50 percent of their programs for free while the public broadcaster should offer everything for free.

5.2.3 Transmission Networks

Spectrum allocation has not taken place yet. Even though the ground rules are in place, they might be subject to change, pending finalization of the Strategy and amendment of the Law on Digital Broadcasting. The current law states that operators should offer universal decoders,¹⁶⁹ and that the KKRT should guarantee that network operators offer their services to program operators based on fair, reasonable, and non-discriminatory terms.¹⁷⁰ The final regulation will also determine how the KKRT regulates and monitors the licenses of multiplexes and the terms of EPGs, Conditional Access, and SMS. The regulator has the delicate duty of striking a balance among three concerns: guaranteeing healthy competition among future players, protecting existing investments in the market by current players, and upholding the interests of households that already subscribe to available services.¹⁷¹

The transmission company in Albania is CEZ Albania, which owns 76 percent of the shares in the formerly state-owned company, with the state retaining the remainder.¹⁷²

5.3 Telecommunications

5.3.1 Telecoms and News

Telecoms companies are important for news distribution in view of the broadband connections they provide.¹⁷³ Although the number of subscribers to the former public company ALBtelecom has slightly decreased, it still has 82 percent of the market.¹⁷⁴ In terms of internet broadband, with its 73,000 subscribers, ALBtelecom

167. KKRT, “Continuation of Consultations on the Finalization of the Strategy for Full Digital Switch-over.”

168. Interview with Petrit Beci, General Director of RTSH, 20 January 2011.

169. Law on Digital Broadcasting, Article 9.

170. Law on Digital Broadcasting, Article 6.

171. Albanian Media Institute, *Monitoring of the Digital Switch-over Process*, 2010, p. 10.

172. CEZ Albania, “Informacion i Pergjithshem,” September 2011, available at <http://www.cez.al/al/rreth-nesh/infromacion-i-pergjithshem.html> (accessed 27 September 2011).

173. AKEP, *Treguesit Statistikore Të Tregut Të Komunikimeve Elektronike – 6 Mujori I-rë 2011*, available at http://akep.al/images/stories/AKEP/statistika/Treguesit-Statistikore-6_Mujori-I-re-2011.pdf (accessed 20 January 2012) (hereafter, AKEP, *Statistical Indicators of the Market of Electronic Communications*).

174. AKEP, *Statistical Indicators of the Market of Electronic Communications*.

still has a strong presence, with 73,000 subscribers, or about 53 percent of total subscribers.¹⁷⁵ However, this presence has decreased compared to last year, with alternative providers gaining ground. The percentage of people using the internet for news and information is unknown.

Several operators also offer joint packages of digital television broadcasting (of the two existing terrestrial multiplexes, DigitAlb and Tring Digital) and the internet. The popularity of these services seems to have risen: in June 2010, the regulator counted 1,137 subscribers to these joint offers, while a year later the regulator reported 2,007 such subscribers.¹⁷⁶

Cable operators are quite widespread, especially in small cities and villages. There are 83 licensed cable operators at the moment.¹⁷⁷ They do not produce news or content of their own. Instead, they bundle up analog stations that are not received in the area, and often also thematic programs from the terrestrial and satellite multiplexes, a move which has frequently become a source of concern for both the multiplexes and the regulator (see section 1.1.2).

The KKRT's licensing criteria for cable television contain no must-carry rules, except for the prohibition of certain programs, as for analog programs. The list of prohibited programs includes those that incite violence; ethnic, religious, and racial hatred; anti-constitutional acts; territorial division; or discrimination based on political convictions and religious affiliation.¹⁷⁸ The same article forbids the broadcasting of state secrets and information harmful to national security, information that affects the private lives of citizens, the production and broadcasting of pornographic programs, and the broadcasting of coded messages that go against fundamental interests of the State.¹⁷⁹

The only other provisions in the law and licensing terms related to content loosely state that cable programs might include the rebroadcasting of analog and satellite programs, the rebroadcasting of programs aimed at closed circles (hotels, resorts, ships, etc.), the rebroadcasting of audiovisual productions, and the broadcasting of self-produced programs.¹⁸⁰ The license terms also stipulate that cable operators must present the contracts that prove their possession of the broadcasting rights for their programs to the KKRT, a provision that has rarely been observed.¹⁸¹ In this context, the choice of programs to bundle in packages offered by cable operators are entirely dictated by market demand and the cable TV operators themselves. The cable broadcasters do not have any legal must-carry obligation for the public broadcaster's program. If these broadcasters decide to include these programs in their package, viewers are not exempted from paying for them.

175. AKEP, *Statistical Indicators of the Market of Electronic Communications*.

176. AKEP, *Statistical Indicators of the Market of Electronic Communications*.

177. KKRT, List of cable television stations, available at <http://www.kkrt.gov.al/sq/operatoret/telvizionet/176-tv-kabllore> (accessed 20 January 2012).

178. Law on Broadcasting, Article 38.

179. Law on Broadcasting, Article 38.

180. KKRT, "Regulation on Licensing of Private Radio and TV Cable Operators," Article 3, available at <http://www.kkrt.gov.al/images/stories/docs/Rreg.6-RREGULLORE%20PER%20LICENSIMIN%20E%20OPERATOREVE%20PRIVATE%20RADIOTELEVIZIVETE%20TRANSMETIMEVE%20ME%20KABELL.pdf> (accessed 2 March 2011) (hereafter, KKRT, "Regulation on Licensing of Private Radio and TV Cable Operators").

181. KKRT, "Regulation on Licensing of Private Radio and TV Cable Operators," Articles 21–22.

5.3.2 Pressure of Telecoms on News Providers

Cable operators are entirely free to decide which channels to include in their bouquet and there is no evidence of deliberate denial of access to particular stations. Given their rapid development, these operators could play an important part in disseminating information when digital switch-over has been completed. Their main attraction for the moment lies in the foreign channels and sports events, movies, concerts, and other thematic programs which they rebroadcast from digital multiplexes. In terms of news, now that analog broadcasting is still in force, these operators just replicate local content that is already available for free in analog broadcasting.

Regarding telecoms companies, on the one hand, there is again no evidence that they restrict access to existing news providers. On the other hand, the telecoms companies, especially the mobile companies, are among the largest advertisers in the media. The main broadcasters admit that the greatest part of advertising revenue comes from mobile telephony.¹⁸² According to estimates, in 2010, the telecoms companies spent a total of €17 million (US\$23.5 million) in advertising, with 60–70 percent of this amount going to television stations.¹⁸³ According to IREX's Media Sustainability Index: "These companies are tightly integrated with media as paying advertisers and they have significant editorial influence, thwarting, for instance, attempts to report the high tariffs they apply."¹⁸⁴ The most visible such case was the reporting on mobile companies, which, according to a parliamentary investigation, apply the highest tariffs in the region. Although this was a clear case of public interest, reports on this topic were very few and were shut down completely after a while by the media themselves.

5.4 Assessments

The Law on Digital Broadcasting indicates that the criteria for allocating digital spectrum should be fair and transparent. The draft Strategy, on the other hand, favors the existing players by taking the current status quo into account. However, with regulation still delayed, and commercial operators strengthening their position and influence, it will become more difficult for the regulator to control the real licensing process and balance all the economic and public interests involved.

For example, although the exact number of subscribers to digital platforms is not known, it is supposed to be considerable. The larger the number of subscribers, the more difficult it will be for the regulator to cut back on the number of programs the platform can broadcast. In addition, this delayed situation might lead to an almost saturated market, which does not create incentives for other potential operators. In fact, part of the discussion has led to claims by local or national operators that they do not wish to enter a competition where other operators have long since started the race.

182. I. Tare, "Shpërthimi i Kanaleve Televizive Private Në Shqipërinë Pas Komuniste" (The Explosion of Private Television Channels in Post-Communist Albania), *Polis*, No. 8, Media & Politika, Winter 2009, p. 30, available at <http://revistapolis.com/polis/images/stories/revistat/polis8.pdf> (accessed 12 October 2011) (hereafter, I. Tare, "The Explosion of Private Television Channels in Post-Communist Albania").

183. O. Liperi, "Special: Advertisement 2010."

184. IREX, *Media Sustainability Index 2010*.

Spectrum regulation remains incomplete, given that the Law on Digital Broadcasting and the Strategy are not yet finalized. The completion and implementation of these documents will be very important, since it will shape the media landscape. Regarding telecoms companies, there is an abundance of operators offering fixed and mobile telephony, as well as the internet, and sometimes digital broadcasting.

It is not possible to predict whether the allocation of digital spectrum will respect the public interest. Judging from the draft Strategy, the current law, and the overall public debate in the consultation process, the public interest is present, but vaguely and weakly, without being clearly mentioned and defined. Rather, these documents tackle the public interest in terms of the affordability of decoders, RTSH's programs in terms of availability and quality, and the must-carry rules. However, since the greatest pressure in regulating and allocating spectrum comes from existing and potential future multiplexes, the regulator is more concerned with finding a solution to the current situation. For more than five years there has been one digital platform and recently a second one was added to the market. Due to delays in adopting legal regulations and the Strategy, these operators continue to expand their activity, which is not regulated or legal. In this context it has become pressing for the regulator and lawmakers to fix this situation. Under pressure from commercial platforms, and sometimes overlooking the public interest, the regulator and lawmakers have focused more on finding a solution to the legalization of the platforms, which does not necessarily equate to upholding the public interest. This is also evident in the advocacy for letting the market regulate certain aspects of digital broadcasting, such as the channel offer and the price of bouquets.

