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HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY II

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“PROMOTION OF DIVERSITY AND EQUALITY IN THE WESTERN BALKANS”

“PROMOTION OF DIVERSITY AND EQUALITY IN ALBANIA”

*

**Comparative Study:
“Strengthening Equality Bodies in the Western Balkan Region in the
Field of Hate Speech”**

Country report: Albania

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0 Executive Summary

Around the world, hate speech is on the rise, and the language of exclusion and discrimination has crept into media coverage, online platforms and public statements. Hate speech weakens and destroys communities, and when left uncontrolled it can lead to violence and even help set the ground for genocide. On the other hand freedom of expression constitutes an important fundamental right essential for any democratic society. However, the international community has also agreed to certain limitations – such as on speech which advocates “national, racial or religious hatred” and “constitutes incitement to discrimination, hostility or violence.” Therefore, it is extremely important for governments to establish sound legal frameworks on hate speech which hold perpetrators accountable, uphold human dignity and protect marginalised groups, while still balancing the right to freedom of expression.

While there is no exact legal definition of the hate speech, it is generally defined as advocacy, promotion or incitement in any form of denigration and hatred of a person or group of people on grounds of race, colour, nationality, sex and beliefs.

Albania, like all the members of the Council of Europe, is part of the “No Hate Movement” since 2014. It has included hate crimes as part of criminal offences in the Criminal Code and at the same time it has taken several actions to address this issue beyond criminal sphere. Albanian legal framework for combating hate speech has been found in line with many European and international instruments. However, due to the rise of the phenomenon in media outlets, particular in the online ones, actions have been taken to improve the legal framework and include a legal definition of hate speech. In parallel, equality bodies and Civil Society Organisations have recently engaged in awareness actions and their involvement in combating hate speech is intensified.

Despite all the efforts made so far, the analysis suggests that a comprehensive approach should be taken, with concrete and sustainable measures. There is a wide coverage of the phenomena in the capital, while other cities and regions are left out of the scope. Institutions agree for a bottom up approach, starting from education and improvement of the curricula at schools, to the punishment of those who misuse public powers by using hatred language.

1 Introduction

In multicultural societies, which are characterised by a variety of traditions, religions and lifestyles, it is sometimes necessary to reconcile the right to freedom of expression with the right to freedom of thought, conscience and religion, or the right to be free from discrimination. Achieving the reconciliation is a delicate balance, since these rights constitute fundamental pillars of a “democratic society.” The European Court of Human Rights (ECtHR) provides a rich case-law on the thin line between freedom of expression and hate speech.

Nevertheless, difficulties remain with the fact that there is no standard definition of hate speech in international human rights law, nor are there any clear definitions in national legislation. National courts have to deal with cases on hate speech more often as a limitation to freedom of expression, a right guaranteed by the Constitution and clearly defined by Article 10 of the European Convention on Human Rights (ECHR).

There are several attempts for defining hate speech. ECRI General Policy Recommendation GPR no.15 on combating hate speech, defines the latter as the advocacy, promotion, or incitement, in any form of the denigration, hatred or vilification of a person or group of persons as well as any harassment insult negative stereotyping, stigmatisation or threat in respect of such a person or group of person and the justification of all the proceeding types of expression, on the grounds of (perceived) race colour, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status¹.

Albania has developed an adequate legal framework for addressing human-rights protection as well as prohibiting discrimination. Being a member of the Council of Europe and an EU candidate country, Albania is part of the relevant international acts. It has frequently improved legislation aiming at bringing it in line with the EU and international standards. The current legislation is assessed to be in line with international standards on hate speech². The current legal framework does not contain a definition for (Online) Hate Speech. However, there are several legal acts that constitute the legal grounds for addressing this issue.

Despite the specific legal steps undertaken in the framework of legal approximation, the issue of hate speech doesn't rank high in the political agenda. While it is expected that the representatives of people, who carry out legislative tasks, to be firsts in bringing the change in the mentality and embracing the highest human rights principles, there are cases of use of hate speech in the Assembly. Members of Parliament and even the Deputy Chair of Assembly have used hate speech against Roma community. In such a case, which happened last year, the Commissioner issued a press release requesting the Member of Parliament in question to make clear his position, considering the fact that the use of hate speech from people having high visibility in media, impacts more in fostering negative stereotypes and behaviours.

Admittedly, the development partners and different projects have played a significant role in assisting state institutions in handling and addressing hate speech cases and moreover in changing their understanding and approach towards hate speech behaviours and cases. However, the independent institutions and judicial bodies, in charge of addressing different segments of hate speech behaviours should fulfil their responsibilities in more meaningful, sustainable and strategic way, taking ownership for their activities and processes undertaken by them.

¹ CoE/ECRI CR(2000)21 General Policy Recommendation no.15 on Combating Hate Speech, available at <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/home> (30.04.2020), p.3

² European Commission, *Communication on EU Enlargement Policy Albanian Report, 2019* available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf> (30.04.2020), p.28

Therefore, the purpose of this report is to analyse the capacities of equality bodies in Albania to respond to hate speech and to develop recommendations on how to strengthen the capacities taking into account their respective mandate.

2 Legal Framework on Combating and Preventing Hate Speech

2.1 Constitutional and Legal Provisions Relevant for (Online) Hate Speech

The Albanian Constitution³ (AC) provides for equality before the law and prohibition of discrimination on grounds of gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry (Article 18 AC). Rights and freedoms can be limited by law only for a public interest (Article 17 AC) and these limitations cannot exceed the limitations provided by ECHR.

Freedom of expression enjoys constitutional protection and is subject of limitation on proportionate legal grounds (Articles 22 and 23 AC). The implementation of constitutional provisions is complemented by direct application of Article 10 of ECHR and other relevant international acts such as the Universal Declaration of Human Rights, International Covenant on Political and Civil Rights. The Albania Constitution provides for supremacy (Article 116 AC) and direct effect of ratified self-executed international instruments (Article 122 AC).

Defamation (libel) remains a criminal offence (misdemeanour) under the Criminal Code (CrC)⁴, although it does not carry a prison sentence but is subject to fines (Article 120 CrC). Whereas civil defamation is covered by the Civil Code (Article 625 CvC)⁵.

In 2008, the Criminal Code⁶ was amended listing a number of offences committed through computer systems. The list includes: denial or apology of genocide or crimes against humanity (Article 74/a CrC); dissemination of racist or xenophobic statements (Article 119/a CrC) and deliberate insults against a person “because of his ethnic, national, racial or religious affiliation” (Article 119/b CrC). Currently, there are no discussions to make further amendments to the Criminal Code.

Moreover, the amendments of the Criminal Code in 2013⁷, criminalised incitement of hatred among racial, ethnic, sexual orientation and religious groups (Article 265 CrC) propagation of hatred, defamatory statements and instigation of violence against “parts of the population”(Article 266 CrC). Sexual orientation motive was listed among other motives such as gender, race, colour, ethnicity, language, gender identity, political, religious, or philosophical convictions, health status, genetic predispositions or disability as an aggravated circumstance for punishment of criminal offences listed by Article 50/j of CrC.

The principle of equality and non-discrimination is protected by the Law on Protection from Discrimination (Antidiscrimination Law)⁸. The law does not include hate speech as form of

³ Albania/Law no.8417/1998 *Albanian Constitution*

⁴ Albania/ Law no. 7895/1995 *Criminal Code of Republic of Albania*

⁵ Albania/Law no. 7850/1995 *Civil Code of Republic of Albania*

⁶ Albania/Law no 7895/1995 *Criminal Code of Republic of Albania* amended with law no. 10 023/2008

⁷ Albania/Law no. 7895/1995 *Criminal Code of Republic of Albania* amended with law no.144/2013

⁸ Albania/Law No.10221/2010 *On Protection from Discrimination*

discrimination. However, due to a broad interpretation of Article 3/5, the Commissioner for Protection from Discrimination (CPD) has qualified hate speech within the meaning of harassment⁹ (see part 2.2 of the report) . Harassment is defined as that form of discrimination that occurs in the case of undesirable conduct when it is related to any of the causes mentioned in article 1 of this law, which has the purpose or effect of violating the dignity of a person and the creation of an immediate hostile, degrading, humiliating or offensive environment of that person as well as, in the case of less favourable treatment performed as a result of an objection or failure to submit by the person affected by such a behaviour (Article 3 para 5).

This February, the CPD through a group of MPs has proposed several amendments to the Law on Protection from Discrimination¹⁰. The amendments reflect recommendations provided by different international and local organisations, in accordance with the best practice. One of the novelties of the amendments is the introduction of hate speech as a form of discrimination. Hence, hate speech has been defined as follows: Hate speech is any form of expression, promotion, incitement to denigration, hatred, slander, as well as any harassment, insult, negative stereotype, stigmatization or threat to a person or group of persons, as well as any justification of all forms of expression, based on a non-exhaustive list of personal characteristics under Article 1 of this law,”¹¹. Article 1 of the law has been amended adding other grounds of discrimination, such as nationality and personal characteristics¹². This definition is in line with ECRI Recommendation no. 15 on combating hate speech.

CPD is the main institution in charge of handling the complaints in relation to hate speech, even in the absence of legal definition of hate speech. As regards the delineation of the CPD competences versus those of the Criminal Courts, CPD handles administrative cases whereas Criminal Courts handle the criminal ones. CPD covers cases that start with “without prejudice to criminal offenses...” and Criminal Court those hate speech cases that are considered criminal offenses according to Criminal Code.

