



## Article

# Public Broadcasting Service and Censorship: The Albanian Experience

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## Abstract

*Over the past decades, audiovisual broadcasting has undergone significant changes. Since its creation, it has been mostly provided by public enterprises under a monopoly regime, being a reserved activity. Economic and technological developments have increasingly made it possible for other operators to enter the field of audiovisual broadcasting, thereby allowing market competition. Beyond this, public broadcasting service continued to be preserved, playing an important role as an essential element of pluralistic communication and social cohesion. Certain public broadcasters have been banned by the government or private groups for political, religious, or moral reasons, or for controversial content. Censorship standards vary widely by country and can change within a country at different times. Nowadays, public broadcasters face primary threats from commercial challenges, while also contending with political influence. Such is also the case with the Albanian Public Radio Television. Thus, this article focuses on the Albanian model and experience of public broadcasting, providing a historical overview, starting from the communist period until nowadays, viewed in relation to censorship and editorial independence. The purpose of this manuscript consists in analyzing media freedom, highlighting the public broadcasting service, the elements for ensuring its independence, taking into consideration ECHR jurisprudence.*

**Keywords** Freedom of expression, public broadcasting service, ECHR jurisprudence, Albanian Public Radio Television, Censorship

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## Introduction

Over the past decades, audiovisual broadcasting has undergone significant changes. The removal of monopolies, the emergence of new actors, and rapid technological developments have fundamentally altered the competitive environment. Traditionally, audiovisual broadcasting has been a reserved activity. Since its creation, public enterprises have mostly provided it under a monopoly regime, primarily due to the limited availability of broadcasting frequencies and the high barriers to entry.

However, in the 1970s, economic and technological developments increasingly made it possible for other operators to enter the field of audiovisual broadcasting, thereby allowing market competition. Beyond this, the public broadcasting service continued to be preserved to ensure coverage in various areas and fulfill the needs and objectives of public policy.

The public broadcasting service constitutes an essential element of democracy and fulfills a unique mission in information, culture, education, and entertainment. It plays an important role as a key element of pluralistic communication and social cohesion, which, by providing accessible programming services to everyone, seeks to promote the values of modern democratic societies, particularly respect for human rights, cultural diversity, and political pluralism.

Public broadcasters are generally perceived as a highly reliable source of information, representing the primary source of information for a significant part of the population. This way, the public broadcasting service enriches public debate and enables all citizens to access public life fairly.

On the other hand, censorship aims to restrict freedom of thought and expression. We can list many definitions of censorship, but in general, it represents a form of control and restriction of freedom of expression and media freedom, which represents a limiting factor of democratic trends in society and the state. In other words, censorship of the press and the media is a procedure that stifles free disclosure and dissemination of information. (Majhoshev, 2017)

The social and political system usually dictates this restriction, often carried out to 'protect the public' from spiritual and intellectual harm. Censorship is more closely associated with authoritarian societies, where preventive censorship is practiced. This type of censorship involves designated administrators monitoring everything that should be communicated, including media program productions. Alongside this form of censorship, censorship is applied during the preparation process of a publication and the so-called post-censorship. This last type of censorship involves withdrawing and preventing the further broadcasting of programs that have already been aired.

Censorship has been criticized throughout history, in most cases for being unjust and obstructive to freedom of expression, especially when it comes to public broadcasting.

Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights define freedom of expression and the right to information as a cornerstone of a democratic and pluralistic society. For this reason, it is essential to guarantee the editorial independence and institutional autonomy of the public broadcasting service, including funding within an appropriate, secure, and transparent framework, through a coherent policy and an adequate legal framework.

### **The importance of freedom of expression in audiovisual media. Case law of the European Court of Human Rights (ECHR)**

In the context of an effective political democracy and the respect for human rights, freedom of expression not only carries inherent significance but also plays a key role in protecting other human rights. There is no free country, no democracy, and no broad guarantee of freedom of expression, ensured through the legal instruments of the rule of law.

When discussing freedom of expression, it is important to consider that it encompasses freedom of thought, freedom of speech, freedom of the press, and freedom of electronic media, including the freedom of audiovisual communications. The latter is always treated as a distinct right due to the media's special role in a democratic society.