This issue will need further monitoring in the near future. During the consultation phase, the regulator gathered feedback from various actors, including civil society. The participation of civil society has been scanty, also due to the limited number of organizations dealing with this matter. Civil society has mostly advocated for the protection of the public interest, in terms of consumer protection issues, and also in finding the right balance between market freedom and respect and protection for both citizens and existing operators.

The draft Strategy also envisages the organization of a public information campaign, which is a key to the success of switch-over and its proper implementation. So far, the regulator or the respective task forces have not taken any steps in this regard.

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

There have been no major changes in legislation related to media ownership in the last five years. Print media are totally unregulated in terms of ownership. The Law on the Press guarantees in principle the freedom of the press as the only regulation in this regard. On the other hand, the Law on Broadcasting is quite detailed in terms of ownership. The latest legal changes regarding ownership are the articles on media pluralism in the Law on Digital Broadcasting, which states that a legal entity cannot own more than one license for a terrestrial digital network.¹⁸⁵ The law also prohibits physical persons with economic interests or decision-making positions in a company licensed for digital terrestrial broadcasting from having economic interests or decision-making positions in another holder of a digital terrestrial broadcasting license.¹⁸⁶

However, a network operator may obtain a license for broadcasting one television channel and vice versa.¹⁸⁷ In the transition period to digital broadcasting, the holders of analog licenses can own another license as network operator or for broadcasting a channel.¹⁸⁸ The law also states that the legal provisions on ownership from the broadcasting law retain their validity for digital broadcasters as well.¹⁸⁹

This amendment also posed a limit of no more than 30 percent of national television advertising revenue for an operator licensed by the Law on Broadcasting including an analog, digital, cable, or satellite broadcaster.¹⁹⁰ Until 2007, there was no particular limit for the media on advertising revenue. Given the total lack of monitoring data for both the advertising market and the media, as well as the low transparency of funding, it remains to be seen how this article will be implemented.

185. Law on Digital Broadcasting, Article 13.

186. Law on Digital Broadcasting, Article 13.

187. Law on Digital Broadcasting, Article 13.

188. Law on Digital Broadcasting, Article 13.

189. Law on Digital Broadcasting, Article 13.

190. Law on Digital Broadcasting, Article 13.

Prior to the Law on Broadcasting, there was another change in ownership provisions, which was not prompted by digitization. This provision prohibited any physical or legal person with shares in a radio or television station from participating directly or indirectly in tenders and the procurement of public funds organized by central or local government, companies endowed with state capital, and from participating in the process of privatization of public property.¹⁹¹

6.1.2 New Entrants in the News Market

One major change in media ownership structures over the last five years has been the increase in foreign ownership. Until recently the Italian Edisud Group was the only significant foreign player in the country. This group has since sold its outlets to an Albanian group. However, the most significant foreign ownership presence today is Germany's WAZ-Mediengruppe, which bought from Albanian-owned company Media Vizion the majority shares of Vizion Plus, an important television station in Tirana, which also has a national satellite-broadcasting license and a digital terrestrial and satellite multiplex (see section 5).

Apart from this, although new media have emerged and there have been some changes of ownership, the pattern has not changed significantly: media ownership rests in the hands of powerful business companies, usually focusing on construction, trade, telecommunications, and so forth.¹⁹² So, even in the new media that have emerged or in the acquisitions that have taken place, the owners are businessmen involved in trade or other businesses, as in the case of Ora News or Alsat TV (now Albanian Screen TV). (See more about ownership in section 6.1.3.)

6.1.3 Ownership Consolidation

Currently there is a certain trend of consolidation of ownership, although not to the point of creating a major problem. Consolidation has occurred more in terms of the same group establishing print, electronic, and sometimes online media, rather than by mergers or acquisitions. This is also aided by the lack of any cross-ownership provisions regarding print media. In the absence of market shares for each group, it cannot be determined accurately which are the most important groups. However, some of the major media groups can be mapped.

One of the most important groups is Top Media, comprising Top Albania Radio, the first private radio station to receive a national license; Top Channel; DigitAlb, the first digital terrestrial and satellite multiplex; the daily newspaper *Shqip*; and Top Gold Radio.

Shekulli Media Group owns the daily newspapers *Shekulli*, considered by journalists to be one of the dailies with the highest circulation, and *SportiShqiptar*. Shekulli Media Group also owns the publishing house Botimet Max, A1 Televizion, and the national radio station +2 Radio, as well as Abbisnet, one of the large internet service providers in the country.

191. Law on Broadcasting, Article 20.

192. Albanian Media Institute, *Media Ownership, Independence, and Pluralism*, 2007, p. 23.

Other important groups are Media Vizion (owner of the Tring Digital multiplex) and the Panorama group, which owns *Panorama*, reputedly the daily paper with the highest circulation, *Panorama Sport*, and *Psikologjia* magazine. Finally, the Klan group owns the national station TV Klan and the daily newspaper *Koha Jone*.¹⁹³

Another group that certainly deserves a mention is Edisud Group, which owns the daily newspaper *Gazeta Shqiptare* and the online news agency BalkanWeb. This company also owns Edisud Radio TV, including Radio Rash and News 24. Recently this group sold its outlets to Focus Group, owned by two businessmen, Artan Santo, involved in banking, and Irfan Hysenbelliu, who owns other media outlets, including the Panorama group.

The lack of market research and poor transparency of media ownership make it impossible to translate the weight and popularity of each media or group into figures. However, it is clear that there are some specific concentrations and media groups, and this has its influence on media content. For example, the sale of outlets by Edisud Group was considered in the media community as evidence of significant concentration among pro-government media. Traditionally, this group's outlets had been closer to the opposition, while Hysenbelliu's other media were considered to be closer to the government. One of the first developments after this acquisition was the termination of the contract with Anila Basha, director of a daily newspaper, who had previously expressed open support for the leader of the opposition.

What these groups have in common is the cross-ownership of several media outlets, their location in the capital, and, with a few exceptions, their owners' involvement in other sectors apart from the media. Concentration of important media in fewer hands may lead to bankruptcy of poorer local media, when concentration in Tirana sharpens.¹⁹⁴

The parallel businesses of media owners give cause for additional concern. While these businesses were the basis for the considerable investment in the media scene, parallel ownership also makes these outlets vulnerable to economic and political interests. Considering the existence of a mainly informal labor market, which puts journalists in a position vulnerable to insecurity and self-censorship, it is not difficult for media owners to use their media as they desire. This is how one analyst describes the situation:

Many media have just one owner, usually from the construction sector, which is the powerhouse of our capitalist economy. Unlike the journalists who owned some of the press in 1992–1997, these business figures are significantly more influenced by today's Government. They guide the media overcrowded by their soldiers and officers to assume protective or blackmailing positions vis-à-vis government officials, following the nature of their business.¹⁹⁵

193. Interview with Blendi Fevziu, 26 November 2007.

194. IREX, *Media Sustainability Index 2010*, p. 12.

195. M. Nazarko, "Mbi krizën e mediave," *Shqip*, 23 August 2008, p. 11, available at <http://www.shqip.com/shqip/opinionart/aID/287/> (accessed 13 October 2011) (hereafter, M. Nazarko, "Mbikrizen e mediave").

Experience shows that when other business interests are involved, the media are used to applying pressure or seeking favors for protecting or developing these other interests. As one analyst puts it, television stations in Albania serve as both shield and arrow: to protect a business from the government while being a weapon against financial pressure, taxes, or customs' authorities in a country with a high level of informality.¹⁹⁶

The typical media owner had—and retains—other business interests before acquiring or starting a media outlet, and then possibly expanding into the media market. According to one source: “It is not rare for the same businessperson (typically with their main interest in oil or construction) to own a newspaper, to own shares in a television company, to have their own internet company, and of course their own football club ... in Albania this phenomenon is the rule.”¹⁹⁷

In this context, media owners regularly exploit their outlets to protect their wider economic interests. Aleksandër Çipa, president of the UAJ, refers to this when he says that “editors are regularly pressured by media owners to cover news events in a certain way or not at all. Media owners in turn take cues from powerful politicians and other business leaders. In this context most journalists resort to self-censorship instead of challenging the management's designs.”¹⁹⁸ For the relationship between media, politics, and business is an intricate one: “The media appear to be an extension of politics on the one hand, and an annex of various businesses on the other.”¹⁹⁹

6.1.4 Telecoms Business and the Media

The telecoms industry is involved in the media sector in two ways: by internet and digital broadcasting distribution, and by economic support for certain media outlets.