The Law on Audiovisual Media¹³ guarantees that the audiovisual broadcasting activity complies with the right to information, political and religious beliefs, personality, and dignity and with other fundamental human rights and freedoms. Broadcast media should be guided by the "non-allowance of broadcasts inciting intolerance among citizens" and by the “respect for good neighbourly relations among peoples” (Article 4). Similar provisions are repeated continuously throughout the law, applying to license terms, public and commercial broadcasters, community broadcasters, and to Albanian Public Radio Television. The law provides that the audio and/or audiovisual media services must not contain any incitement to hatred based on race, sex, religion or nationality (Article 32). The operators of audio visual services should not broadcast content programs that incite hatred on racial, gender, religious, ethnic, national grounds and any other form discrimination (Article 76).

Last year the government proposed some amendments to the Law on Audiovisual and the Law on Electronic Communication¹⁴. The amendments aimed at regulating media outlets. Intervention was justified by the urgent need of addressing problems created by media outlets (online media) with regard to hate speech, violation of children rights and rights to privacy¹⁵, as well the obligation to

⁹ Interview with R. Gajdja Commissioner from Protection From Discrimination (11.05.2020)

¹⁰ <https://www.parlament.al/Files/ProjektLigje/20200227103137prligji%20PER%20MBROJT%20JEN%20NGA%20DISKRIMINI%20MI.pdf> (30.04.2020)

¹¹ Albania/article 3/10 of the draft *Law on Protection from Discrimination*

¹² Draft law, copy obtained from the CPD 7.05.2020

¹³ Albania/Law no. 97/2013 *On Audio and Audio-Visual Media Services in Republic of Albania*

¹⁴ Albania/Law no.9918/2018 *On Electronic Communication in Republic of Albania*

¹⁵ Albania, Parliamentary Commission on Legal, Administration and Human Rights, *Minutes of meeting 25.11.2019* available at: www.parliament.al (30.04.2020)

address recommendation 15/8 of ECRI¹⁶. Concerns have been raised by various international organisations and professional associations concerning the compatibility of this initiative with international standards¹⁷. The draft amendments were considered as incompatible with freedom of expression as they give the Albanian government discretionary power to regulate online media, imposing on them mandatory registration and heavy fines. The package of amendments is currently being reviewed by the Venice Commission¹⁸.

2.2 Case Law

In the absence of a legal definition of (online) hate speech, the case law has been developed based on the above mentioned legal provisions, in particular cases on hate crimes, cases of libel/defamation as opposed to freedom of expression, and case law on antidiscrimination.

The most high-profile defamation disputes in recent years have involved members of parliament and senior politicians suing each other over allegations of corruption. Many of these cases have been brought directly to the Supreme Court because the latter had original jurisdiction over cases involving criminal prosecution of members of parliament and high officials. The court verdicts were often a result of reasoning that strives to strike the balance between the freedom of expression and proportional limitation of such freedom¹⁹. In the latest decision of the Tirana District Court (again involving two politicians) the court decided that public declarations, with no 'intention of information', can constitute an abuse of the freedom of expression (namely article 22 of Albanian Constitution and article 10 of ECHR) as long as they remain opinions and do not turn into proven facts by the one who provides them publicly²⁰. The freedom of expression may be subject to restrictions or sanctions provided by law in cases where (among other things) it affects the morals, honour, dignity and rights of others²¹. The ECHR case-law is frequently cited in the court judgements, although in a superficial and sometimes inconsistent manner²².

The second categories of cases are those against terrorism and terrorist activities, adjudicated by the former Court on Serious Crime²³ involving also hate crimes (art 265 of Criminal Code)²⁴. The promotion of hate speech on grounds of religion and race has been identified as a part of terrorist activities. Social media or religious places have been used to promote hate declarations with the aim of recruiting or convincing other persons to serve the activities of terrorist organisations²⁵. In one of the cases an Albanian citizen converted into extreme Muslim during his studies abroad, once getting back in Albania he organised a group of persons in southeast Albania. The group was radicalised and was using WebPages promoting extreme views and predicting Jihad war in Syria. They were incitement to hatred and violence against other faiths, supporting of the terrorist organization ISIS and preacher of its radical and terrorist ideas and at the same time drug users. The group was accused among other things for violating article 265 of the Criminal Code.

¹⁶ CoE/ECRI CR(2000)21 General Policy Recommendation no.15 on Combating Hate Speech, available at <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/home> (30.04.2020)

¹⁷ EU Enlargement Package (2019) *Freedom of Expression and information society and media 2019*, available at ec.europa.eu/neighbourhood-enlargement (30.04.2020)

¹⁸ <https://www.venice.coe.int/webforms/events/?id=2895> (30.04.2020)

¹⁹ Albania/Gjykata e Lartë, Vendimi nr.7 (7.06.2010), www.gjykatarte.al

²⁰ Albania/ Gjykata e Rrethit Gjyqësor Tiranë, Vendimi nr. 208 (21.01.2019) www.gjykatatiranes.gov.al

²¹ Albania/Gjykata e Lartë, Vendimi nr.8 (5.06.2015)

²² Irion, K.; Cavaliere, P.; Pavli, D (2015) *Comparative Study of the best European Practices of online content regulation: law and policy regulation, in particular defamation online, in the light of the Albanian legislative proposals*, CoE available at: <https://hdl.handle.net/11245/1.493315> (30.04.2020), p. 65

²³ Albania/ Serious crime court is named Special Court for Organized Crime and Corruption

²⁴ Albania/ Gjykata e shkallës së parë për Krimet e Rënda, Vendimi nr. 58 (03.05.2016), Vendimi nr. 46, (04.05.2017), Vendimi nr. 1 (24.01.2018)

²⁵ S. Simoni, M. Xhaxho (2019) *Report on Prevention of violent extremism and radicalisation in Municipality of Roskovec and rural area*, Center for Women, Community and Environment at www.qag-al.org (30.04.2020)

The third category includes cases adjudicated by ordinary courts (civil and administrative) involving antidiscrimination cases. The Commissioner for Protection from Discrimination has opened the door for accommodating hate speech as part of broader interpretation of certain provisions of the antidiscrimination law, especially article 1 (grounds of discrimination), article 3/5 (harassment) and article 7 (protection from discrimination of the law). The case-law on hate speech qualified as form of discrimination is very limited. The CPD reports only one case adjudicated by the administrative court in the last two years (see point 5.1 of the report)²⁶.

2.3 Mechanisms of Self-Regulation and Codes of Conduct

In response to ECRI recommendations²⁷ for reinforcing non-criminal measures against hate speech through means of self-regulation, the Assembly, and media outlets have adopted their Code of Conduct.

The Code of Conduct of the Members of Parliament²⁸ attached to the Rules of Procedure of the Parliament forbids MPs to use language that incites hate and discrimination on grounds of race, sex, political beliefs sexual orientations. This is further elaborated by the Detailed Guidelines on Code of Conduct of MPs²⁹ that requires MPs to avoid any unclear or implicit discriminatory behaviour on grounds of race, sexual orientation, beliefs and any other issues (art.2)³⁰. MPs will be subject to heavy disciplinary measures (art. 65/1)³¹ in case of use of discriminatory and insulting language on grounds of race, sex, political beliefs sexual orientations.

The Audiovisual Media Broadcasting Code³² entails and sets out the principles, rules, requirements and practices for audiovisual broadcasting in the Republic of Albania. The Broadcasting Code was drafted as an implementing instrument of the Law on Audiovisual Media and in line with EU Directive 2010/13 (“Audiovisual Media Services Directive”) and international acts on human rights protection such as ECHR. The code describes several principles for audiovisual services among which are the discouragement of hatred, of intolerance, and of discrimination grounds of race, sex, political beliefs sexual orientations (1.5); respect of the right to equality; and non-discrimination by Audiovisual broadcasts of all types (1.12).

2.4 Good Practice

The adoption of the Code of Conduct and Detailed Guidelines on the Code of Conduct of the Members of Parliament is a good development for combating hate speech used by politicians. Different studies and observations show that public figures and MPs are frequently using insulting language against each other and terms with bad connotation to marginalized groups. The Code and the Guidelines are being implemented and several disciplinary measures have already been taken against MPs³³.

²⁶ Albania/ Gjykata Administrative e Shkallës së Parë Tiranë, Vendimi nr. 4319 (18.12.2019)

²⁷ ECRI (2015) *Report on Albania Fifth Monitoring Cycle* ps. 19-20 available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/albania> (30.04.2020)

²⁸ Albania/Albanian Parliament Decision no 61/2018 *On the approval of code of conduct of Members of Parliament in the Republic of Albania* available at: www.parlament.al (30.04.2020)

²⁹ Albania/Albanian Parliament Decision of Bureau of Assembly no.19 (27.09.2018) *Detailed Guidelines on the Code of Conduct of MPs* available at: www.parlament.al (30.04.2020)

³⁰ Albania/Albanian Parliament Decision of Bureau of Assembly no.19 (27.09.2018) *Detailed Guidelines on the Code of Conduct of MPs*, available at: www.parlament.al (30.04.2020)

³¹ Albania/Albania Parliament *Rules of Procedures of the Albanian Parliament*, available at www.parlament.al (30.04.2020)

³² Albania/AMA Decision no.228 (11.12.2017) *Audiovisual Media Broadcasting Code* available at: <http://ama.gov.al/wp-content/uploads/2019/06/AUDIOVISUAL-MEDIA-BROADCASTING-CODE-.pdf> (30.04.2020)

³³ <https://www.parlament.al/VendimeByroseKuvendits>

3 Institutional Framework for Combating and Preventing Hate Speech beyond the Equality Bodies

3.1 Roles and Mandates of other Institutions and Organisations (beyond Equality Bodies)

Hate speech is an issue that encompasses public and private institutions. In the last two years different actors have been involved in the process of improving the legislation for better addressing hate speech issues and for improving the access to justice of victims of discrimination and hate speech. The Ministry of Health and Social Protection is in charge of drafting and implementing strategies and policies which ensure the protection of constitutional rights. The ministry is involved in antidiscrimination activities³⁴ and has drafted several strategies promoting equality and antidiscrimination. The Ministry of Education also has an important role in promoting human rights values among the young people. The Ministry of Education was part of the national campaign “No Hate Speech”³⁵ and it was engaged in activities with civil society organisations and youth organisations³⁶. The Ministry of Interior, through the Academy of Security has been engaged in joint training activities for police structures together with the School of Magistrate.