The 'privileged' position of the media in a democratic state should be guaranteed because it is precisely the media that makes state power more accessible to the people, more accountable, and more transparent. (Gjeloshaj & Alhasani (Dubali), 2024) Guaranteeing media freedom reduces the possibility of manipulation by public authority and encourages the identification of corrupt cases. The most potent weapon of the media is continuous criticism of negative phenomena that threaten democracy.

This freedom's constitutional and legal guarantee constitutes the initial and final foundation for its exercise, concerning other individual rights and fundamental principles of a democratic state, such as pluralism, objectivity, neutrality, and completeness.

Freedom of expression is provided for in the Constitution of the Republic of Albania, which guarantees this right for all types of media, including print media,

radio, and television, explicitly prohibiting prior censorship of media platforms. (Assembly of the Republic of Albania, 1998)

Likewise, after being ratified by the Albanian state, thereby becoming part of domestic law, the European Convention on Human Rights guarantees freedom of expression in a broad sense, including the freedom to form opinions and to receive and impart information and ideas without interference from a public authority. (Assembly of the Republic of Albania, 1996)

We cannot overlook the rich body of jurisprudence developed by the European Court of Human Rights (ECHR), in this area, recognizing strong protection of freedom of expression, particularly for the media in its mission to provide information and investigate politicians and elected representatives, as expressed in the case of *Jerusalem v. Austria* (*Jerusalem v. Austria*, European Court of Human Rights, 2001).

The Court has also repeatedly referred to the important role that the media plays in realizing freedom of expression, affirming its role in a democratic society in providing information and ideas on all matters of public interest, while respecting certain limits related to the reputation and rights of others (*Thoma v. Luxembourg*, European Court of Human Rights, 2001)

Article 10 of the European Convention for the Protection of Human Rights protects individuals and legal entities. The first case in which the Court found a violation of the freedom of expression was in 1979, *Sunday Times v. The United Kingdom*. (*The Sunday Times v. The United Kingdom* (No. 1), European Court of Human Rights, 1979)

Moreover, although Article 10 of the European Convention does not explicitly mention the press, media, or journalists, the Court has often recognized the important role of the media in fostering public debate, ensuring public access to important information of public interest, and providing one of the best means for the public to discover and form opinions about the ideas and positions of political leaders (*Lingens v. Austria*, European Court of Human Rights, 1986) As a result, the Court has been willing to grant a high level of protection under Article 10 for media activities. (*Thoma v. Luxembourg*, European Court of Human Rights, 2001)

The Court has even argued that audiovisual media, such as radio and television, play a significant role due to their ability to convey messages through sound and images, thereby having a more immediate and powerful effect than the written press (*Centro Europa 7 S.R.L. and Di Stefano v. Italy*, European Court of Human Rights, 2012)

However, as the ECHR has emphasized, media freedom is not absolute. It refers to the expectation that the media should act in good faith to provide accurate and

reliable information following journalistic ethics. (*Bladet Tromsø and Stensaas v. Norway*, European Court of Human Rights, 1999) This means that journalists should be protected under Article 10 if they act according to professional standards, even if they engage in intense criticism.

The Grand Chamber of the Court reasoned and emphasized that there can be no democracy without pluralism, as democracy materializes through freedom of expression. It is the essence of democracy to allow different political programs to be proposed and debated, even those that question the current way of organizing a state, if they do not harm democracy itself. (*Centro Europa 7 S.R.L. and Di Stefano v. Italy*, European Court of Human Rights, 2012)

The Court elaborated in detail that to ensure genuine pluralism in the audiovisual sector of a democratic society, it is not enough to merely foresee the existence of some channels or the theoretical possibility for potential operators to enter the audiovisual market. Effective access to the market must be allowed to guarantee the diversity of the overall content, reflecting as much as possible the variety of opinions encountered in the society to which the programs are addressed. (*Centro Europa 7 S.R.L. and Di Stefano v. Italy*, European Court of Human Rights, 2012)

According to the Court's assessment, a situation where a powerful economic or political group in society is allowed to gain a dominant position over the audiovisual media and thereby exert pressure on broadcasters, ultimately limiting their editorial independence, undermines the fundamental role of freedom of expression in a democratic society, particularly when it serves to provide the public with more information and represents greater public interest. This is true even when a state or public broadcaster is dominant. (*Centro Europa 7 S.R.L. and Di Stefano v. Italy*, European Court of Human Rights, 2012) (*Manole and Others v. Moldova*, European Court of Human Rights, 2009)