The first involvement has been very recent and is not related to content. On the other hand, telecoms involvement in the media sector is quite visible in terms of the advertising it provides, which seems also to shape media coverage to some degree (see section 5.3.1.). According to IREX:

The interference of mobile phone companies in the media serves as a good example of how large businesses exert influence on editorial policy. These companies have succeeded in blocking all critical coverage about them in both print and broadcast, even though Albanians pay the highest mobile phone rates in Europe.²⁰⁰

196. M. Nazarko, “Mbi krizën e mediave.”

197. R. Lani, “Balkan Media: Lost in Transition?”, p. 52.

198. IREX, *Media Sustainability Index 2010*, p. 7.

199. R. Lani, “Balkan Media: Lost in Transition?” in *Professional Journalism and Self-Regulation: New Media, Old Dilemmas in South East Europe and Turkey*, UNESCO, Paris, 2011, p. 53, available at <http://unesdoc.unesco.org/images/0019/001908/190810e.pdf> (accessed 12 October 2011) (hereafter, R. Lani, “Balkan Media: Lost in Transition?”).

200. IREX, *Media Sustainability Index 2009*, p. 8.

6.1.5 Transparency of Media Ownership

The transparency of media ownership has gradually increased. Every physical person engaged in a business and every company was previously registered at the Commercial Register at the Court of Tirana. In the last few years, the register has been digitized and now each person or company has to be registered at the National Center of Registration, including media companies. The ownership of shares of companies is accessible online for free from this center. For data that cannot be found online, an application has to be filed at the center and a fee of almost €1 (US\$1.36) per extract is paid. This has led to the potential for greater transparency of the nominal owners of shares in media companies. However, there are cases of speculation of disguised ownership. According to IREX: “In some cases, the owner of a television station is known to be one individual, while the law requires a national television station to have three owners.”²⁰¹

In addition to the National Registration Center, electronic media have to report their ownership to the KKRT. They also have to report any changes of ownership to the regulator no later than 15 days after these changes have been made.²⁰² These data are available at the KKRT, which registers all licensed media outlets, including their ownership. The register is not available online, but, in theory, according to the Law on Access to Information, any citizen can file a request for information about the ownership of specific outlets. Due to the lack of tradition of requesting official information in the country and the lack of interest of citizens in finding out the formal media owners, accessing KKRT information in this regard is not a common practice. Moreover, the real question is not an owner’s official name, but the identity of the funder. As media law expert Gent Ibrahim says: “You can go to the Center for Business Registration and find out the name of the owner, but his silent partners won’t be listed.”²⁰³

6.2 Media Funding

6.2.1 Public and Private Funding

Lack of transparency of media funding has been a major problem in the media scene for many years. According to one expert, “The problem of transparency has been displaced from transparency of ownership to transparency of media funding.”²⁰⁴ Every business, media included, submits its annual balance to the tax authorities, but these are confidential reports. The Law on Broadcasting also requires electronic media to submit their annual balance to the KKRT,²⁰⁵ but this obligation is not always respected. In 2009, only 52 percent of operators submitted the data.²⁰⁶ In 2010, the submission of reports rose to 74 percent, due to greater pressure from the KKRT.²⁰⁷

201. IREX, *Media Sustainability Index 2010*, p. 12.

202. Law on Broadcasting, Article 30.

203. Gent Ibrahim, quoted in IREX, *Media Sustainability Index 2010*, p. 8.

204. Remzi Lani, quoted in IREX, *Media Sustainability Index 2010*, p.12.

205. Law on Broadcasting, Article 30.

206. KKRT, Annual Report 2009, p. 94.

207. KKRT, Annual Report 2010, p. 76.

From the data submitted to the KKRT for 2010, it seems that the situation is not entirely pessimistic, especially against the background of the global economic crisis: 23 percent of the broadcasters reported losses, 2 percent broke even, while 75 percent declared profits.²⁰⁸ However, these data may not be reliable. The former chairwoman of the regulatory authority on electronic media raised this concern in an interview: “Do you know how reliable the annual budgets of TV stations are, when even the tax office recognizes informally their inaccuracy?”²⁰⁹ This trend is confirmed by one of the major media companies, whose officials admitted in an interview that even though they had suffered losses in the last seven years, they had managed to declare a small profit.²¹⁰ Hence, any data from KKRT reports in the last few years would not provide a complete and genuine overview of media sustainability.

Table 4.
RTSH funding sources 2005–2010

	Currency	2005	2006	2007	2008	2009	2010
RTSH-generated income	ALL million	492.76	569.20	886.83	616.29	765.00	955.76
	US\$ million	5.20	6.26	8.51	5.91	7.34	9.17
License fee	ALL million	n/a	68.7	94.4	55.0	288.0	359.8
	US\$ million	n/a	0.65	0.90	0.52	2.76	3.45
Advertising	ALL million	58.9	37.2	77.7	100.5	89.0	175.0
	US\$ million	0.56	0.35	0.74	0.96	0.85	1.67
State budget	ALL million	560	300	312	495	519	428
	US\$ million	5.37	2.87	2.99	4.75	4.98	4.11

Note: n/a = not available.

Source: RTSH Annual Reports 2005–2010.

Another problem is that there are no accurate, transparent, and regular data on advertising, due both to lack of media transparency in funding and the absence of regular, reliable, and comprehensive market research on advertising revenue and other similar data. According to the KKRT, in 2009 advertising for broadcasters fell by 8 percent, amounting to 58 percent of their total revenue.²¹¹ This figure was even lower for 2010, accounting for 30 percent of the total revenue of broadcasters. Meanwhile, other data reveal that compared to 2006 advertising revenue has increased for television stations, respectively 31 percent in 2007, 25 percent in 2008, and 48 percent in 2009.²¹² The same can be said about radio advertising, increasing by 52 percent, 48 percent, and 58 percent respectively in each of the above-mentioned years.²¹³ This discrepancy is yet another indication of the inaccuracy and unreliability of numbers circulating in the media market. According

208. KKRT, Annual Report 2010, p. 76.

209. Mesila Doda, quoted in I. Tare, “The Explosion of Private Television Channels in Post-Communist Albania,” p. 27.

210. I. Tare, “The Explosion of Private Television Channels in Post-Communist Albania,” p. 28.

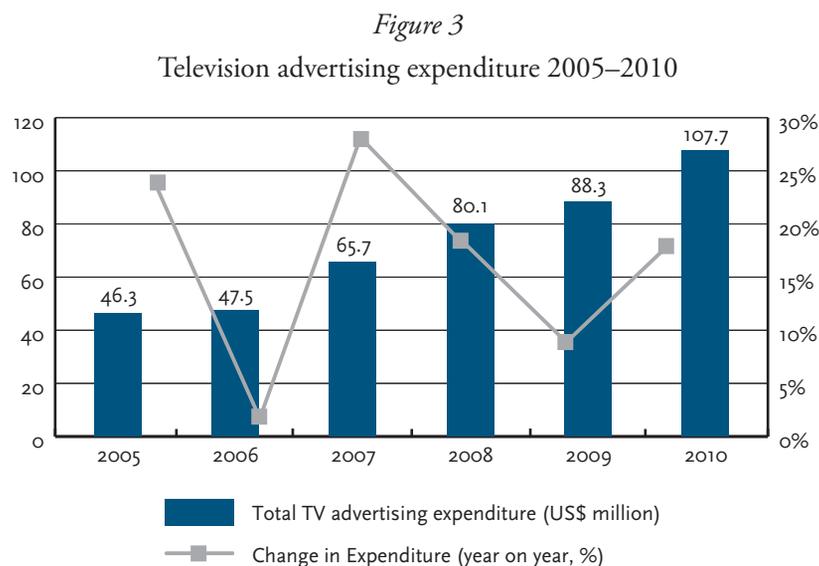
211. KKRT, Annual Report 2009, p. 95.

212. T. Goga, “Footprint of Financial Crisis in the Media,” p. 10.

213. T. Goga, “Footprint of Financial Crisis in the Media,” p. 10.

to one source, “all media outlets carry out their own market research and present their own findings to their advertising clients,”²¹⁴ leading to a highly subjective overview of the market situation and audience measurement.

Overall, the available data on media advertising, which are only estimates from a media monitoring company, suggest a steady increase in television ad spending, as the following figure shows:



Source: O. Liperi, “Special: Advertisement 2010,” p. 42.

As this source suggests, the general trend is of increased television ad spending. However, there are no data on the source of this funding, public or private. The ranking of the 10 biggest advertisers for 2009 and 2010 includes only one ministry, while the others are commercial enterprises,²¹⁵ leading to the conclusion that, at the moment, most of the money comes from private funding.