The Audiovisual Media Authority (AMA) has also been involved in “no hate speech” activities. In addition to monitoring of the implementation of the legal obligations for audiovisual services³⁷ operators, AMA has published a study on Hate Speech in audiovisual Media³⁸.

3.2 Role of Courts

Albanian courts of all jurisdictions and all levels including the Constitutional Court³⁹ have an important role for the protection of human rights and combating hate speech. Hate crimes in the meaning of article 265 of the criminal code is currently adjudicated by courts of general jurisdiction⁴⁰. Antidiscrimination cases are adjudicated by both specialised administrative courts and courts of general jurisdiction, civil and criminal sections. Albanian courts collect statistics based on the methodology and periodicity approved by the Ministry of Justice⁴¹ and High Judicial Council⁴² or based on the requests of different international organisations. Statistics are collected and reported based on the provisions of the material codes, (object of complaints) e.g. article 608 of the civil code *indemnification of damage*, or type of criminal offence. Therefore, it is very difficult to obtain statistics on the discrimination cases directly from the court statistics, unless a direct request is made to them. Court statistics on criminal cases included also the ones on articles 119/a, 119/b, 265, 266

³⁴ Ministry of Health and Social protection has participated in the activities dedicated to the Week against Discrimination 13-20 February 2020 available at : https://www.coe.int/sq/web/tirana/news/-/asset_publisher/SEnehJ2ESzrW/content/week-against-discrimination-3-12-february-2019?_101_INSTANCE_SEnehJ2ESzrW_viewMode=view/ (30.04.2020)

³⁵ Albania was part of Council of Europe No hate Speech Movement since 2014, available at: <https://www.coe.int/en/web/no-hate-campaign/national-campaigns1> (30.04.2020)

³⁶ <https://arsimi.gov.al/bashke-jo-gjuhes-se-urrejtjes/>

³⁷ In 2019, AMA warns RTSH for broadcasting which contains hate language on ethnic grounds

³⁸ AMA /Complaints Council (2018) *Hate Speech in Audio Visual Media* available at <http://ama.gov.al/wp-content/uploads/2019/09/HATE-SPEECH-1.pdf> (30.04.2020)

³⁹ Article 134 Albanian Constitution, Constitution court is put in motion by individuals, People Advocate, NGOs and Commissioner for Protection from Discrimination.

⁴⁰ Albania/Criminal Procedure Code law no.7905, 31.05.1995 amended with Law no 35/2017 (30.03.2017)

⁴¹ Albania, MoJ Instruction no.4 15.04.2009 *On competition of statistical data*, available at www.ministriaedrejtises.gov.al (30.04.2020)

⁴² HJC Decision No. 25 dated 7/2/2019 *On periodic information provided by Court chairman on court performance*, available at www.klgj.al (30.04.2020)

and 50 j of Criminal Code , can be obtained from the annual Statistical report produced by the MoJ⁴³, or from the quarterly reports drafted by the court and submitted to the MoJ.

3.3 Role of Police and State Attorneys

Albania has committed itself to take actions to address under-reporting and develop the capacity of law enforcement, prosecution and judges in preventing, investigating and prosecuting hate crime. The report submitted by Albania to ODIHR for the year 2018 indicates that the police structures are working on giving the issue appropriate attention. During the year 2018, pursuant to Article 265 of the Criminal Code, 6 criminal offenses were evidenced, out of which 3 were prosecuted and 13 perpetrators were involved⁴⁴. State police collect statistics for different criminal offences and they are reported on in the monthly bulletin, which report the work of the state police⁴⁵. The report collect statistics on cases involving crimes against persons, property, drugs and other traffics, corruptions and computer crimes.

Nevertheless underreporting of hate crime and discrimination, in particular against LGBTI persons, remains a significant issue throughout South East Europe as well as in Albania. Three quarters of LGBTI people, report suffering psychological abuse in Albania (76%) and 65% LGBTI persons are exposed to discrimination⁴⁶. Hate crime and discrimination incidents that are reported, are often not properly registered, investigated and prosecuted. There is a limited cooperation among justice institutions and there is a need for an enhanced regard for victims throughout the justice chain. As a result, there are few convictions for hate crimes against LGBTI persons.

The most suitable approach seems to be focused on strengthening capacity and justice chain collaboration. During 2019, the Netherlands Helsinki Committee, Dutch National Police and the Albanian State Police jointly organised a training course in Tirana on collaborating in the response to hate crime and LGBTI discrimination for justice chain partners from Tirana, Vlora, Lezha and Kukësi. This activity has brought together 15 police representatives, 9 prosecutors, 9 municipal gender equality officers, 8 NGO representatives, and 1 representative from the office of the Commissioner for Protection from Discrimination. The training material was based on the Council of Europe toolkit on 'Policing Hate Crime against LGBTI persons: Training for a Professional Police Response' and facilitated by two certified trainers, coming from the Dutch National Police. In addition, the police which are the first gate of receiving information on hate crime have in place a manual to handle discrimination and hate crime⁴⁷.

The Albanian State Attorney does not have an explicit role on hate speech issues; however it has an important role for the execution and implementation of the judgements of the European Court on Human Rights. In addition of being state agent for ECtHR judgments against Albania, the recent

⁴³ Albania Ministria e Drejtësisë Vjetari Statistikor 2018, published in 2019, <http://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf> (30.04.2020)

⁴⁴ Hate Crime Reporting, OSCE ODIHR, Albania, Year 2018, available at <https://hatecrime.osce.org/albania?year=2018> (14.04.2020)

⁴⁵ Hate crime statistics are collected by the antiterrorism department of the general state police office. Statistics are collected based on Order of the General State director of the State police no 677 09.07.2018 On the determination of criminal offences subject of the work of the state police

⁴⁶ NDI (2015) Poll on LGBTI issues in the Balkans , available at: https://www.ndi.org/LGBTI_Balkans_poll (30.04.2020);

⁴⁷ Training was part of the project Countering Discrimination and Protecting LGTB rights in Albania available at: <https://www.nhc.nl/themes/building-up-rule-of-law/promoting-rights-trafficked-persons/countering-discrimination-and-protecting-lgbti-rights-in-albania/> (30.04.2020)

amendments to the State Attorney Law⁴⁸, has vested the latter with the power to coordinate the mechanism for execution of the ECtHR judgements against Albania and to take other measures for ensuring their proper implementation (arts.19/1-10). The State Attorney has published ECtHR decisions against Albania and made them available in Albanian language on their official webpage⁴⁹.

3.4 Media-related Mechanisms of Self-Regulation

A recent positive development with regard to self-regulation of online media is the adoption of the Code of Ethics for Journalists⁵⁰ and Ethical Guidelines for Online Journalism⁵¹. The Code of Ethics for Journalists⁵² has been developed by national and international experts (including journalists) in the framework of the Council of Europe project “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe” (JUFREX). The Code of Ethics is a self-regulating instrument which aims to guide, strengthen and improve the quality of journalism and the sense of responsibility of journalists in Albania. The principles of this Code are in line with the universal ethical values of journalism and they respect the spirit of the Constitution, the Universal Declaration of Human Rights and the European Convention on Human Rights. Point 8 (Hate Speech) of the Code of Ethics stipulates that Media must not publish materials that incite intense hatred or violence towards individuals based on race, religion, nationality, colour, ethnic origin, membership, gender, sexual orientation, civil status, disability, illness or age. Any publication should refrain from specifying the origin, ethnicity, nationality, race, religion or sexual orientation of a group or an individual; unless it is deemed relevant and necessary to better understand facts and opinions presented in the publication.

Point 9 of the Ethical Guidelines for Online Journalism (The Guidelines) contains a definition of online hate speech underlying that “hate speech is to be understood as speech intended to generate intense hatred or is incitement to actual violence or discrimination against individuals or groups, especially minorities of all kinds“. The Guidelines have foreseen a policy system for supervision and prevention of publication and comments promoting hate speech. Content management mechanisms and reviewing mechanisms of public complaints have to be made available to the users. With regard to hate speech, editors and website operators must make use of effective mechanisms to identify and disable such content as expediently as possible. The above guidelines are also valid to the extent they may be applicable, for the media outlets’ social media pages, taking special account of the potential impact of those publications. Staff responsible for moderation of comments should be properly trained in the basics of relevant national legislation and international standards on protection of vulnerable groups. It also stipulates that editors or website operators should monitor their websites (and their respective social media pages) and take measures to prevent or stop publication of content that is unlawful, or violates human dignity or privacy, or constitutes hate speech (points 8-17).

