



Parliamentary Assembly
Assemblée parlementaire

<http://assembly.coe.int>



PPSD (2017) 09
17 March 2017
(English only)

PARLIAMENTARY SEMINAR ON FREEDOM OF EXPRESSION IN THE MEDIA

hosted by the Parliament of Albania

and organised by the

Parliamentary Assembly of the Council of Europe

Tirana

24 February 2017

SYNOPSIS

VENUE:

Sheraton Hotel
Sheshi Italia
1000 Tirana
Albania

1. Context

This one-day seminar was hosted by the Parliament of Albania and organised jointly by the Parliamentary Assembly of the Council of Europe (PACE) Sub-committee on Media and information society and the Parliamentary Project Support Division of the PACE. It was the first event organised, in the framework of the Parliamentary dimensions of the Council of Europe Action Plan for Albania 2015-2017, which aims at empowering parliamentarians to improve legislation and operational mechanisms in four policy areas: Media, Corruption, Justice and anti-Discrimination.

The seminar covered the following topics in four sessions: (i) legal standards for media transparency and pluralism, including during the run-up to elections; (ii) editorial standards for the independence of public service broadcasting; (iii) insult laws – deterring effect on hate-speech or chilling effect on media freedom; (iv) the regulation of audio-visual media in the digital media landscape. The full programme of the seminar is attached in Appendix I.

2. Participants

PACE Sub-Committee on Media and Information Society (2),
PACE experts (3), European Court of Human Rights registrar representative,
Members of the Parliament of Albania (9) and advisers (14),
Representatives of the government: one minister and advisers (4),
Representatives of media regulators and Civil Society (8),
Head of the Council of Europe office in Tirana and his deputy,
Head of the OSCE presence in Albania and advisers (5),
Representatives of the European Union Delegation to Albania.

3. Working Languages

Albanian, English and Spanish

4. Background documents

[PACE Resolution 2065 \(2015\) on increasing transparency of media ownership](#)
[PACE Recommendation 1878 \(2009\) on the funding of public service broadcasting](#)
[PACE Resolution 1577 \(2007\) towards decriminalisation of defamation](#)
[PACE Resolution 2019 \(2014\) on the honouring of obligations and commitments by Albania](#)
(in particular §§ 5.1, 5.2, 5.4)
[PACE Information note \(18 January 2017\) by the co-rapporteurs on their fact-finding visit to Tirana \(26-28 October 2016\)](#) on the honouring of obligations and commitments by Albania
[PACE Information note \(15 September 2015\) by the co-rapporteurs on their fact-finding visit to Tirana \(29 – 30 June 2015\)](#) on the honouring of obligations and commitments by Albania

5. Discussions

The seminar served as an open platform for enhanced and active dialogue as well as sharing of good practices, between members of the Albanian Parliament and their PACE colleagues from Spain and Ukraine, experts in the field of media, as well as local media institutions. It showed to be very timely, and gathered a substantial number of high level personalities, including the Albanian Minister of Innovation and Public Administration, the Head of the Council of Europe Office in Tirana, the Ambassador to the OSCE Presence in Albania and the Representative of the European Union Delegation in Albania.

The seminar provided substantive food for thought on ways to foster a pluralist media environment in Albania, especially in the context of the missions of the public broadcaster (RTSH) and the Audiovisual Media Authority (AMA), whose high representatives actively participated to the seminar.

Ms Valentina Leskaj, Chairperson of the Albanian Delegation to the PACE and promoter of the initiative, highlighted the Parliament's support to the reform of the public service broadcaster, and presented many areas of reform of the Albanian legislative framework on Media (ex. decriminalisation of defamation in the Criminal Code), and the reinforcement of media regulations which improved the monitoring of media institutions and the adoption of a statute for the Albanian audio-visual regulation.

There was a common agreement that, in terms of legislation, Albania made significant achievements, the most important laws on media and freedom of expression being in place. While participants emphasised on the necessity to limit political interference with media professionals, they agreed that a proper strategy needed to be devised to implement the adopted laws (i.e. restructuring the public broadcasting services in order to serve the general public's interests; increasing the audience rates; clarifying sources of funding, and enabling direct financing of public broadcasters by beneficiaries; carrying out the digitalisation process).

Ms Leskaj underlined in particular the need to work on the ownership of the national broadcaster and the reform of the justice system. The development of editorial standards and the establishment of independent mechanisms of appeals were discussed. Mr Thoma Gëllçi, General Director of RTSH, committed to train audio-visual staff on editorial standards and information treatment in order to improve concretely the quality and accountability of public media, and work towards changing the general mind-set.

It was announced that the draft law on subsidies for the public broadcasting will be soon presented to the parliament for approval. Since the maintenance costs for the AMA remains an open question, the representatives of the national public broadcasting institutions debated this issue. The invited experts emphasized that ensuring the financial sustainability of public broadcasters is a state obligation and a social responsibility as the public media is central to promoting democratic values, including the rights of minorities.

Moreover, participants commonly expressed that media independence, accountability and transparency, universal access to diverse and open information and public media literacy, quality content within programmes, including adequate safeguards against biased and partisan interests, are inherent to a democratic society.