Government expenditure on media advertising and its lack of transparency has been a problem in the past, which led the current Government to decide that the practice of paying for advertising should stop altogether. However, there are still concerns that the Government provides ads or ad campaigns to media close to power. According to IREX: “Despite the promise [of the Prime Minister], he has allowed the financing of production of spots that are distributed among the media in a clientelist manner.”²¹⁶

An important media owner also admits to this trend: “The media owners have used their televisions to do favors for the Government, in order to obtain higher revenue from government advertising, among others.”²¹⁷

214. T. Goga, “Footprint of Financial Crisis in the Media,” p. 13.

215. O. Liperi, “Special: Advertisement 2010.”

216. IREX, *Media Sustainability Index 2010*, p. 13.

217. I. Tare, “The Explosion of Private Television Channels in Post-Communist Albania,” p. 26.

While there is no solid information on advertising revenue, including the proportion of public advertising vis-à-vis commercial advertising, commercial advertising appears to increase each year in relation to state advertising.²¹⁸

According to estimates, only one state advertiser, the Ministry of Interior Affairs, featured among the 10 biggest advertisers in 2010, who account for 43 percent of the total advertising expenditure. In this group, this ministry spent about double what it spent in 2009, but was still among the lowest spenders among the top 10 advertisers.²¹⁹

The truth is that relatively few media outlets have shut down throughout the years, while new media keep emerging, a phenomenon that one media expert refers to sardonically as “capitalism without bankruptcy.”²²⁰ Another analyst states that out of the 20 print media titles, not even one is self-sustaining or able to secure income equal to its expenditure.²²¹ Subscriptions remain extremely low, whereby a paper with the highest circulation of 23,000 copies per day counts only 400 subscriptions.²²²

Overall, according to IREX, “there is no real financial diversification for Albanian media that might prevent undue editorial influence of a single advertising client of financial source.”²²³ As a result, the funds nurturing this continuous emergence of media outlets remain subject to speculation. Usually the answer lies within the ownership scheme. In this scheme, the media that seem to generate no profit and even incur losses are used by their owners to further their other businesses, while the latter feed the media survival. As one analyst put it: “Media are not profitable but are seen as indirectly profitable. Media only become profitable as a tool to get construction permits and other favors from the Government. In other words, in their [owners’] calculations, the balance is positive overall.”²²⁴

6.2.2 Other Sources of Funding

As mentioned above, media funding suffers from a severe lack of transparency. However, there is no particular indication that any alternative and new sources of funding have emerged.

218. I. Tare, “The Explosion of Private Television Channels in Post-Communist Albania,” p. 26.

219. O. Liperi, “Special: Advertisement 2010.”

220. Remzi Lani, quoted in I. Tare, “The Explosion of Private Television Channels in Post-Communist Albania,” p. 28.

221. B. Sejdarasi, “Kriza e mediave, konstatimi dhe zgjidhjet” (Finding a media crisis and solutions), *Shqip*, 24 August 2008, p. 11, available at <http://www.albpress.com/lajme/kriza-e-mediave-konstatimi-dhe-zgjidhjet/> (accessed 13 October 2011).

222. IREX, *Media Sustainability Index 2010*, p. 13.

223. IREX, *Media Sustainability Index 2010*, p. 13.

224. FRIDE, *Democracy Monitoring Report, Albania*, April 2010, available at <http://www.fride.org/publication/758/democracy-in-albania> (accessed 13 October 2011).

6.3 Media Business Models

6.3.1 Changes in Media Business Models

Digitization has prompted no major changes in media business models. While there is a keen interest in establishing online presence, the limited attempts to make people pay for online content have failed so far. Two major daily newspapers that sold their content online have reverted to regular free websites, only charging for the electronic copy of the printed newspaper or supplements. Meanwhile, most articles and other contents from these newspapers are accessible for free, but in a different form and layout from the one in the supplements or in the newspapers. A limited number of media, such as BalkanWeb and News 24, also offer RSS feeds or other services, such as horoscopes, sent to mobile phones for a fee. Other than this, there appear to be no new trends in media business.

6.4 Assessments

As mentioned above (see section 6.1.3), certain major media groups own print, electronic, and sometimes online media outlets. However, the lack of media and market research makes it impossible to be more precise about the extent and effect of concentration. Although the regulation on digital broadcasting imposed new ownership rules, it is unclear whether this regulation will be implemented or whether it will change further. As it has not yet been implemented, no impact on media ownership has been observed.

In terms of digital broadcasting, the positions of current dominant groups might be reinforced, since the multiplexes are owned by some of the main media groups. However, the most important news stations are still available in both analog broadcasting and digital broadcasting. Until digital licenses get granted and digital switch-over takes place, it is difficult to establish how digitization will affect media ownership.

Ownership transparency has increased in the past five years, mainly due to the digitization of the commercial register, rather than to any particular media regulation or measures. Transparency of media funding, on the other hand, remains a key problem which also affects media performance vis-à-vis the public interest.

Digitization has not visibly affected the ownership and performance of independent media so far. The problems that affect media independence have not changed as a result of digitization. Weak transparency over media finances, ownership of other, non-media businesses, lack of sustainability for media outlets, and the poor implementation of labor relations in the market have not changed in any way with digitization.

Paradoxically, the major sources of media development funds seem to be also the most detrimental to their independence and to the public interest. Advertising and funding from media owners' other businesses seem to be among the most significant sources for the development of the media, as these pump investments into the media. At the same time, in the absence of any media self-regulation or separation of finances from editorial content, these sources also render the media most vulnerable to following their lead when

reporting on issues sensitive to owners or advertisers. Hence, while it is clear that without these funds Albania would not have the media development it has enjoyed, these funds are holding back media development and professionalism to some degree. As Remzi Lani writes, apropos the situation of print media:

Companies pump funds into these [daily] newspapers not so that they can serve the interests of the public, but so that they can serve the interests of related businesses. If you ask these companies why they spend money every month on an activity that does not make them any profit, the answer you are typically given is that through these newspapers “they protect their businesses”. This is perhaps partially true, but only partially. Through these newspapers businesses can exert pressure and gain favors. And at times what is not published (for instance, details of a bribe that has been paid to gain a contract) is more important than what is published.²²⁵

There have been no significant changes to media business models that can have an impact on journalistic output and quality. Even though there are no accurate data, the trend seems to be that the weight of public funding has diminished. However, as mentioned above, the support of private funds seems to be crucial for the media, since most of the media seem to lack self-sustainability.

225. R.Lani, “Balkan Media: Lost in Transition?,” p. 52.

7. Policies, Laws, and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

7.1.1.1 Access and Affordability

Both the current Law on Digital Broadcasting and the draft Strategy address issues of access and affordability in the framework of digital switch-over. The law stipulates that operators should use universal decoders, which offer access to all free programs for citizens who use them.²²⁶ The draft Strategy underlines the need for equipment for the particularly poor strata of the population, indicating state subsidies as a necessity.²²⁷ The threshold for switching off the analog signal is defined in the draft Strategy at 80 percent of the population receiving digital broadcasting, stressing that the remaining 20 percent would be the most vulnerable part of society.²²⁸ In this respect, the draft Strategy is in contradiction with the law, which increases the switch-off limit to 90 percent of the population.²²⁹ However, both the Strategy and the law are under revision and their implementation has not started.

7.1.1.2 Subsidies for Equipment

The draft Strategy recognizes the need for the State to subsidize decoders for the neediest families, namely those that already receive financial assistance. The draft recommends partial to full subsidies, from 30 to 100 percent of the decoder cost, in accordance with household income and need. It assesses the number of households needing full subsidies at about 220,000.²³⁰ This figure will have to be adjusted in the final text of the approved Strategy. (See section 5.2.1.)

226. Law on Digital Broadcasting, Article 9.

227. The Strategy, p. 42.

228. The Strategy, p. 42.

229. Law on Digital Broadcasting, Article 4.

230. The Strategy, p. 43.

7.1.1.3 Legal Provisions on Public Interest

Neither the draft Strategy nor the law defines or specifically mentions the public interest. However, the Law on Digital Broadcasting refers to public interest issues, stating that RTSH, the public broadcaster, must air its programs free of charge after switch-over.²³¹ In a general way, the draft Strategy also states that RTSH should base its future programs on audience needs, not on commercial needs.²³² The procedures for licensing programs also mention that the regulator will give priority to diversity of content and the ratio between free and paid programs in a multiplex.²³³ In addition, the law restricts the multiplexes to charging for only 50 percent of the programs they offer: the rest should be offered for free.²³⁴ Again, these provisions will very likely change soon, before they have been implemented.

The changes expected in relation to the public interest include the allocation of digital spectrum, especially in relation to the public broadcaster, the role of the public broadcaster in terms of fulfilling its public mission vis-à-vis purely commercial actors, the issue of subsidies, and the public awareness campaign. Clearly, the public broadcaster is lobbying to receive no less than two national platforms (to which the law currently entitles it), and government support for the overall process, in terms of finances.

The regulator has so far played more of a facilitating role in the debate, laying out all the options available for the various actors to provide their feedback, rather than expressing a clear preference for one system or choice over another. Moreover, what the regulator and the public broadcaster have both emphasized is the need to approve the law after finalizing the Strategy, along with a clear definition of competencies, in order to avoid misunderstanding or misinterpretation. Meanwhile, the commercial actors have not focused their lobbying and discussion on any issue of public interest, but rather on the way that spectrum allocation and impending regulation would affect them.

7.1.1.4 Public Consultation

The current draft Strategy dates back to 2008. The period since then has seen several debates and discussions with media operators and existing digital broadcasters, organized by KKRT. The series of debates has aimed to inform media outlets about digital switch-over and gather their opinions in order to finalize the Strategy. Similarly, the approval of the Law on Digital Broadcasting followed a consultation with the main players. The Office for Protection of Consumers and the Albanian Media Institute are among the civil society organizations that have been invited to provide their opinion and participate in discussions. They have addressed issues such as the need to balance the already-operating platforms to enhance competition and citizens' rights, the standards of competition, consumer protection, and the public interest as the standard that should guide switch-over.