⁴⁸ Albania/ Law no.10018/2008 *On State Attorney*, amended with Law no.86/2018 available at: <http://www.avokaturashitetit.gov.al/wp-content/uploads/2013/12/Ligji-Nr.-10018-dat%C3%AB-13.11.2008-%E2%80%9CP%C3%ABr-Avokatur%C3%ABn-e-Shtetit%E2%80%9D-i-ndryshuar.pdf> (30.04.2020)

⁴⁹ <http://www.avokaturashitetit.gov.al/vendimet-e-strasburgut/vendimet-e-gjykates-evropiane-per-te-drejtave-te-njeriut-strasburg> (30.04.2020)

⁵⁰ Albania/*Code of Ethic of Journalists* (2018) available at <https://kshm.al/en/about-us/code-of-ethics/> (30.4.2020)

⁵¹ Albania/*Ethical guidelines for online journalism*(2018) available at: <https://kshm.al/wp-content/uploads/2018/04/ETHICAL-GUIDELINES-FOR-ONLINE-JOURNALISM-7.pdf> (30.04.2020)

⁵² Albania/*Code of Ethics of Journalist* (2018) available at : <https://kshm.al/wp-content/uploads/2018/04/Kodi-i-Etikes-final-English-4.pdf> (30.04.2020)

3.5 Promotional and Hindering Factors for Access to Justice and Assistance to Victims

One of the promotional factors yet to be tested for improving the access to justice and the assistance to victims is the adoption of the new law on legal aid in 2017⁵³. The law has added a new category that benefits from legal aid and it consists of vulnerable groups, such as victims of domestic violence, sexual abuse, minors in conflict with law, people who have been subject to direct or indirect discrimination provided with decision of competent organs, in this case a decision of CPD (art.11). They can benefit regardless of their economic status. The Ministry of Justice has adopted the necessary subordinate legal acts in 2019⁵⁴. The law is drafted in line with best international standards however its proper implementation will depend much on the training of judges and awareness of the parties⁵⁵. The amendments to the law on protection from discrimination, submitted at the beginning of 2020, will foster the implementation and improve the protection of the victims of discrimination and of hate speech. In addition to introducing a hate speech definition, the amendments will abolish the power of attorney for the NGOs representing victims of discrimination and hate speech and will allow the NGOs to represent collective interests of the victims directly to CPD⁵⁶.

3.6 Good Practice

The Albanian Media Council⁵⁷ has established an on line database of the breaches of the code of ethics. This is the first process to raise the awareness of the self-regulation. The database will contain the findings from a monitoring process that is ongoing within the AMC from one year now. The aim is to raise public awareness on the high numbers of breaches of the code of ethics by Albanian Media and on the fact that self-regulation works only if the public is actively involved in this process. Public can have access to the database through a search system that provides categories according to the Code of Ethics articles and Hate Speech is one of them. The Complaints Board serves as an alternative to the court⁵⁸. Since this is an initiative of non-profit organisations, its successful implementation will depend on funding and support given to the organisations.

⁵³ Albania/ Law no. 111/2017 *On Legal Aid* available at: www.drejtesia.gov.al (30.04.2020)

⁵⁴ All the relevant sublegal acts and the relevant templates are available at <http://www.drejtesia.gov.al/ndihma-juridike-garantuar-nga-shteti/>

⁵⁵ E. Toska (2018) Albania Helsinki Committee *Raport studimor Për aksesin në drejtësi të grupeve vulnerabël*, at http://www.ahc.org.al/wp-content/uploads/2019/02/Studimi-legal-aid-KShH_Shkurt-2018.pdf

⁵⁶ Article 33 of the Draft law on Some amendments and addendums to the Law no.10221/2010 On the protection from discrimination available at:

<https://www.parlament.al/Files/ProjektLigje/20200227103137prligji%20PER%20MBROJT%20JEN%20ONGA%20DISKRIMINIMI.pdf> (30.04.2020)

⁵⁷ Albanian Media Council is a nonprofit organization whose aim is to reinforce and ensure respect for Code of Ethic as an interactive form of self regulation through a mechanism of resolving complaints. <https://kshm.al/en/about-us/history/>(30.4.2020)

⁵⁸ Complaints can be files in the following link: <https://kshm.al/en/complaints/file-a-complaint/>(30.04.2020)

4 Role of Equality Bodies Combating and Preventing Hate Speech in Practice

4.1 Role and Mandate of Equality Body/Bodies

Equality bodies are the ones established to protect and provide independent support to victims of discrimination and human rights violations. According to the Albanian legal framework⁵⁹, the Commissioner for Protection from Discrimination is explicitly identified as the main body for promoting equality and fighting discrimination in Albania. The CPD can be qualified as promotional and tribunal type of equality body.

Albania law on antidiscrimination has approximated to a certain extent the EU *Acquis*⁶⁰ on equal treatment and non-discrimination, which in itself does not address hate speech. Hence, the role of equality bodies in combating and preventing hate speech shall be seen in the context of promoting equal treatment and non-discrimination. The Commissioner for Protection from Discrimination (CPD) ensures effective protection of any form of discrimination (Article 21). CPD reviews the complaints of individuals or group of individuals who claim/state that they have been discriminated; carries out administrative investigations; and applies administrative sanctions (Article 32). As regards the protection of victims, the Commissioner represents the complaints to the judicial bodies and submits written opinions on any discrimination related issue, upon the request of the court reviewing that case.

Part of the competences of the Commissioner for Protection from Discrimination are of promotional type making reference to the tasks relating to awareness raising and educational activities on the right to protection from discrimination and to promotion of the principles of equality and non-discrimination through sensitizing and informing on discrimination related issues, in any form that reaches vulnerable groups, such as minorities and persons with disabilities (article 32).

In addition, the Commissioner is charged with monitoring the implementation of the law on protection from discrimination, to publish reports and develop recommendations on any issue related to discrimination; to carry out surveys on situation of discrimination; as well as to issue recommendations to competent authorities particularly for proposing changes to the legislation or introduction of new legislation. The Commissioner contributes to reporting on the implementation of relevant European and international human rights conventions and as the case may be presents reports before regional and international bodies.

To facilitate the due implementation of the law on protection from discrimination, the law requests for the Commissioner to maintain a regular dialogue with groups of interest including the non-governmental organizations and obliges all public and private entities in supporting the work of the Commissioner, in particular through providing the requested information.

4.2 Role and Mandate of other Independent Institutions (like Ombudsman Institutions)

The Albanian People's Advocate (Albanian Ombudsman) is a Constitutional organ whose mandate and competences are based on the Constitution of 1998 (arts 60-63) and the Law of Albanian

⁵⁹ Albania/ Law No. 10 221, 04.02.2010 "On Protection from Discrimination", available at <https://kmd.al/wp-content/uploads/2018/05/1308053956-Ligji-per-mbrojtjen-nga-diskriminimi.pdf> (09.04.2020)

⁶⁰ As stated in the footnote of the Law no 10 221/2010 On protection from Discrimination, the law is approximated Council Directive 2000/43/EC (29.06.2000), Council Directive 2000/78/EC (27 .10. 2000), Council Directive 2004/113/EC (13.12.2004), Directive of the European Parliament and of the Council 2006/54/CE (5.07.2006)

Ombudsman of 1999⁶¹. The mandate of the people's advocate is accomplished through the competences to report on the status of the protection of rights and freedoms, to provide recommendations to public institutions that violate such rights and freedoms and to have full access to the information of public administration. It investigates individual cases based on complaints or *suo motu* with its own motion.

The Albanian Ombudsman is a promotional type equality body, which issues non-binding recommendations for the administrative entity which has violated the rights and simultaneously recommends the victims to approach the court. The relevant law provides for the obligation of the administrative body to reply to the recommendations issued by the Ombudsman, within 30 days from the receipt of the recommendation, providing justified explanations on the case in question and the actions or measures taken in that respect. In case the Ombudsman is not satisfied with the reaction of the administrative body, it has the right to bring the case to the higher administrative body in hierarchy. If there is no reflection in relation to the recommendations of the Ombudsman, the latter can approach the Assembly through a report with proposed measures to put an end to the violation of the respective rights⁶².

4.3 Implementation of the (Legal) Mandate by Equality Bodies

As envisaged in different sections of this report, the Albanian Ombudsman and CPD have intensified their actions in particular in the last two years with regard to hate speech issues. Special attention has been given to the hate language used against vulnerable groups, people with disability, LGBTI community, women, Roma and Egyptian community. The CPD has treated some cases involving hate language and both institutions have been engaged in a number of awareness activities, such as conferences, seminars and publication of relevant materials. Therefore the handling of hate speech cases remain a domain of CPD, while information and awareness activities are shared by both institutions .

Enforcement of CPD decisions remains an issue of concern. The CPD has difficulties with regard to the notification of its decision and execution of fines. In many cases, especially when journalists are involved, addresses of the recipients are often not found. In the amendments to the law on protection from discrimination, submitted in 2020, the CPD has proposed that notification of its decision to be done with public announcement. National media will be obliged to publicly announce CPD decisions involving hate speech⁶³. With regard to the execution of fines, the CPD has proposed that an antidiscrimination decision resulting in a fine should become an executive title, after the deadline of 30 days for its execution has expired⁶⁴.

Equality institutions do not have yet specialised persons working on hate speech issues. However under the CPD, the directorate on administrative investigation is more involved in the hate speech cases. While, under the People's Advocate this issue is covered by the commissioner on general issues. The introduction of hate speech as a form of discrimination, once approved by the Albanian Assembly, will require more specialised staff. However, as a member of EQUINET (European Network of Equality Bodies), during the first half of 2019, the Commissioner for Protection from Discrimination has been included in 7 working groups of EQUINET which will serve for the

⁶¹ Albania/ Law no. 8454/1999 *People Ombudsman* amended with Law no 8600 /2000 and Law 9398/2005 and Law 115/2014

⁶² Albania/ Law no. 8454/1999 *People Ombudsman* amended with Law no 8600 /2000 and Law 9398/2005 and Law 115/2014, Chapter III Complaints revision of compliant and competences of Peoples Advocate law

⁶³ Draft amendments law on protection from discrimination article 33, points 16, 17 and 18.