Ms Leskaj insisted that civil society and the public at large, as a duty to taxpayers, should be included in the process (i.e. appointments to media institution boards).

Mr Genc Pollo, the only high level representative of the opposition party, Democratic Party (DP), who attended the meeting, was very critical on the appointment of Mr Gëllçi as the General Director of the RTSH.

The participants also discussed defamation laws in Albania qualifying the process of decriminalisation of defamation as positive; while political conflicts between parliamentarians have been transferred to the judiciary (parliamentary immunity does not extend to

defamation). The execution of cases from the European Court of Human Rights was qualified as problematic and the need for continuous training of the judiciary remains ongoing.

Participants underlined the challenges and opportunities of information sharing in the 21st century. Fake news, self-censorship and hate speech, including within mainstream media, came out as an issue of concern within the debates. Participants discussed possible solutions to combat this malpractice, finding in particular that parliamentary code of ethics and honest, transparent and high quality judiciary are essential. The need for reforms in this area was also pinpointed.

A solution mentioned by Ms Milena Harito, Minister of Innovation and Public Administration, was the recently passed law on copyright, which transposed the EU directive on copyright and should be accordingly applied in order to prevent non-verified information to be republished. She also said that more tools should exist to remove specific content, allowing for the possibility to contest in courts such editorial decision. The law on audio visual media was discussed as needed to be improved.

6. Conclusions

The Seminar was organised in a very topical moment, in particular considering the tense relations between the majority and the opposition and just few months before the Parliamentary elections foreseen on 4 June 2017. The Democratic Party had just a few days earlier decided to boycott the Parliamentary works.

Thanks to high quality panel speakers and substantial discussions, participants found the exchange enlightening and useful to making further progress on the issues of focus. Ms Leskaj committed herself on behalf of the Parliament of Albania to propose a follow-up to the seminar.

7. Media coverage

An announcement was published on the [PACE Website](#).

Media was present to cover the event. The Albanian parliament published [an article](#) and the event was broadcasted on [national TV](#).

An article was published by the Spanish socialist group (see Appendix II)

APPENDIX I : PROGRAMME

Friday, 24 February 2017

8h30 - 9h00 Registration of participants

9.00 - 9.30 am

OPENING SESSION

Welcome by **Ms Valentina Leskaj**, Deputy Speaker of the Parliament of Albania, Member of Parliament and Chairperson of the Albanian Delegation to the Parliamentary Assembly of the Council of Europe (PACE)

Mr José Cepeda, Spanish member of the Committee on Culture, Science, Education and Media, Parliamentary Assembly of the Council of Europe

Mr Claus Neukirch, Head of the Council of Europe Office in Tirana

Ambassador Bernd Bochardt, Head of OSCE Presence in Albania

Dr. Stephen Stork, First Counsellor, Head of Operations Section I – Governance and Rule of Law, European Union Delegation to Albania

9.30 - 11.00 am

SESSION 1: LEGAL STANDARDS FOR MEDIA TRANSPARENCY AND PLURALISM, INCLUDING DURING THE RUN-UP TO ELECTIONS

Moderator: **Mr Taulant Balla**, Joint chairman of the Committee for the Electoral Reform, Parliament of Albania

Speaker: **Mr Gentian Sala**, President, Audiovisual Media Authority of Albania

Mr Reinhart Binder, Director of Legal Affairs and Company Development Rundfunk Berlin-Brandenburg (rbb)

Discussion

11h00 – 11h30 Coffee break

11.30 - 1.00 pm

SESSION 2: EDITORIAL STANDARDS FOR THE INDEPENDENCE OF PUBLIC SERVICE BROADCASTING

Moderator: **Mr Genc Pollo**, Chairperson of the Committee on Education and Means of Public Information, Parliament of Albania

Speaker: **Mr Thoma Gëllçi**, General Director, Radio Televizioni Shqiptar (RTSH), Tirana

Mr Boris Bergant, Former Vice President of the European Broadcasting Union; Media Adviser, Slovenia

Mr Chris Banatvala, Former Ofcom Content board member, consultant on media

Discussion

1.00 – 2.30 pm *Lunch hosted by the Parliamentary Assembly of the Council of Europe*

2.30 - 4.00 PM

SESSION 3: INSULT LAWS – DETERRING EFFECT ON HATE-SPEECH OR CHILLING-EFFECT ON MEDIA FREEDOM?