231. Law on Digital Broadcasting, Article 6.

232. The Strategy, p. 45.

233. Law on Digital Broadcasting, Article 4.

234. Law on Digital Broadcasting, Article 6.

These issues were only briefly discussed in the latest public consultation on the draft Law on Audiovisual Services, which took place in July 2011. KKRT's current staff offered the opinion that the law needed further clarification of the regulator's terms and definitions and duties. The draft law is still under revision, reflecting feedback received and ongoing consultation with Council of Europe, EU, and OSCE experts. In view of the changes in the media landscape, with regulation lagging behind, almost all actors involved have pushed for change in regulation, as a potential solution to the unregulated issues in the media market between licensed and unlicensed operators, and between the public and the media. In addition, the revision of the law is part of the Action Plan implemented by the Council of Europe aimed at addressing media regulation. The EU's progress reports on Albania have also often emphasized the need for change in this respect. International encouragement to work on this issue is a further factor that has led lawmakers, industry, and regulators to agree on the need to introduce this reform, even though political conflict has delayed measures that need cross-party agreement in Parliament. However, when the law is approved, the KKRT will definitely play an important part in digital licensing and the regulation of other services.

Meanwhile, the current revised version of the Strategy has not been made public. Although the draft Strategy underlines the need for a public awareness campaign, the public is still entirely uninformed about what digital switch-over is. In fact, a few civil society debates, organized with students in several universities, and aimed at shedding some light on the matter, have sometimes been mistaken by the participants as attempts to advertise the digital broadcasters currently in the market.

In fact, there has been almost no discussion in the media regarding digital switch-over. Discussions and hearing sessions in Parliament have been reported mainly by the media from the same group as the existing platforms, in accordance with the tone or interest that each company has on digital switch-over. However, there has been no in-depth program or discussion organized beyond news reporting. This discussion has been seen as more of an internal development within the media companies or the public broadcaster, rather than a process that will affect every citizen.

Civil society involvement has mostly taken the form of providing opinions on the process and attempted regulation, not informing the public about the ongoing process. The Albanian Media Institute made some attempts to raise public awareness in 2010 and 2011, through informative meetings with university students,²³⁵ producing debates on digital switch-over in local TV stations, and publishing a simple guide to switch-over for the average citizen.

7.1.2 The Internet

7.1.2.1 Regulation of News on the Internet

There is some limited regulation for online content, although it does not refer specifically to news or media. The law on Albanian ratification of the additional protocol of the Convention on Cybercrime can be

235. Awareness debates by the Albanian Media Institute with students at the European University of Tirana, UFO University, the University of Elbasan, and the University of Shkodra, 2010.

considered to be the only content regulation in this regard. In 2008, the Penal Code was amended to include regulation of the distribution by computer of xenophobic or racist material. The amendments state that “public offering through computer systems of materials that deny, minimize, and significantly approve or justify acts of genocide or crimes against humanity, are punishable by three to six years of imprisonment.”²³⁶

Regarding media-specific regulation: while there is a law that regulates the technical aspect of online services, no law or other regulation addresses the content of online media. In principle, the existing Code of Ethics can apply to online journalism. However, the absence of a formal commitment to the code by both traditional and new media does not allow for a proper assessment of the extent to which the code regulates these media.

In addition, some provisions of the Penal and Civil Codes also address libel and defamation. These provisions do not target media specifically, although they have been used to seek redress against traditional media. In theory, these also can be used for information online. According to the Criminal Code, individuals can sue for libel and defamation. The penalties range from a fine or up to six months’ imprisonment for insults and a fine or up to one year’s imprisonment for libel. According to the same provisions, when these acts are committed publicly, which implicates the media as well, the sanctions are the same for both offenses: a fine or up to two years’ imprisonment. No distinctions are made as to whether the offender is a journalist or a common citizen; the law applies to all citizens, and hence all journalists, independent of the kind of media they work in.

These provisions extend special protection to public officials, stating that the intentional insulting or defamation of an official in his official capacity constitutes a criminal contravention and is punishable each with a fine or up to one year’s imprisonment. In addition, the criminal law favors public officials in another respect: public officials who are defamed do not need to litigate their case themselves, because the prosecution service will do so instead. In addition, the Civil Code contains two articles that relate to defamation, one on libelous and inaccurate publications, the other on liability concerning non-property damages.

Even though in theory these provisions could be used for news on the internet, there have been no such cases so far.

7.1.2.2 Legal Liability for Internet Content

Regulation of internet content is very limited (see section 7.1.2.1). While the Law on Broadcasting does not address online communication at all, the Law on Electronic Communications addresses only the technical part: “This law does not apply to the content of services offered through communication of electronic networks.”²³⁷

236. Law No.10023, date 27/11/2008, “On some additions and amendments to Law No. 7895, date 27/01/1995 “The Penal Code of the Republic of Albania,” amended.

237. Law No. 9918, date 19/05/2008, “On Electronic Communications in the Republic of Albania.”

As a result, it is unclear who the liability in these cases rests with. In theory, articles on defamation existing in the Criminal and Civil Codes can apply. These provisions are of a general nature, not designed for the media, be they traditional or new, but are instead meant to protect human dignity from libel and defamation. As such, it depends on the person who sues, on the outlet's general policy in such cases, and possibly on the judge, too, on who goes to court.

For example, a survey on the ethical behavior of 10 media businesses in 2005 revealed that all 10 outlets had offered legal assistance when it came to court cases. However, only in two cases was the journalist *not* involved in court proceedings; in those cases, the editor-in-chief pursued the matter. In other words, there is no established legal route or internal media practice: proceedings do not take a pre-established course and depend instead on the issue at hand.

However, there have been no such cases so far. In general, websites do not have a clear policy on legal liability. Only a few websites state that liability rests with authors, especially in forum discussions or UGC websites. Some news media, both in print and online versions, clarify that responsibility for an article's content lies with the author in the case of editorials. Regarding news or other content, it is unclear whether it is the journalist or the media outlet that is liable. There have been no problematic cases regarding liability for online content. Online media are a relatively new, though increasingly popular, phenomenon. It is too early to speak of case law for online content.

7.2 Regulators

7.2.1 Changes in Content Regulation

The regulatory framework on content regulation for analog broadcasting has laid down the basic principles for operators to respect, such as human dignity, public health, national security, the diversity of news and information, and respect for the Albanian language and culture. Specific protection was extended to minors, in terms of regulation on advertising and programs. Editorial independence was broadly guarded, with sponsorship of programs being allowed, but with some conditions. The public broadcaster had extra obligations relating to coverage of Parliament, religious institutions and holidays, and programs of interest to national minorities and Albanians abroad.

The content regulatory framework has not changed in the last few years for print or electronic media. The only exception is the Law on Digital Broadcasting, which introduced the requirement of progressively achieving 50 percent of broadcasting of European works until 2015.²³⁸ The implementation of this law has not started. Meanwhile, the ongoing revision of the Law on Broadcasting, to bring it into line with the AVMSD, is still pending in Parliament.

238. Law on Digital Broadcasting, Article 11.

Content distributed over the internet is regulated only in relation to genocide or crimes against humanity. Similarly, the Authority on Electronic and Postal Communication is responsible for regulation of technical aspects, but it does not interfere in any way with content. Digital broadcasting is still regulated by the KKRT, which is one of the main actors in drafting the Strategy and in regulating all broadcasters so far. Neither the draft Strategy nor the Law on Digital Broadcasting changes the role of KKRT in respect of digital broadcasting. Print media are not regulated or supervised by any authority. As there is no regulation of content, nobody monitors it.

7.2.2 Regulatory Independence

Print media and online content are not regulated in any way. The KKRT regulates electronic media. Among its responsibilities for content, KKRT determines production and broadcasting standards for public and private electronic outlets. It is also responsible for monitoring the information programs of national broadcasters and, when it deems necessary, those of local broadcasters.

One of the KKRT's main competencies is the issuing of licenses. The KKRT is also authorized to adopt regulations and bylaws elaborating the general licensing provisions of the Law on Radio and Television. The broadcast licenses awarded by the KKRT cover teletext, terrestrial, cable, satellite, and digital broadcasting. The KKRT monitors licensee compliance with the law; in the event of violations, it decides on the imposition of sanctions provided by the law. The sanctions imposed by the KKRT constitute administrative sanctions, and may be challenged before the KKRT and in the appropriate court of law.

The law lists a series of restrictions on eligibility for membership of the KKRT, such as membership of a political party, having run or served a term as a mayor, a member of Parliament, a member of the Council of Ministers, or a prefect in the last two governing terms, or being member of the management staff of joint stock companies that own media or have activities with mass media interests or having any financial interest related to mass media.²³⁹ These requirements apply during the whole duration of their term, and for one year after its expiry. The same restrictions apply to KKRT employees as well as Council members.