⁶⁴ Draft amendments law on protection from discrimination article 33/1

professional capacity development and exchange of best practices although not all of them are dealing with hate speech⁶⁵.

4.4 Formal and/or Informal Strategies of Equality Bodies

The CPD has adopted its strategic plan for 2018-2021 with the support of a CoE/EU project⁶⁶. The Strategy sets forth the ambition of the CPD to establish itself as a champion in the field of equality promotion by further enhancing the common understanding of the non-discrimination situation among all public and non-public stakeholders as well as by directly taking legal action against discrimination. The strategic goals of CPD includes actions with regard to enhancing awareness of citizens and institutions in Albania regarding the protection from discrimination and CPD's distinct role, maximising the impact of casework decisions, contributing to evidence-based policy-making by monitoring and researching the situation of the implementation of anti-discrimination legislation, enhancing its internal organisational effectiveness and efficiency and strengthening and expanding its outreach and supporting network of collaborators.

The People's Advocate has adopted the Strategy and Action Plan for 2018-2022⁶⁷. One of the strategic goals is the improvement of the conditions and treatment of vulnerable groups, LGBTI persons, Roma, minorities and women, and their protection from any form of violation. In order to address this strategic goal, the People's Advocate is committed to prepare shadow reports; to monitor the situation of minority groups, including Roma and / or Egyptians living in Albania on a regular basis; expanding partnerships and cooperation with relevant national and international institutions as well as civil society on targeted activities towards improving conditions for women and girls in Albania, including addressing gender stereotypes and harmful practices against women; active engagement in initiatives and processes against xenophobia, and monitoring of indicators of xenophobic activities in Albania (Action Plan).

4.5 Good Practice

In 2019, in the framework of the European electoral campaign, the CPD was engaged in the promotion activity of 10 EQUINET Recommendations on antidiscrimination and hate speech during electoral campaigns⁶⁸. The CPD has translated the recommendations and made it available on the web page and social media accompanied with promotional video. It has addressed them to the Albanian Assembly, political parties, Central Electoral Commission, municipalities, People's Advocate, audio visual authority and other bodies involved⁶⁹.

5 Case work on Hate Speech

⁶⁵ Report of the Commissioner for the Protection from Discrimination, January – June 2019, Page 36, available at <https://www.kmd.al/wp-content/uploads/2020/02/Raport-KMD-Janar-Qershor-2019-perfundimtar.pdf> (07.04.2020);

⁶⁶ CPD (2017) Strategic Plan 2018-2021 of the Commissioner for the protection from discrimination supported by CoE/EU project on Enhancing the effectiveness of the Albanian System of human rights protection and antidiscrimination (30.04.2020)

⁶⁷ Available at <https://www.avokatipopullit.gov.al/sq/index/home> (30.04.2020)

⁶⁸ https://equineteurope.org/wp-content/uploads/2019/05/equinet_election_recommendation_final.pdf

⁶⁹ See semiannual report of CPD pg 38-39 available at: www.kmd.al (30.04.2020)

5.1 Cases of (Online) Hate Speech Handled by Equality Bodies

In the last two years (2018-2019) the CPD has treated a few cases related to hate speech. In 2018, the CPD has reviewed 5 complaints and it has found discrimination in 3 of them. Whereas in 2019 it has reviewed 12 complaints and 2 *ex officio* initiatives involving hate language against LGBTI community. Out of 12 complaints, discrimination was found in 3 cases. As of April 20, CPD has not received any complaints, nor has it initiated *ex officio* cases⁷⁰.

The cases involved hate language used in media outlets but also in the parliament. Cases initiated by the Roma and Egyptian Youth Movement Association, involved insulting language or bad connotation references to the Egyptian community. The CPD has found discrimination based on article 7 (Protection from Discrimination) and article 3/5 (Harassment) of the antidiscrimination law, as well as equal treatment based on article 14 of the ECHR. The CPD reasoning included also the interpretation of article 10 of the ECHR and 22 of the Albanian Constitution in combination with limitation of such freedom based on the need of protecting individual dignity and the bad influence that such statement might have on not well informed individuals, in line with ECtHR judgement in *Féret against Belgium*⁷¹.

In the two *ex officio* cases⁷² the CPD addressed the language used in two TV programs against the LGBT community. The CPD found discrimination on grounds of articles 1, 7 and 3/5 of the Antidiscrimination Law and on grounds of limitation of freedom of speech as provided in the ECtHR jurisprudence. The second case involved a public declaration of a public figure expressing repeatedly his statement against the LGBTI community⁷³. Again discrimination was found based on articles 7, and 3/5 of the law, while the limitation of freedom of speech was grounded on the jurisprudence of the ECtHR.

Two other cases were initiated by the Down Syndrome Foundation⁷⁴ for the language used by public figures on Facebook using derogative language associated with people with disability such as Down syndrome and Autism. Discrimination was found based on article 7 and 3/1 of the antidiscrimination law coupled with the need of proportional limitation of the freedom of speech dictated by the fact that there is a need to prevent all the forms of expression that promote, spread and justify hate based on intolerance (*Erbakan v. Turkey*)⁷⁵

In three cases when discrimination was found, the CPD has decided that a public apology to be made by the person causing the discrimination (using hate speech). In one occasion it has sanctioned a fine against the person causing discrimination. The fine is subject to execution⁷⁶.

5.2 Equality Bodies and the Courts

The interaction between the CDP and courts is characterised by an increased number of cases where the CPD is present in the judicial process⁷⁷. As provided by the law, all the CPD decisions can be appealed in the court (civil or administrative courts depending on the party's complaints), the CPD has the right to represent individuals subject of discrimination⁷⁸, the court has the obligation to

⁷⁰ Information obtained by CPD during on line interview (24.04.2020)

⁷¹ ECtHR/15615/07 (10.12.2009) *Feret v. Belgium*

⁷² Albania/CPD Decision no. 108 (21/08/2019)

⁷³ Albania/CPD Decision no 185 dated (16.2. 20109)

⁷⁴ CPD decision no.246 dated 05/12/2018 and CPD decision 120 dated 9/09/2019

⁷⁵ ECtHR/59405/00 (6.07.2006) *Erbakan v. Turkey*

⁷⁶ Information obtained from CPD Department on administrative investigation, (24 .04.2020)

⁷⁷ The number of cases is increased from 3 in 2012 to 66 in 2018 Annual Report 2018 of CPD pg.45

⁷⁸ Albania /Article 34/3 of the Law No.10221/2010 *On Protection from Discrimination*

notify the CPD each time it has a discrimination case⁷⁹, it has the right to ask the CPD at any stage of the process to investigate and present the findings of investigation⁸⁰. The recent amendments of the Albania Constitution⁸¹ (art. 134 (e) has listed the CPD as one of the parties, who has the right of recourse to the Constitutional Court for issues falling under its competences. During the reporting period (2018-2020) only one CPD decision⁸² related to hate speech was appealed by the defendant to the Administrative Court of First Instance. The case involved a declaration made by a well known Director and Producer of Beauty Competitions, who during a TV was using discriminatory language against LGBT community. The Court has upheld the CPD decision and highlighted that there has been discrimination because of the language used against the claimant⁸³. The CPD reports that courts are gradually assuming their role for the protection of discrimination. Courts are more involved in the merits of the case⁸⁴.

5.3 *Ex officio* Cases by Equality Bodies

The *ex officio* action of the CPD is based on article 32/1/c of the Law on Antidiscrimination. This provision is extensively used by the CPD. As it was shown in 2018⁸⁵, the CPD has treated 16 *ex officio* cases however none of them was related to hate speech.⁸⁶ In 2019, the CPD has treated two cases related to hate speech and in both occasions it was language used during TV programs against the LGTBI community. In the first case⁸⁷ the CPD found out that the language used during the TV program has placed the LGTBI community in a discriminatory position in the form of harassment as defined by article 3/5 of the Law on Antidiscrimination. At the end of the investigation, the CPD concluded by asking the person concerned to make public apologies within 15 days. In the second similar situation, there was no need to ask further actions, since the CPD found out that the person concerned had already made public apologies soon after its discriminatory statements⁸⁸.

5.4 (Online) Hate Speech and the Case Data Base of Equality Bodies

The web page of the CPD covers all the activities of the institution and it is updated on a frequent basis. All the cases treated by the CPD are published on the webpage of the CPD⁸⁹. Cases are not divided into categories; however, in its annual report the CPD makes a division of cases based on the grounds of discrimination and on the field of services as provided by the protection from discrimination. Hate speech cases are mentioned envisaged in the report as one of the category of cases handled by CPD, only in the form of statistics⁹⁰.

⁷⁹ Albania /Article 36/3 of the Law No.10221/2010 *On Protection from Discrimination*

⁸⁰ Albania/Article 36 / 4 and article 34/1 of the Law No.10221/2010 *On Protection from Discrimination*

⁸¹ Albania, Law no.8577/2000 *On the organization and functioning of the Constitutional Court* amended with the Law no.99/2016

⁸² CPD decision no.108/2019 (30.04.2020)

⁸³ Administrative Court of First Instance Decision no.4319/2019 (30.04.2020)

⁸⁴ Administrative Court of First Instance Decision no.4319/2019 (30.04.2020)

⁸⁵ The CPD has initiated 8 cases 2017 and 8 in 2018 and the total of 16 was treated during 2018.