Moderator: **Mr Piro Misha**, member of the Audiovisual Media Authority (AMA)

Speakers: **Mr Darian Pavli**, Director of Programs, Open Society Foundation for Albania

Ms Stanislava Ilchenko, Assistant Lawyer at the European Court of Human Rights

Discussion

4.00 – 4.30 pm *Coffee break*

4.30 – 5.30 pm

SESSION 4: THE REGULATION OF AUDIOVISUAL MEDIA IN THE DIGITAL MEDIA LANDSCAPE

Moderator: **Mr Volodymyr Arieu**, General Rapporteur on media freedom and safety of journalists, Chairperson of the Committee on Culture, Science, Education and Media of the PACE

Speakers: **Ms Milena Harito**, Minister of Innovation and Public Administration, Republic of Albania

Mr Alfred Peza, Deputy-Chairperson of the Committee on Education and Means of Public Information, Parliament of the Republic of Albania

Discussion

5.30 – 6.00 pm

CLOSING SESSION

Conclusions by: **Mr Volodymyr Arieu**, General Rapporteur on media freedom and safety of journalists, Chairperson of the Committee on Culture, Science, Education and Media of the PACE

Ms Valentina Leskaj, Deputy Speaker of the Parliament of Albania, Member of Parliament and Chairperson of the Albanian Delegation to the PACE

4. Secretariat

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE (PACE)

Parliamentary Project Support Division (PPSD)

Mr	Alessandro MANCINI	Deputy to the Head of Secretariat ☎ +33 3 88 41 22 65, alessandro.mancini@coe.int
Ms	Kelly SIPP	Project Manager, Parliamentary Project Support Division of the PACE ☎ +33 3 90 21 53 57 ☎ + 33 6 62 13 93 51 (In Tirana, from 23-25 February only) kelly.sipp@coe.int
Ms	Anna LUNGU	Project Manager, Parliamentary Project Support Division of the PACE ☎ +33 3 90 21 63 74 anna.lungu@coe.int

Committee on Culture, Science, Education and Media

Mr	Rüdiger DOSSOW	Secretary of the Committee on Culture, Science, Education and Media ☎ +33 3 88 41 28 59 rudiger.dossow@coe.int
----	----------------	---

PARLIAMENT OF ALBANIA (Host Country)

Ms	Irma Pashkja	Parliament of Albania irma.pashkja@parlament.al ☎ 00355 68 20 43 804
----	--------------	---

APPENDIX II: ARTICLE BY SPANISH SOCIALIST GROUP (in Spanish only)



Esta mañana, en un seminario internacional celebrado en Tirana (Albania)

José Cepeda reivindica la libertad de prensa, la transparencia y el pluralismo de los medios de comunicación en un seminario organizado por el Consejo de Europa

- **El senador madrileño acude como experto seleccionado por el Consejo de Europa para asesorar a los parlamentarios de Albania en las futuras legislaciones que deban desarrollar en esta materia para que se acerquen a los estándares europeos**

Madrid, 24 de febrero de 2017.- El senador socialista por la Comunidad Autónoma de Madrid, José Cepeda, ha participado hoy en Tirana (Albania) en un seminario parlamentario internacional organizado por el Consejo de Europa en el que ha reivindicado la libertad de prensa, la transparencia y el pluralismo de los medios de comunicación públicos.

Cepeda, que ha intervenido en la mesa redonda que ha abierto la jornada inaugural de hoy, ha destacado la importancia de la libertad de expresión y el desarrollo de los medios de comunicación en un nuevo y evolucionado contexto tecnológico que incide directamente en nuestras democracias.

El senador madrileño ha explicado que el objetivo de este seminario es cumplir con el Plan de Acción del Consejo de Europa para Albania 2015-2017, aprobado por el Comité de Ministros para mejorar la legislación y los mecanismos operacionales, en este caso, en lo relativo a los medios de comunicación. "En este primer seminario, ha explicado, compartiremos y analizaremos los diferentes modelos de desarrollo legislativo y normativo en diferentes países de nuestro entorno para mejorar la independencia e imparcialidad de los medios de comunicación".

José Cepeda ha subrayado que "la libertad de expresión y la libertad de la información son dos de los pilares en los que se basan nuestros estados democráticos. Los medios de comunicación deben cumplir una misión que profundice en la esencia de nuestras democracias, proporcionando información desde las distintas visiones de la realidad para dotar a los ciudadanos de criterios que les permita en cada momento participar activamente de la vida pública".

Cepeda ha asegurado que "los medios de comunicación públicos, a diferencia de los medios de comunicación privados, deben ser más transparentes y deben buscar un beneficio social, que profundice en los valores sociales y culturales que impulsen el progreso y el desarrollo de nuestros países. Además, deben ser imparciales y programar contenidos de calidad con opiniones políticas diversas. Deben funcionar bajo altos estándares editoriales de objetividad, imparcialidad e independencia alejados de intereses políticos, de gobiernos o de partidos".

En este sentido, ha afirmado que "los organismos de control y radiodifusión de los servicios audiovisuales deben ser independientes del Gobierno y poder funcionar sin su interferencia política, por lo tanto, su modelo de financiación debe reflejar esta independencia".

José Cepeda ha concluido asegurando que "en pleno siglo XXI, intentar limitar, controlar o manipular la información, conociendo que existen nuevos entornos tecnológicos accesibles a todos los ciudadanos, solo dejan en evidencia las debilidades de quienes equivocadamente intentan hacerlo". A su juicio, "hacer del servicio público y de los medios de comunicación públicos y privados, un servicio dedicado a garantizar el derecho universal a la información, supone mucho más que el servicio a una causa particular, una ideología o un partido, es un servicio al progreso y al bienestar de las futuras generaciones de nuestros países".