The KKRT is accountable to the Parliamentary Media Commission and to Parliament through its annual report. If Parliament declines to approve the annual report for two consecutive years, the Council is to be dissolved.²⁴⁰ In addition, Parliament can dismiss a member of KKRT if he or she is convicted of a criminal offence, unable to perform his or her duty because of illness, absent from more than one third of council meetings in a year, or does not satisfy the stated restrictions on membership.²⁴¹

The KKRT is funded from several sources, such as revenue from annual license fee payments, examination of requests for licensing, payment on obtaining and renovating licenses, the state budget, and donations.²⁴²

239. Law on Broadcasting, Article 14.

240. Law on Broadcasting, Article 8.

241. Law on Broadcasting, Article 15.

242. Law on Broadcasting, Article 11.

Currently the KKRT is composed of seven members. After a failed attempt to cut down the number of KKRT members to five, the current law still holds the number of members of the council at seven. The chairman and deputy chairman of the KKRT are elected for a five-year term, while the other five members are elected for a period of three-and-a-half years.²⁴³

KKRT members are proposed to Parliament by the Parliamentary Media Commission.²⁴⁴ Proposals should originate from electronic media associations and groupings, print media associations, universities and associations of electric and electronic engineering, lawyers' associations, faculties of law, and the National Chamber of Lawyers, parliamentary parties, and human rights NGOs. There should be at least four proposed candidates for each vacancy in the KKRT. From these, the Parliamentary Media Commission prepares a shortlist with no more than two candidates for each seat, then suggests the names to Parliament for the final vote. The candidates are shortlisted on the principle of political balance, with the ruling majority and the opposition members taking turns for the right to shortlist the final two candidates for each seat. The final members are elected by simple majority in Parliament.

A constant concern regarding the KKRT has been the profile of its members. Their election has led to continuous debates. In the current Council, the fact that the chairwoman previously served as an advisor to the Prime Minister, one of the other members was part of the staff of the Speaker of Parliament, and yet another member previously served as spokesperson in one of the ministries, have cast doubts on the practical respect for criteria for appointing members of the Council. In addition, the departure of the last chairwoman to run for Parliament as a representative of the ruling majority did nothing to diminish suspicions about KKRT's lack of independence. According to one source, "These appointments reveal a rather disturbing politicization of the KKRT."²⁴⁵ In a few cases, KKRT decisions have been challenged as guided by political bias. (See section 7.2.3.)

These appointments point to the fact that the attempts to amend the appointment procedure for KKRT members in favor of professional performance rather than political balance have not succeeded. In fact, the original formula was abandoned by agreement between the ruling majority and the opposition. Moreover, the application of this formula has proved to be difficult in the context of the opposition's decision to boycott most of the parliamentary activities, unless their request for transparency of the last elections was satisfied. As a result, for most of 2009 the KKRT was unable to function properly, as it did not have the quorum necessary for calling meetings and making decisions on media regulation.

These problems have been ongoing for the regulator since its establishment. Digitization has so far not affected the situation or led to any changes in the regulation or practice of KKRT.

243. Law on Broadcasting, Article 9.

244. Law on Broadcasting, Article 9.

245. Preç Zogaj, quoted in IREX, *Media Sustainability Index 2010*, p. 5.

7.2.3 Digital Licensing

The law states that licensing for multiplexes takes place through competition, on the criteria of technical features, investment plans, and services offered.²⁴⁶ The KKRT should determine the fees to be paid by operators based on transparency and equal and fair treatment of operators.²⁴⁷ In addition, it should ensure that all services offered to content providers by network operators are based on fair, reasonable, and non-discriminatory criteria.²⁴⁸ At first sight, the licensing criteria seem fair and public-oriented, especially with regard to the emphasis on choosing non-proprietary standards, transparency of costs and broad choice on content.²⁴⁹

In practice, the KKRT has sometimes been the focus of controversy when its licensing decisions have been considered controversial, reflecting double standards. The last such controversy dates from 2006, and concerned the local television station, Ora News, an all-news channel. This decision was criticized by several actors, but the most critical was another news channel, News 24, which claimed that the KKRT had broken the law by licensing a company that did not possess the necessary capital required by law to start a station. Ora, the company behind Ora News, admitted to possessing capital of ALL 100,000 (€816 or US\$1,121), whereas the minimum required by the regulator was a guarantee of ALL 25 million (€204,000 or US\$280,000).²⁵⁰ Moreover, News 24 alleged that Ora News had a conflict of interests as its owner was related by blood to one of the owners of the national station TV Klan when provisions on ownership prohibit such a thing. This case led to the assessment by IREX that “licensing of the media continues to be shaped by a pronounced political clientelism and that the licensing process has become less competitive and increasingly politicized.”²⁵¹ Subsequently there has been no other controversy around KKRT’s licensing decisions.

Another controversial case was KKRT’s decision to fine News 24 ALL 800,000 (€6,528 or US\$8,966) in September 2008 for broadcasting an advertising spot produced by political group G99 which mocked the Government. The KKRT issued two warnings to stop the broadcasting, claiming that the law did not allow political parties or associations to broadcast advertising spots, except during electoral campaigns. This decision was considered to be highly political, as the group claimed that it was not a political party and the reason why KKRT forbade the advertisement spot was that it was not favorable to the government.²⁵² In addition, KKRT’s unwillingness to act in a similar context raised questions of a double standard. In 2010, the “Zgjohu” movement broadcast an advertising spot against the then Mayor of Tirana and opposition leader Edi Rama. The opposition asked KKRT to forbid the broadcasting of this spot and to investigate the

246. Law on Digital Broadcasting, Article 4.

247. Law on Digital Broadcasting, Article 8.

248. Law on Digital Broadcasting, Article 6.

249. I. Londo, “Television across Europe: Follow-up Reports–Albania,” Open Society Institute, 2008, p. 23, available at http://www.soros.org/initiatives/media/articles_publications/publications/television_20090313/albania.pdf (accessed 13 October 2011) (hereafter, I. Londo, “Television across Europe: Follow-up Reports–Albania”).

250. I. Londo, “Television across Europe: Follow-up Reports–Albania,” p. 24.

251. IREX, *Media Sustainability Index 2009*, p. 5.

252. I. Londo, “Television across Europe: Follow-up Reports–Albania,” p. 24.

movement's financial resources for publicity, but KKRT responded that this movement "is a voluntary union of individuals, which aims to raise awareness among the public opinion on a very sensitive phenomenon of society, such as the war against corruption."²⁵³

Imposition of proper authority over the broadcasters has been another issue facing the regulator over the years. This is especially the case when KKRT decisions are taken to court or depend on the will and functioning of other bodies, such as the tax police. In 2010, 22 percent of fined broadcasters voluntarily paid their fines, while the regional branches of the tax police carried out only six of 18 orders issued by KKRT for payment of fines or confiscation of equipment.²⁵⁴ The KKRT claims that this weakens its authority.²⁵⁵ A serving KKRT member also attributed a political motive to the implementation of KKRT decisions: "When there is harmony between the decisions of the KKRT and government interests, the police or tax police also obey these decisions; when this harmony is not existent, KKRT decisions are not implemented."²⁵⁶ In this light, the problem of implementing and imposing KKRT decisions is not directly related to KKRT's own independence, but rather to the dependence of other government bodies. The result, however, is that KKRT's authority suffers even more.

7.2.4 Role of Self-regulatory Mechanisms

Self-regulation has been a long and incredibly slow process. A code of ethics was drafted in 1996 by the then two main journalists' associations and the Albanian Media Institute, the main organization for journalism training in the country. However, there was never a formal commitment, endorsement, or subscription to the code by the media outlets. Consequently, there was not a self-regulatory body that would supervise the implementation of this code.

In 2006, the Albanian Media Institute started to revise the code while exploring the possibility of establishing a self-implementing mechanism to oversee its implementation. The participants in the consultation process agreed with the need to update the existing code and to discuss a self-regulation mechanism. As a result, a final Code of Ethics was approved in September 2006 and endorsed by the four main associations of journalists. However, no progress was made then or subsequently in terms of implementing the Code.

Meanwhile, a Council of Complaints operates at the KKRT. This body comprises a chairman and two members, elected by KKRT members for a three-year period, with the right of being re-elected for one more term.²⁵⁷ The Council's main mission is to deal with the moral and ethical aspects of programming in private and public electronic media, and it discharges this responsibility by responding to complaints concerning violence, sex, or violation of dignity by electronic media. To date, it has issued statements regarding certain

253. KKRT Press Release, 20/05/2011, available at <http://www.kkrt.gov.al/sq/rreth-kkrt/njoftim-per-shtypin/155-njoftim-per-shtyp> (accessed 12 November 2011).

254. KKRT, Annual Report 2010, p. 10.

255. KKRT, Annual Report 2010, p. 11.

256. Gent Ibrahim, quoted in IREX, *Media Sustainability Index 2009*, p. 5.

257. Law on Broadcasting, Article 18.

controversial issues on broadcasting content. However, the Council's decisions are not legally binding. Its statements have sparked debate in the media, among media professionals and politicians, but no other consequences have been noticed.

7.3 Government Interference

7.3.1 The Market

The State does not allot subsidies to media outlets. Government expenditure on media advertising and its lack of transparency has been a problem in the past. This interference has deformed the media market to some extent, distorting competition and providing money for media outlets that were not among the most popular, but were, or were intended to become, favorable to Government. Although the Government has now forbidden the allocation of ads to media outlets, there are concerns that this practice is still alive, even though state advertising is increasingly insignificant as compared to commercial sources of advertisement. (See section 6.2.1.)

Another controversial practice has been the increased frequency of audits by the tax authorities against media outlets that have criticized the Government. The most controversial case was that of Top Media in 2007, which was fined €12 million (US\$16.5 million) on grounds of tax evasion. This fine followed repeated scrutiny of Top Channel television by the tax police during 2007, when the station took a rather critical stance toward the Government. The fine has not yet been collected, as the company is still in the appeals process.