⁸⁶ CPD (2018) Annual Report, available at : www.kmd.al (30.04.2020), p.33

⁸⁷ CPD Order no.101 dated 03.06.2019 "On the *ex officio* treatment of the case involving the language used by citizen P.B during the Thumb program of 25.05.2019 (30.04.2020)

⁸⁸ CPD order no. 193 dated 17.10.2019 „On *ex officio* treatment of the case involving the language used by Mr. K.Gj. againsts LGBT community in the TV program 360 Grade (30.04.2020)

⁸⁹ The CPD decisions as of 2013 are published in <https://www.kmd.al/vendime-te-komisionerit-2020/> (30.04.2020)

⁹⁰ CPD (2018) Annual Report, available at : www.kmd.al (30.04.2020)

5.5 Needs of Equality Bodies to Handle (More) Cases/Improve Handling of Cases

As previously mentioned in this report, there is an increased involvement of the CPD in handling hate speech cases. The CPD has used also its *ex officio* competences to address the hate language used in the TV program and the online media. However, the work of the CPD would be facilitated by a clear legal definition of the hate speech, accompanied with trainings on hate speech situations vis-à-vis freedom of expressions⁹¹.

5.6 Good Practice

There is no special practice to be reported.

6 Mapping the Cooperation on Cases between Equality Bodies and Relevant Stakeholders

6.1 First Entry Points for Victims of (Online) Hate Speech

Civil society organisations play an important role because in most of the cases they are the first entry points for victims of any form of discrimination or human rights violations including (online) hate speech. In Albania there are several organisations that have been active not only in promoting human rights, but in bringing forward complaints against individuals that demonstrate discriminatory behaviours or use of hate language. Examples can be given from organisations such as the Roma and Egyptian Youth Movement, Center for Community Actions, Pink Embassy, and Down Syndrome Foundation. Pink Embassy had once established an online forum to receive complaints which are further addressed to CPD, People's Advocate, courts or prosecutor office⁹². However, individuals remain more active and the number of complaints submitted by them directly is higher compared to the number of complaints submitted by CSOs⁹³.

6.2 Forwarding of Cases by Equality Bodies to other Institutions

Equality bodies cooperate with other institutions to address the cases submitted to them. The CPD cooperates with other institutions such as Parliament, courts, prosecutions office in order to avoid parallel proceedings. Information is obtained through written requests addressed to the above mentioned institutions.

The CPD reports that in one case involving a language used by a member of parliament, the CPD has stopped the complaints after getting written information that parliamentary disciplinary proceeding against that person has been initiated. The CPD communicate and forward cases to the prosecution office. The CPD is not very satisfied with the level of reaction from the prosecution office. In CPD's view, they lack training and proper expertise to succeed in handling hate speech cases or hate crime cases⁹⁴.

⁹¹ Comments obtained during online interview with representatives of CPD (24.04.2020)

⁹² Online Interview with representative of Roma and Egyptian Youth Movement (23.04.2020)

⁹³ CPD annual report 2018, number of complaints from individuals is 232 while number of complaints from NGOs with legitimate interests is 26, available at: www.kmd.al (30.04.2020), p.31

⁹⁴ Interview with Commissioner on Protection from Discrimination, R. Gajdja (11.05.2020).

6.3 Cooperation of Equality Bodies and Ombud Institutions

The recent cooperation between the CPD and the Albanian Ombudsman led to the establishment of the No hate Alliance. Both the CPD and People's Advocate are part of Council of Europe/Horizontal Facility for the Western Balkans and Turkey programme. The CoE project supported the National Conference "Freedom without Hate", organized by the Albanian Ombudsman. On this occasion, a "Memorandum of Understanding on Combating Hate Speech" was signed and the "No Hate Alliance", which constitutes a joint approach in promoting diversity and fighting hate speech in Albania, was launched. This presents a perfect model of coordinated actions and joined efforts in combating (online) hate speech. The CPD and People's advocate have also conducted several joint activities, mainly conferences and seminars conducted in several cities and universities.

6.4 Cooperation of Equality Bodies and CSOs

Civil society organisations are an important part of the equality and human rights infrastructure. They are influential in the sense that they better present and protect the interests of different groups. As envisaged by the CPD strategic plan, in almost all the strategic goals, CPD foresees the CSOs as one of the main implementing partners. In this regard, the cooperation between CSOs and the CPD is progressing with regard to some of the strategic visions such as awareness raising activities, or expanding outreach and still remain limited with other such as casework decision impact and implementation evidences.

Civil society organisations are eligible parties to take cases to the CPD (art.32)⁹⁵. Although there are difficulties for CSOs to take cases as long as the legitimate interest is required, again the CPD reports an increased number of cases brought by the CSOs before the CPD (from 7 complaints registered in 2015 to 23 complaints registered in 2018)⁹⁶. Moreover the hate speech cases brought before the CPD come from CSOs with legitimate interests on the issue. Civil society organisations are satisfied with the outcome of the decisions taken by the CPD, however, they would like to see more positive impact through proper dissemination and enforcements of these decisions⁹⁷. These issues are addressed by the amendments of the law on the protection from discrimination.

Civil society organisations engage in different activities with the People's Advocate. They participate in roundtables, seminars, open days and they are supposed to be the main beneficiaries of these activities. The defined target groups for the PA are those communities and social groups whose rights are not properly protected by authorities, such as women, children, elderly people, disabled people, Roma, members of the LGBTI community, mentally-ill people detained in penitentiaries and minorities. The civil society organizations operating at community level support the AP in reaching out to these communities with the understanding that human rights are not a privilege, but a state obligation to create the necessary conditions for the citizens to exercise their rights and freedoms⁹⁸.

6.5 Needs of Equality Bodies to Establish/Improve Cooperation with Relevant Stakeholders

Equality bodies work in close cooperation with public institutions, CSOs and academia. There are many examples which show cooperation between these institutions is intensified. The No Hate Alliance established between different bodies is a very good attempt for combating hate speech.

⁹⁵ Albania Law No.10221/2010 *On Protection from Discrimination*

⁹⁶ CPD (2018) Annual Report, available at : www.kmd.al (30.04.2020), p.32

⁹⁷ Interview with Commissioner on Protection from Discrimination, R. Gajdja (11.05.2020).

⁹⁸ Information obtained during online interview with V.Shurdha, People's Advocate, (22.04.2020)

However as rightly was pointed out by the CPD, there is a need to improve the cooperation of regional offices between the CPD and People's Advocate. Their role should be strengthened in particular for addressing the hate speech phenomena at local level.

6.6 Good Practice

In December 2019, the People's Advocate, Commissioner for Protection against Discrimination, Audiovisual Media Authority and Albania Media Council (NGO) signed a memorandum of cooperation, establishing the "Alliance against Hate". The Alliance will raise awareness and promote dialog especially among the young people and between NGOs and public institutions in the fight against hate speech and its impact on the Albanian economic and social development; it will conduct studies and provide recommendations; encourage the regular publication of statistics of hate crime according to the criminal code. The initiative is excellent to the extent that it will not only depend on the support of international organisations. State institutions involved in this initiative must commit with human and financial resources.

7 The Role of Equality Bodies in Raising Awareness for and Promoting Information about Hate Speech

7.1 Activities of Equality Bodies for Raising Awareness for (Online) Hate Speech

Awareness raising is identified as one of the pillars of the work of equity bodies. It includes publications, training, conferences, open days, media work, and open lectures. Both the CPD and PA have intensified their awareness activities related to hate speech.

This year, February 3-12, 2020, on the occasion of the 10th anniversary for the adoption of the Albanian law on protection from discrimination and with the initiative of the Commissioner for Protection from Discrimination the "Week Against Discrimination" was organized. This event consisted of a series of events in Tirana and other cities such as Vlora, Elbasan and Korca to promote the principles of equality, non-discrimination and good governance, involving all relevant stakeholders, partners and related actors in the field of combating hate speech, anti-discrimination as well as Roma empowerment. The closing event was held at the premises of the Assembly bringing together members of parliament, representatives of international organizations and civil society, human rights organizations to talk about the efforts and the progress in the last decade in achieving equal rights and freedoms for the citizens of Albania. The event was supported by the European Union and the Council of Europe programme "ROMACTED - Promoting good governance and Roma empowerment at local level" and the European Union and Council of Europe joint programme "Horizontal Facility for the Western Balkans and Turkey" - Action on "Promotion of Diversity and Equality in Albania"⁹⁹

⁹⁹ <https://www.coe.int/en/web/tirana/-/romacted-programme-at-the-week-against-discrimination-in-albania> (20.04.2020)

7.2 Needs of Equality Bodies to More Effectively Raise Awareness for (Online) Hate Speech

The effectiveness of activities raising awareness for hate speech depends on wideness of the actions carried out by equality institutions and the actors involved. Equality bodies and CSOs should play a more proactive role in addressing hate speech. They should empower and mobilise vulnerable groups to be part of their actions, involve them in stand up campaigns and dissemination activities. On the other hand there is a need to promote positive messages through positive and encouraging examples from these communities. Media and equality bodies should engage in promoting the positive examples.

The issue of hate speech should be also presented at local level. At this point local authorities and local CSOs should cooperate with regional offices of equality bodies.

Educational campaigns are also necessary. The CPD should be supported in its initiative/idea of including hate speech and antidiscrimination issues in the early years of education curricula.

Common trainings and workshops targeting judges, lawyers, prosecutors and equality body representatives for discussing and analysing hate speech/hate crime cases should be encouraged and supported.

7.3 Annual Report of Equality Bodies and (Online) Hate Speech

The preparation and presentation of annual reports to Assembly Committees and plenary sessions is a law requirement which is respected by both equality bodies. The CPD¹⁰⁰ and People's Advocate prepare their annual reports on work carried out in the previous year which then are made available on the web page of the institutions. As long as hate speech is not listed as one of the forms of discrimination it cannot have a dedicated chapter in the report of the CPD. However, hate speech is highlighted in the report of the CPD, and information has been provided with regard to the legal framework, casework and internal or external activities dedicated to hate speech.

