



REPUBLIC OF ALBANIA  
MINISTRY OF FOREIGN AFFAIRS

**Talking Points of the Director General of Security  
Issues and International Organizations, Mr. Spiro Koçi, regarding  
freedom of the media and the free flow of information on the internet**  
(Session 1 of the third segment of the Review Conference)

Astana, 26 November 2010

- Albania has fully aligned itself to the EU statement, and would like to make some remarks on a national capacity.
- Albania reaffirms its commitment to defend and support media freedom – a commitment which is based on the understanding that free and independent media constitute a supporting pillar for democracy and a prerequisite for the fulfillment of a wide range of fundamental rights and freedoms.
- We would also like to reaffirm our commitment to support the freedom of expression and the free flow of information on internet – while at the same time ensuring the provision of effective safeguards vis-à-vis transnational threats, cyber crime, hate-speech and incitement of extremism through the internet.
- As stipulated in the National Strategy for Development and Integration 2007–2013 and the Cross-Cutting Strategy on Information Society, Albania is pursuing the completion of the regulatory framework regarding the information and communication technologies sector – in view of the adoption of international legal instruments and the strategic approach to the transposition of the *acquis communautaire* of the EU into the domestic legislative framework.
- While the current legislation in these areas is in conformity with EU norms, the Government of Albania is in the process of finalizing amendments to the framework law on electronic communications and other complementary legislation – with the goal of completing the planned changes by the end of year 2011.
- Key dimensions of the forthcoming legislative changes include the consolidation of the principle of technology neutrality and the strengthening of safeguards on freedom of expression and media pluralism on the internet, personal data and privacy protection, the protection against internet piracy and the fight against cybercrime.
- Importantly, Albania is also in the process of adopting a new law on audio and video services that, among others, shall address issues related to the digital switchover, the protection of property rights, and the harmonization of provisions regulating audio-visual media with those governing the information society sector in Albania.
- In this context, it is worth highlighting the continuous support that the OSCE Presence in Albania has landed to the field of the media reform, as yet another example of the important role that the OSCE field operations can play in promoting the implementation of the OSCE commitments.

- Albania has voiced its strong support for the RoFM initiative to conduct an in-depth survey of existing legal provisions and governmental practices applicable to internet-based media among OSCE participating states. We have already handed over the matrix and would like to thank the office of the RoFM for its preliminary findings.
- We believe that the Organization faces the challenge of updating its commitments regarding freedom of the media in response to rapid changes in the media field related to technological breakthroughs in electronic and internet-based information and communication networks.
- Thus while ensuring the free flow of information and the freedom of expression on the internet – so as the internet remains an open and public forum for freedom of opinion and expression.
- We underscore the importance of the enhancement of the role and functions played by RoFM in the human dimension – in response to challenges and opportunities brought about by the digital revolution.
- Key dimensions of the updating of the profile of media commitments of the OSCE include – the support of broadcasting pluralism and the countering the abuse of dominant positions, the protection of journalists and at the same time the development of self-regulation mechanisms that ensure higher standards of media ethics and professionalism, the addressing of challenges linked to the digital switchover and the new information and communication technologies.
- Hence there is a pressing need for the reaffirmation of the will of participating States to ensure the implementation of commitments regarding freedom of the media and the elaboration of new commitments in regards to media freedom.
- With regard to the statement of the distinguished US representative, referring to the case of a private media outlet “*Top Channel*”, which was fined by an independent court of Justice in a case of alleged corruption involving a high-level official, we would like to clarify the following.
- The Government of Albania has articulated a clear disclaimer for the dismissed public official – and therefore considers that it has no specific role to play in the resolution of a dispute ensuing between an individual citizen and a private enterprise.
- The Government of Albania stands by the principle of constitutional division of powers among the legislative, executive and judicial institutions – therefore it is committed to a policy of non-interference in the jurisdiction of other constitutional institutions.
- The case of the dismissed public official, pursuing redress from a private media outlet through a court proceeding comprises one such instance whereby the Government’s position is firmly grounded in the principle of non-interference in the rulings of judicial authorities.
- While acknowledging the sensitivity of the case (which has a bearing on the freedom of speech and expression, as well as the right to individual privacy), the Government of Albania considers that the judicial system provides ample opportunities for the parties to appeal to the specifics of the decision by the Tirana District Court (date June 18, 2010).

- Insofar as the aforementioned decision is concerned, the Government's position is that the court system has the appropriate institutional and technical capacities to ascertain the terms of reference for the redress.
- In this context it is important to emphasize that, as the recent EU Progress Report on Albania, points out the moratorium called by the prime minister of Albania preventing government officials from filing lawsuits against journalists for defamation is respected. Meanwhile, the reviewing of Criminal Code provisions on libel and defamation has been completed and pertinent forthcoming changes aim at strengthening legislative safeguards for journalists against unjustified libel claims.