The latest controversial case in this regard is that of the daily newspaper *Gazeta Tema*. Once close to the ruling party and its leader, this newspaper started publishing information that alleged direct involvement by the Prime Minister's family in corrupt affairs, as well as alleged corruption of other members of the Government. In 2008, the publisher's 20-year lease on a state-owned building was interrupted without prior notice by the Ministry of the Economy and *Gazeta Tema* was forced to move out. The Tirana district court suspended the decision, which was not enforced by the police. *Gazeta Tema* continued its online publication for some period, then ceased, only to appear back on the market in print form.

None of these cases has been related to digitization.

7.3.2 The Regulator

It is difficult to determine state interference in the media through the regulator, since an evident link is missing. However, there have been cases when part of the media and the opposition have accused the regulator of applying double standards based on political preferences. One such case was the licensing of Ora News, mentioned above, where there were claims that the KKRT granted the license to the applicant because it was close to the Government, even though the criteria needed were not met.

Recently, another debate has followed the same lines. In 2008 the KKRT fined News 24 for broadcasting an anti-government advertising spot by a political grouping, but it did not react against another movement that started broadcasting advertisement spots that denied violence at an opposition protest and against the opposition in general. The KKRT's claim was that the second movement was not a political movement, whose advertisement outside the electoral campaign is not allowed, while the first movement, fined in 2008, was running for election and was a political one.²⁵⁸ While the claim might be legally correct, it is still a very narrow interpretation of the law, leading to opposition accusations of double standards by the KKRT.

The regulator has not yet dealt with digital licensing. Since the revision and approval of the Strategy and the Law on Digital Broadcasting are pending, it is not known how its competencies will change. The draft law presented in June 2011 indicated that the KKRT, in addition to the competencies it has, would also be responsible for licensing and regulating audiovisual services. In addition, the draft law envisaged increasing the KKRT's competencies regarding supervision of RTSH's performance and strategy, and a more active role in documenting and researching the media landscape.

7.3.3 Other Forms of Interference

While open government pressure against the media and journalists is rare, there have been other such cases. Subtle ways of pressuring journalists and influencing editorial content have been used, such as through media owners or by exerting indirect pressure on critical journalists.²⁵⁹ For example, in May 2010 the shareholders' board of Vizion Plus decided to terminate without explanation the work contracts of Arban Hasani, the news director of this station, and Mero Baze, who hosts the program "*Faktori+*," which was subsequently closed. Both Hasani and Baze, as well as several journalism associations, claimed that this decision was made under government pressure, given the critical stance of "*Faktori+*" and the critical editorial stance adopted by the television station against the Government. The media company issued a statement that "the insinuations were without arguments and insubstantial,"²⁶⁰ and that while legal aspects would be fully respected, "business interests determine the guidelines of the company, including editorial activity."²⁶¹ This was one of the controversial cases which suggested that media owners, through their relations with the State, are decisive in shaping editorial policies, which the editorial team has little choice but to obey.

The most recent case of government pressure on journalists has been the aftermath of the protests in Tirana, on 21 January 2011. The ruling majority set up a parliamentary commission to investigate the protest. Among other things, this ad hoc commission demanded access to the phone records of four journalists accused of being "conspirators" in violent anti-government protest. The commission asked to see the phone records of Filip Çakuli, director of the investigative program "*Fiks Fare*" on Top Channel; Sokol Balla, who anchors the popular show "*Top-Story*," also on Top Channel; Mero Baze, publisher of the daily newspaper *Gazeta Tema*;

258. D. Dedej, "Spotet politike: një ligj, dy vendime," *Shekulli*, 5 April 2011, p. 7.

259. IREX, *Media Sustainability Index 2009*, p. 6.

260. Albanian Media Institute, *AMI Newsletter*, June 2010, available at <http://www.institutemedia.org/newsletter2010.html> (accessed 13 October 2011) (hereafter, *AMI Newsletter*, June 2010).

261. *AMI Newsletter*, June 2010.

and Andi Bushati, anchor of a show on Vizion Plus called “*Zonë e Ndaluar*.” These individuals had observed the protests from a café. The commission and the Government dropped the investigation a few days later.

7.4 Assessments

The case of Albania makes it difficult to determine the adequacy of policies and regulation for digitization. This is merely because while there is a law and a draft Strategy to analyze, their implementation has not begun, while final revision and approval of these documents and policies is pending. The existing regulation did offer a framework largely based on fair and transparent criteria of licensing. However, it is too little and too early to determine whether this will be adequate, in view of the continuous revision of the policy.

On a more positive note, there has been a continuing dialogue between the regulator and the stakeholders on drafting these policies and on digital switch-over, even though it has been fruitless so far. On another level, there seem to be no intentions so far to regulate content on the internet. Even though this might seem undesired in the absence of self-regulation, in theory it is also a more ample space for freedom of expression.

The degree of interference by state authorities has not particularly changed in the past few years. Subtle pressure on critical outlets has continued, but on a case-by-case basis, rather than as an ongoing and particularly problematic trend. None of the cases that can be attributed to government pressure is related to digitization.

There has been increased public consultation on digital broadcasting, compared to analog broadcasting. However, this debate has remained closed to professionals and stakeholders. The State and the regulator have not yet started to inform the public about the digital switch-over process and, as a matter of fact, only a very limited part of civil society seems to have engaged in it.

Policies and legal provisions on digitization are still in draft form or have not been implemented. Hence, it cannot be said that they have affected pluralism and diversity in digital broadcasting.

8. Conclusions

8.1 Media Today

Digitization, although an increasingly important element of the media landscape, has not had a visible impact on news independence. On the other hand, the emergence of new media and the launching of websites by traditional media have led to a greater availability of news and information, including for Albanians abroad. In addition, the interactive features that the new media offer have increased the space for public discussion. However, the poor filtering process, moderation, and the absence of self-regulation have led to frequently unethical discussions and slander.

Digitization has not had a particular impact on pluralism and diversity of news. The existing multiplexes have certainly contributed to a diversification of content, especially thanks to thematic channels. However, the choice of information and news in particular is not remarkably varied as a result of these multiplexes, as they carry the same channels broadcasting also in analog mode. Similarly, the emergence of a few news agencies, the launching of websites of traditional media, and the launch of new media is still difficult to distinguish from the content of traditional media. The launch of websites, forums, and online media has contributed to a greater choice of accessing the news, rather than to a more diverse content of news.

8.1.1 Positive Developments

- The majority of media outlets have launched online websites, which, in some cases, have proved to increase readership of traditional media. Even though it has had a slow start, this trend has gained momentum, with traditional media trying to adopt new features in their online versions.
- The debate on the adoption of a legal framework and the Strategy on Digital Switch-over has been ongoing, including all relevant stakeholders. However, this process has been very slow and has not yet led to the official, regulated initiation of digital switch-over.
- The legal framework aimed at preventing government influence on the media through advertising is in place. However, there is no real transparency that would allow verification of the allegations that the Government allocates funds for advertising spots to media that are favorable to it. In general, it appears that these funds have decreased.

- Attempts have been made to harmonize broadcasting legislation with the EU requirements vis-à-vis Albania's application for EU membership. However, these attempts have been slow, often delaying digitization. Current regulation does not tackle internet content.
- Certain government initiatives and projects have led to the potential for greater online transparency and services, including governance, administration, and media ownership. However, there are also claims that access to sensitive information is sometimes denied and information is being hidden.

8.1.2 Negative Developments

- The spread of internet connectivity in Albania has been slow. Even though in the last two years there has been a significant increase in internet penetration, the online population is still below EU and regional averages, especially in remote areas of the country.
- New media, while opening up opportunities for freedom of expression, have also led to the emergence of forums, discussions, and expressions that often harbor hate messages, fundamentalist views, and personal attacks.
- Reform of the Law on Broadcasting has been very slow, often becoming an obstacle for the digital switch-over process. Political emergencies have not helped in this regard, with the inability to establish a quorum of KKRT members as the most visible example.
- The delayed attempts to adopt legislation and the Strategy on switch-over have led to a totally unprepared and uninformed public on the overall process, its details, and expectations. While the digital multiplexes advance their preparations, the public lacks the key information needed to make decisions.
- Media self-regulation has not progressed in terms of establishing a real mechanism for its implementation. This has had an impact on online media ethics, where filters or moderators rarely work, leading to numerous ethical violations in this environment.
- The regulatory authority continues to be highly dependent on political interests.

8.2 Media Tomorrow

The most immediate developments in the media expected within a very short time will be the adoption of a regulatory framework and Strategy on Digital Switch-over, and the start of its implementation. The amended regulatory framework will affect not only digitization, but also the entire media regulation, in accordance with EU requirements.

The next steps would include the implementation of the Strategy for Digital Switch-over on all possible levels, including the regulator, the operators, and finally the public. The public awareness campaign on digitization will hopefully begin soon. Subsidies in relation to decoders is another step that will likely happen in the near future, along with subsidies or assistance to the public broadcaster in the digital switch-over process.

As a result of increasingly rapid internet penetration, increasing attention will be paid to news and information available online. However, it is too early to expect any dramatic changes or departures from traditional media in favor of online media. Internet literacy, penetration, and tariffs will still have an impact on the popularity of online media. On the other hand, the ethical problems that persist in traditional media will likely become sharper in new media, due to the less “controlled” nature of the environment.