7.4 Promotional and Public Relations Activities of Equality Bodies on (Online) Hate Speech

The Commissioner for Protection from Discrimination and the People's Advocate have all been increasingly active in awareness raising in the past years through trainings, publications, open days and media work. Most of their campaigns have focused on specific topics (e.g. gender violence) or specific target groups (e.g. Roma people). One of the identified communication needs at this stage is a more general awareness raising campaign on what discrimination actually means and on the existing complaint mechanisms and institutions.

7.5 Needs of Equality Bodies for (Further) Developing a Communication Strategy on (Online) Hate Speech

The CPD has developed its communication strategy in 2018 and this strategy serves as the basis for every communication action carried out by the CPD¹⁰¹. The communication plan of the CPD aims at increasing the presence of the CPD in the media, increasing the presence and the dissemination of

¹⁰⁰ CPD (2018) Annual Report, available at: www.kmd.al (30.04.2020),

¹⁰¹ CPD (2018) *Communication Strategy*, hard copy obtained from CPD (11.05.2020)

the work of the CPD, more specifically the decisions and awareness activities, as well as increasing the interaction between the CPD and other relevant institutions such as the PA, NGOs, Parliament, Courts and so forth. On the other hand the PA have not had a separate strategy on communication for its work in the past, but public communication activities have been a part of the PA's core mission and are included in "Strategic Plan 2018-2022".

The development of a communication strategy on Online Hate Speech goes hand in hand with the involvement and the role of both institutions in combating online hate speech. As envisaged through the report, hate speech has become an issue of concern and it is frequently addressed by both institutions.

7.6 Good Practice

The People's Advocate has dedicated its annual conference for the year 2019 to hate speech. The conference titled "Freedom without hate, freedom of speech against other human rights" gathered high state officials such the President of the Republic, Speaker of the Parliament, equality bodies' representatives, international donors and professionals and activists. During the conference, the panellists analyzed in-depth approaches to the notion of combating hate speech from an anti-discrimination perspective. In this context, participants touched upon important issues related to freedom of expression, as well as regulatory and self-regulatory mechanisms of the media outlets, while referring to the jurisdiction of the Strasbourg Court on this issue. In this activity was launched the "No Hate Alliance" which will develop a joined agenda to be implemented by the members in the upcoming three years (until 2023).

8 Research and Surveys on Hate Speech

8.1 Involvement of Equality Bodies in Conducting Studies and/or Surveys

Research and surveys on the situation of hate speech are almost lacking in Albania. Even though the issue of use of hate speech against different groups is gaining more attention, there are no dedicated documents in the form of research or surveys on the situation of hate speech. This is mostly related to the lack of resources and capacities of independent bodies and of the Commissioner for Protection from Discrimination in particular, and somehow related to the lack of acknowledging the real impact of hate speech on the life of victims and society at large. The CPD reports that it has been currently involved in some initiatives implemented by CSOs involving studies and surveys on antidiscrimination issues. One of the activities is related to the implementation of the CPD decisions against local authorities; others are related to studies of the court decisions. The CPD is also thinking to commission a study on the use of certain words with negative connotation and their possible impact on different communities.

On the other side, the civil society organizations have not been very active in this respect, sometimes due to the lack of financing because of being dependent on the financing of development partners. Among few relevant surveys is the one, launched by Pink Embassy in May 2018 on the situation of bullying on the basis of homophobia at schools¹⁰², which has been carried out in high schools in the 6

¹⁰² More information could be found at <https://www.zeriamerikes.com/a/4417976.html> (20.04.2020)

biggest cities in Albania. The data from the survey indicate that the majority of teachers (66%) remain silent in the face of bullying on the basis of homophobia. When asked on the role of parents, 70% of the responding teachers stated that they would not support a child of LGBTI parents. This study identified the lack of preparedness of teachers to protect children and teenagers from discrimination, bullying, harassment, violence and abuse. Boys resulted to be more affected by bullying while as regards the use of extremist and hate speech the data are alarming, 1 (one) out of 5 pupils and 1 (one) out of 8 teachers use extremist and hate speech terms.

8.2 Needs of Equality Bodies to More Effectively Implement and Disseminate Results of Studies/Surveys

Given the fact that there are no studies or surveys carried out by equity bodies, there is nothing to be recommended in this regard. CPD needs to strengthen the cooperation with CSOs and other actors, in order to conduct joint surveys and studies. At present the CPD is lacking financial and human resources to undergo such activities.

8.3 Good Practice

No special practice to be highlighted

9 Involvement in and Cooperation Activities on Combating Hate Speech

9.1 Involvement of Equality Bodies in Projects Combating (Online) Hate Speech and their further Needs

The equality bodies in Albania are being supported by different donors and projects which aim at enhancing the protection of human rights and promotion of rule of law in Albania. The CPD is one of the main beneficiaries of the CoE/EU project on Promotion of Diversity and Equality in Albania¹⁰³. The activity of "No Hate Alliance" will be supported through two actions under the Joint European Union/Council of Europe "Horizontal Facility for the Western Balkans and Turkey, Phase II", respectively the Action on "Promotion of Diversity and Equality in Albania" and the Action on "Freedom of Expression and the Media (JUFREX)"¹⁰⁴.

The week against discrimination was held during 3-12 February 2020 by the CPD. The events of the week were supported by the European Union and the Council of Europe programme "ROMACTED "Promoting good governance and Roma empowerment at local level" and the European Union and Council of Europe joint programme "Horizontal Facility for the Western Balkans and Turkey" - Action on "Promotion of Diversity and Equality in Albania"¹⁰⁵.

¹⁰³ <https://www.coe.int/en/web/tirana/promotion-of-diversity-and-equality-in-albania> (20.04.2020)

¹⁰⁴ <https://www.coe.int/en/web/tirana/-/no-hate-alliance-a-joint-approach-against-discrimination-and-hate-speech> (17.04.2020)

¹⁰⁵ <https://www.coe.int/en/web/tirana/-/romacted-programme-at-the-week-against-discrimination-in-albania>

Another project on “Countering Discrimination and Protecting LGBTI Rights in Albania”¹⁰⁶ is being implemented by the Netherlands Helsinki Committee in cooperation with the COC Nederland and Dutch National Police, which started on 1 October 2017 and will run until 31 December 2020. This project is funded by the Ministry of Foreign Affairs of the Netherlands, within its MATRA framework. It is also based on a multi-sectoral combined approach and consists of two components. The first component focuses on increasing the reporting, investigation, registration and prosecution of incidents of hate crime and discrimination against the LGBTI community in Albania by strengthening the capacities of the police, prosecutors and judges to respond to incidents of hate crime and discrimination through joint workshops, trainings, study visits, curriculum development and campaigns. The second one focuses on promoting actions at local level to improve the position and situation of LGBTI individuals through assisting local government units in developing local action plans for the protection of human rights for LGBTI persons.

Beside the above mentioned main projects, some other initiatives on combating hate speech have been taken. Albania joined on March 2014 the campaign “No Hate Speech”, initiated by the Council of Europe. Ever since, the ministry responsible for the youth has organized different activities around the aim of the campaign. The most recent one was organized by the Ministry of Education, Youth and Sport¹⁰⁷ on June 25, 2019 and consisted in introducing the campaign to a wider network of civil society organizations operating in the field of human rights protection and discussions on the development of a joint plan on combating (online) hate speech by the Ministry and CSOs. The civil society organizations also have implemented sporadic initiatives contributing to human rights education and combating of (online) hate speech. Namely, UNITED for Intercultural Action, Youth Centre Perspektiva and Projekte Vullnetare Nderkombetare organised on May 2019¹⁰⁸, in Durres, a conference “Power of Coexistence: Turn it on! Bridge, Cooperate, Overcome!”. Back in 2018¹⁰⁹, Youth Center “Perspektiva” organized in Durres a training course targeting young journalists and bloggers. The training course, having a striking title “Vaccine against hate speech on media”, gathered 25 students of journalism, young bloggers and community activists from Albania, Kosovo, Republic of North Macedonia, Montenegro, Serbia, Turkey and also from EU countries, who were interested in strengthening their capacities in creating counter narratives to social stigmas and prejudices; and contributing to creating positive narratives of intercultural youth communication at the national and regional levels.

With the cooperation of civil society organizations supporting the LGBTI community, the organization “Stonewall”, funded by the Foreign & Commonwealth Office, developed a Manual for Access of LGBT Community to Justice¹¹⁰, which summarizes lessons learnt from activists defending the rights of LGBT communities, from the Western Balkans and United Kingdom.

9.2 Bilateral Cooperation and Regional/International Networking of Equality Bodies and their further Needs

As regards cooperation activities, the Commissioner for Protection from Discrimination is an active member of EQUINET (European Network of Equality Bodies), being part of the working groups of EQUINET which aim at professional capacity development and exchange of best practices. In

¹⁰⁶ <https://www.nhc.nl/protecting-lgbti-rights-albania/> (20.04.2020)

¹⁰⁷ <https://arsimi.gov.al/bashke-jo-gjuhes-se-urrejtjes/> (20.04.2020)

¹⁰⁸ <https://perspektiva4youth.org/2019/05/25/united-conference-power-of-coexistence-turn-it-on/>(20.04.2020)

¹⁰⁹ <https://perspektiva4youth.org/2018/09/25/training-course-for-young-journalists-and-bloggers-vaccine-against-hate-speech-on-media/> (20.04.2020)

¹¹⁰ https://www.stonewall.org.uk/system/files/access_to_justice_toolkit_albanian.pdf

addition, following the Memorandum of Understanding entered into by the Equality Institutions of South-East Europe, the annual meetings serve as a very good platform of cooperation. On October 2018, the Albanian Commissioner organized in Albania the third regional conference under the theme “Independence of Equality Bodies”. Participation in regional and international activities gives equality bodies the opportunity to strengthen their cooperation and exchange best practices.

9.3 Good Practice

No special practice to be highlighted.

10 Conclusions and Recommendations

The analysis shows that Albania is making good progress in addressing hate speech in line with the international legal framework, standards and best practices. The amendments to the law on protection from discrimination, will improve the legal landscape for combating hate speech. Once the amendments enter into force, the equality and justice institutions will have no excuse for not increasing the number of cases handled. Nevertheless, the fact that the CPD has already dealt with hate speech cases even in the absence of a legal definition is a positive start. On the other hand, an intensification of awareness activities of equality bodies addressing hate speech is noticed. Cooperation between different actors culminated with the establishment of “No Hate Alliance” and the signing of the memorandum, listing a number of areas where action will be conducted. However the following can be recommended:

- Approval as soon as possible of the amendments to the law on protection from discrimination by the Assembly.
- Amendment of the Code of Conduct of the Albanian Parliament, providing specific reference to hate speech and respective disciplinary measures for Members of Parliament;
- The role of the CSOs should be strengthened mostly in assisting the victims of hate speech and raising the information and awareness among local communities. Partnership with equality bodies is very important. Cooperation should be focused on analysis and studies.
- Equality bodies should improve their role in completely fulfilling their legal mandate. The finding of studies and researches on situation of hate speech, which are missing for the time being, should guide the forthcoming plans of actions and activities. Training of staff is also very important. Publication of success stories may also serve to awareness rising.
- Dedicated publication and sections on the web-page of the CPD, so that information on hate speech is easily accessed.
- Education of children and young people on hate speech and discrimination but also on informed use of social media is key from the perspective of cultural change needed as well as for improved reporting and addressing of hate speech and other discriminatory cases. This can be easily achieved through revision of curricula of the subjects “Civil Education” in cooperation with the ministry responsible for education.

- Since hate speech is not an issue only of the capital/centre, there is a need for fostering actions at local level through extended involvement of CSO but also through regional offices of CPD and Ombudsman;
- The Council of Europe should support with trainings and publication of studies.
- Training of prosecutors and judges on hate speech, balancing hate speech and freedom of expression and discrimination cases.
- Raising awareness through community-held trainings or educating friends and family on the dangers of discrimination and intolerance.
- Raising awareness for reporting of online hate speech and promoting the mechanisms where such posts can be reported;
- Boosting positive messages of peace and tolerance on social media and online platforms.
- Hosting workshops on conflict sensitive journalism in order to help journalists develop the ethical capacities to identify sources of conflict, and to report news fairly and accurately.
- Forming early warning and early response committees at the national and local levels to monitor hate speech and other forms of incitement to violence.

11 References

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Report of the Commissioner for the Protection from Discrimination, January – June 2019, Page 36, available at <https://www.kmd.al/wp-content/uploads/2020/02/Raport-KMD-Janar-Qershor-2019-perfundimtar.pdf> (checked on 07.04.2020);

Albanian Legal Framework:

Law no.8417/1998 *Albanian Constitution*

Law no. 7895/1995 *Criminal Code of Republic of Albania*

Law no. 7850/1995 *Civil Code of Republic of Albania*

Law No. 10 221, 04.02.2010 *On Protection from Discrimination*

Law no. 8454/1999 *People Ombudsman*

Law no. 111/2017 *On Legal Aid*

Law no.10018/2008 *On State Attorney*

Code of Ethic of Journalists (2018)

Ethical guidelines for online journalism (2018)

Annex 1 – Template for Good Practice Examples

Table 1:

Area¹¹¹	Self Regulatory Measures
Title (original language)	Kuvendi i Shqipërisë Vendim nr.61/2018 Për Miratimin e Kodit të Sjelljes së Deputetit të Kuvendit të Republikës Së Shqipërisë Kuvendi i Shqipërisë Vendim nr.19 /2018 Për Miratimin Udhëzuesit të Detajuar për Sjelljen në Kuvend
Title (EN)	Albanian Parliament Decision no 61/2018 On the approval of code of conduct of Members of Parliament in the Republic of Albania Albanian Parliament Decision of Bureau of Assembly no.19 /2018 Detailed Guidelines on the Code of Conduct of MP
Organisation (original language) Resp. for implementation Resp. for financing	Kuvendi i Shqipërisë
Organisation (EN) Resp. for implementation Resp. for financing	Albanian Parliament
Government / Civil society Resp. for implementation Resp. for financing	
Internet link	www.parlament.al
Type of initiative	Code of conduct (rules)
Main target group	policy makers
Brief description (max. 1000 chars)	The Code of Conduct of the Members of Parliament attached to the Rules of Procedure of the Parliament forbids MPs to use language that incites hate and discrimination on grounds of race, sex, political beliefs sexual orientations. This is further elaborated by the Detailed Guidelines on Code of Conduct of MPs that requires MPs to avoid any unclear or implicit discriminatory behaviour on grounds of race, sexual orientation, beliefs and any other issues. MPs will be subject to heavy disciplinary measures in case of use of discriminatory and insulting language on grounds of race, sex, political beliefs sexual orientations.

¹¹¹ Specify whether the initiative was taken in the area of legislation, the institutional framework, the role of equality bodies, the case work, the cooperation among relevant stakeholders, measures for raising awareness, research and surveys or projects.

Evaluation or quality control	<input checked="" type="checkbox"/> no <input type="checkbox"/> yes how?
Involvement of stakeholders	<input checked="" type="checkbox"/> no <input type="checkbox"/> yes who? and how?
Why good practice?	<input type="checkbox"/> above international/EU standards <input checked="" type="checkbox"/> effectiveness and impact <input type="checkbox"/> transferability <input type="checkbox"/> innovation <input type="checkbox"/> sustainability

Table 2:

Area¹¹²	Cooperation among relevant stakeholder
Title (original language)	Aleanca Pa Urrejtje
Title (EN)	No Hate Alliance
Organisation (original language) Resp. for implementation Resp. for financing	
Organisation (EN) Resp. for implementation Resp. for financing	People’s Advocate; the Commissioner for Protection from Discrimination; the Audio-visual Media Authority and the Albanian Media Council, CoE/EU “Promotion of Diversity and Equality in Albania” and the Action on “Freedom of Expression and the Media (JUFREX)
Government / Civil society Resp. for implementation Resp. for financing	
Internet link	https://www.coe.int/en/web/tirana/-/no-hate-alliance-a-joint-approach-against-discrimination-and-hate-speech
Type of initiative	information campaign, study, survey, etc.
Main target group	general public, potential victims of discrimination, youth.

¹¹² Specify whether the initiative was taken in the area of legislation, the institutional framework, the role of equality bodies, the case work, the cooperation among relevant stakeholders, measures for raising awareness, research and surveys or projects.

Brief description (max. 1000 chars)	The “No Hate Alliance” constitutes a joined approach in fighting hate speech and promoting diversity in Albania. It will develop communication and information materials to raise awareness and promote diversity and freedom of expression such as like brochures, reports, PSA campaigns, etc. to reach their audience and the wider society; boost the collaboration with other strategic partner organizations and agencies who have an important role in the fight against discrimination such as the Ministry of Education Youth and Sports, Internet service providers (ISP), journalist organizations, civil society organizations, consumer protection organizations, etc; support partners in identifying effective mechanisms to combat hate speech based on European best practices; identify mechanisms for the enhancement of information sharing and staff training.
Evaluation or quality control	<input checked="" type="checkbox"/> no <input type="checkbox"/> yes how?
Involvement of stakeholders	<input type="checkbox"/> no <input checked="" type="checkbox"/> yes who? CPD, Peoples Advocate, Audio Visual Media Authority, Albania Media Council and how; signing of the Memorandum of Cooperation
Why good practice?	<input type="checkbox"/> above international/EU standards <input type="checkbox"/> innovation <input type="checkbox"/> effectiveness and impact <input checked="" type="checkbox"/> sustainability <input type="checkbox"/> transferability

Table 3:

Area¹¹³	Raising awareness
Title (original language)	Mekanizmi i monitorimit
Title (EN)	Monitoring mechanism
Organisation (original language) Resp. for implementation Resp. for financing	Keshilli Shqiptar i Medias
Organisation (EN) Resp. for implementation Resp. for financing	Albanian Media Council

¹¹³ Specify whether the initiative was taken in the area of legislation, the institutional framework, the role of equality bodies, the case work, the cooperation among relevant stakeholders, measures for raising awareness, research and surveys or projects.

Government / Civil society Resp. for implementation Resp. for financing	
Internet link	https://kshm.al/en/complaints/file-a-complaint/
Type of initiative	Monitoring mechanism
Main target group	e.g. general public, potential victims of discrimination, journalist, media outlets
Brief description (max. 1000 chars)	The Albanian Media Council has established an on line database of the breaches of the code of ethics. The database will contain the findings from a monitoring process that is ongoing within the AMC from one year now. The aim is to raise public awareness on the high numbers of breaches of the code of ethics by Albanian Media and on the fact that self-regulation works only if the public is actively involved in this process. Public can have access to the database through a search system that provides categories according to the Code of Ethics articles and Hate Speech is one of them. The Complaints Board serves as an alternative to the court.
Evaluation or quality control	x no <input type="checkbox"/> yes how?
Involvement of stakeholders	x no <input type="checkbox"/> yes who? and how?
Why good practice?	<input type="checkbox"/> above international/EU standards <input type="checkbox"/> effectiveness and impact <input type="checkbox"/> transferability x innovation <input type="checkbox"/> sustainability

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