9. Recommendations

9.1 Policy

9.1.1 Media Policy

9.1.1.1 Legal Reform to Speed Up the Digital Switch-over Process

Issue

The revision of the Law on Broadcasting has taken more than three years and it is still incomplete, holding back the digitization process and other relevant aspects of broadcasting and other activities. The lack of such proper framework has delayed the licensing process of digital multiplexes and has hindered the possibility of formal protection for citizens who subscribe to the services of the multiplexes. Multiplexes can stop offering a service people paid for without any consequences, which has happened in the past because there is no consumer protection. Moreover, the regulator does not deal with such issues since the multiplexes are not licensed to operate and there is no formal contract with them.

Recommendation

Parliament should amend the Law on Broadcasting, including the section on digital broadcasting, in such a way that it can guarantee a timely and orderly switchover. The switchover should be carried out in such a way that competition and diversity of players in the media are ensured. Because of the substantial investment already made, and because they serve a high number of households, existing players should be legalized by being awarded licenses to operate, but new players should also be licensed through a fair and transparent procedure, which should reflect the feedback and opinions of all stakeholders involved.

9.1.1.2 Conditions for a Smooth and Inclusive Digital Switch-over

Issue

The process of digital switch-over has stagnated, due to the delay in approving the Strategy for Digital Switch-over. The market has developed without proper guidance from the regulator, in the absence of public interest-formulated policies.

Recommendation

The Government should finalize and approve the Strategy through a transparent process, and through public consultation with all the actors involved. The regulator should then start to implement the Strategy.

Issue

The public is totally unaware of the process of switch-over to digital broadcasting. Aside from being unprepared for the process, part of the population may find it difficult to cover the costs of switch-over.

Recommendation

Funds should be allocated for a public awareness campaign, which should start immediately, under the guidance of the regulatory authority. A separate fund should be earmarked for subsidizing the decoders for people in need.

9.2 Media Law and Regulation

9.2.1 Media Ownership and Funding

9.2.1.1 Transparency of Media Financing

Issue

The lack of transparency of media funding appears to have an impact on editorial content, and to undermine editorial independence.

Recommendation

The regulator should ensure the enforcement of existing regulations on transparency of media ownership and funding of media activity. The regulator should introduce sanctions for non-compliance with these regulations, and Parliament should adopt legal provisions giving the regulator legal authority to impose these sanctions.

9.3 Public Service in the Media

9.3.1 Digitization of the Public Service Broadcaster

Issue

The public service broadcaster is supposed to lead the digital switch-over; instead, it is lagging behind commercial players due to a shortage of funds, the delay in approving the governmental Strategy for Digital Switch-over, and a lack of trained staff. The situation could be improved if the achievements of digitization, securing both technical quality and “public interest” programs, become a priority and the proper actions are taken by the public broadcaster, the government, and the media community.

Recommendations

The Government should assist the public broadcaster in this respect. The main assistance should be in the form of sufficient funds for building the necessary infrastructure for digitization and for staff training. The public broadcaster should be transparent and open to public scrutiny during the whole process of digitization. In addition, the Strategy on Digital Switch-over should set out the responsibilities and rights of the public broadcaster in the overall digital switchover process.

9.4 Journalism

9.4.1 Improvement of Working Conditions of Journalists

Issue

Most journalists work without contracts, making them vulnerable to pressures which encourage self-censorship.

Recommendation

The Ministry of Labor and the Labor Inspectorate should uphold the Code of Labor (by ensuring that contracts are issued) and monitor its implementation in media outlets. The trade union should continue the pressure for collective agreement.

9.4.2 Improving Ethics in New Media

Issue

Online media forums are sometimes dominated and co-opted by hate speech, insult, and slander. This minimizes the value of information and the possibility of exchanging opinions.

Recommendation

Online media, websites of traditional media, news portals, and blogs should adopt codes of conduct or strict rules for their websites and discussion forums. These should be regularly monitored by the moderators. Any such codes should ensure that the rules do not infringe on freedom of expression or freedom of the media. Furthermore, training of journalists, moderators, and editors working in these environments should be encouraged.

9.5 Digital Media Literacy

9.5.1 Improvement of Media Research

Issue

For more than 20 years, data on audience, circulation, advertising, and other aspects of Albania's media market have been lacking. This not only leads to speculation regarding the popularity of particular outlets; it can also encourage the misuse of advertising or other budgets, with serious consequences for the media market.

Recommendation

The media industry should attempt to form a joint committee or initiative to analyze the media market on a regular basis, especially audience research and newspaper sales. This effort should include as many media outlets as possible and be conducted transparently, according to a methodology agreed by all participants.

List of Abbreviations, Figures, Tables, and Companies

Abbreviations

3G	Third-generation mobile telecommunications
AKEP	Postal and Electronic Communications Authority (<i>Autoriteti Komunikimeve Elektronike dhe Postare</i>)
ATA	Albanian Telegraphic Agency
AVMSD	EU Audiovisual Media Services Directive
CA	Conditional Access
DP	Democratic Party
DTT	Digital terrestrial television
EBU	European Broadcasting Union
EPG	Electronic Program Guides
EU	European Union
GDP	Gross Domestic Product
GNI	Gross National Income
IMF	International Monetary Fund
IPTV	Internet Protocol Television
ITU	International Telecommunication Union
KDRTSH	RTSH Steering Council (<i>Këshilli Drejtues i Radiotelevizionit Shqiptar</i>)
KKRT	National Council on Radio and Television (<i>Këshilli Kombëtar i Radios dhe Televizionit</i>)
KMDP	Commissioner for Personal Data Protection (<i>Komisionerit për Mbrojtjen e të Dhënave Personale</i>)
LGBT	Lesbian, gay, bisexual, and transgender
NGO	Non-governmental organization
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
RSS	Really Simple Syndication
RT	Radio Tirana
RTSH	Radio Televizioni Shqiptar

SIM	Subscriber Identity Module
SMS	Short Message Service
SP	Socialist Party
TVSH	Televizioni Shqiptar
UAJ	Union of Albanian Journalists
UGC	User-Generated Content

Figures

Figure 1.	Rural/urban breakdown (% of total population).....	11
Figure 2.	Ethnic and linguistic composition (% of total population)	11
Figure 3.	Television advertising expenditure 2005–2010	66

Tables

Table 1.	Economic indicators.....	12
Table 2.	Households owning equipment in Albania, 2005–2010	13
Table 3.	Internet penetration rate (total internet subscriptions as % of total population) and mobile penetration rate (total active SIM cards as % of total population)	16
Table 4.	RTSH funding sources 2005–2010	65

Companies

+2 Radio	LinkedIn
Albanian Screen TV	Media Vizion
ALBtelecom	MSN
AMC Love Radio	My Music Radio
Albanian Telegraphic Agency	News 24
BalkanWeb	NOA
CEZ Albania	NRG Radio
Club FM	Ora News
Edisud Group	Panorama group
Edisud Radio TV	Radio Televizioni Shqiptar
Facebook	Radio Tirana
Flickr	SAT+
Focus Group	Shekulli Media Group
Gazeta Start	Televizioni Shqiptar
Google	Top Albania Radio
Klan group	Top Channel
Koha Televizion	Top Gold Radio
Lajmi Fundit	Top Media

Twitter
TV Klan
Vizion Plus
Vodafone Albania
WAZ–Mediengruppe

Wikipedia
Windows Live
YouTube
Yahoo!

Mapping Digital Media: Country Reports

1. Romania
2. Thailand
3. Mexico
4. Morocco
5. United Kingdom
6. Sweden
7. Russia
8. Lithuania
9. Italy
10. Germany
11. United States
12. Latvia
13. Serbia
14. Netherlands

Mapping Digital Media is a project of the **Open Society Media Program** and the **Open Society Information Program**.

Open Society Media Program

The Media Program works globally to support independent and professional media as crucial players for informing citizens and allowing for their democratic participation in debate. The program provides operational and developmental support to independent media outlets and networks around the world, proposes engaging media policies, and engages in efforts towards improving media laws and creating an enabling legal environment for good, brave and enterprising journalism to flourish. In order to promote transparency and accountability, and tackle issues of organized crime and corruption the Program also fosters quality investigative journalism.

Open Society Information Program

The Open Society Information Program works to increase public access to knowledge, facilitate civil society communication, and protect civil liberties and the freedom to communicate in the digital environment. The Program pays particular attention to the information needs of disadvantaged groups and people in less developed parts of the world. The Program also uses new tools and techniques to empower civil society groups in their various international, national, and local efforts to promote open society.

Open Society Foundations

The Open Society Foundations work to build vibrant and tolerant democracies whose governments are accountable to their citizens. Working with local communities in more than 70 countries, the Open Society Foundations support justice and human rights, freedom of expression, and access to public health and education.

For more information:

Open Society Media Program
Open Society Foundations

4th Floor Cambridge House, 100 Cambridge Grove
London, W6 0LE, United Kingdom

mappingdigitalmedia@osf-eu.org
www.mappingdigitalmedia.org
www.soros.org/initiatives/media

Cover Design: Ahlgrim Design Group
Design and Layout: Judit Kovács | Createch Ltd.