The Court emphasizes the state's role in this regard, reasoning that in such a sensitive sector as audiovisual media, beyond its negative obligation of non-interference, the state has a positive obligation to establish an appropriate legislative and administrative framework to guarantee practical pluralism. (*Centro Europa 7 S.R.L. and Di Stefano v. Italy*, European Court of Human Rights, 2012) (*Council of Europe*, 2007)

Particularly concerning public broadcasters, it is worth mentioning the case of *Manole and Others v. Moldova* (*Manole and Others v. Moldova*, European Court of Human Rights, 2009), where the issue at stake was the independence of the public broadcaster from political interference.

In that case, the Court assessed that it is not necessarily mandatory for states to establish public broadcasters. However, in cases where a state decides to establish a public broadcasting system, it must apply such principles so that domestic law and practice guarantee the existence of a system that offers a pluralistic service. Especially where private providers are still too weak to offer a genuine alternative and, as a result, the public or state broadcaster is the only or dominant one within a country or region, it is essential for the proper functioning of democracy that the public or state broadcaster transmits balanced, impartial, and independent news, information, and commentary and, in addition, provides a forum for public discussion in which a broad spectrum of opinions and views can be expressed. (*Manole and Others v. Moldova*, European Court of Human Rights, 2009)

In a case involving the disciplinary dismissal of a journalist from a public radio service, the Court considered the general principles regarding pluralism in audiovisual media and the right of public broadcasters to set their editorial policy in line with the public interest and their responsibility for statements made during broadcasts. (*Nenkova-Lalova v. Bulgaria*, European Court of Human Rights, 2012)

The supervisory role of the media is no less important during electoral periods. According to the Court, this role involves an independent exercise of media freedom based on free editorial choice in providing information and ideas on matters of public interest. Discussions of candidates and their programs contribute to the public's right to receive information and strengthen voters' ability to choose between competing candidates. (*Orlovskaya Iskra v. Russia*, European Court of Human Rights, 2017)

To promote pluralism and diversity in the media, the state must establish specific regulatory systems, such as creating a licensing regime for broadcasters and ensuring that diversity is a key criterion for granting broadcasting licenses. Viewed from this perspective, it may seem like limiting broadcasters' freedom to provide information and ideas. In this sense, pursuing diversity objectives may put the freedom of listeners and viewers to receive information and ideas against the owners' rights to provide them. It is important to emphasize that this is a matter of balancing the two aspects of freedom of expression, its positive and negative aspects, not limiting this right.

The European Court of Human Rights underscores that democracy cannot thrive without allowing diverse political views and debates, even those that challenge the status quo, if they do not threaten the democratic order. The state must establish a legal and administrative framework that guarantees media pluralism and prevents dominance by powerful economic or political groups. Such dominance, whether from private or public broadcasters, undermines editorial independence and limits freedom

of expression. Furthermore, independent and balanced media coverage is crucial for informed public choice during elections. Balancing the public's right to receive information with the broadcasters' right to share information is essential to uphold freedom of expression and media freedom.

## **Overview of the public broadcasting service concerning censorship**

Public broadcasting services originated in Western Europe, intending to provide free audio and audiovisual broadcasting services at the national level, and have evolved to adapt to the needs of democracy naturally. Recently, there has been significant progress in ensuring the political independence (Majhosev et al., 2018) and financial stability of public broadcasters.

For nearly the entire history of television production, certain television stations have been banned by the government or private groups for political, religious, or moral reasons, or controversial content such as racism, copyright infringement, and the violation of children's rights. Censorship standards vary significantly from country to country and can change within a country over time due to political or moral shifts.

The rules regarding television censorship differ between countries, meaning that what is censored in one country may not be prohibited in another. Media content control and media itself are primarily related to the type of governance in power within a specific country. For example, a more authoritarian society and its ruling government may allow its citizens to watch only content that aligns with the beliefs of the ruling party. (Wikipedia contributors, n.d.)

In free countries, content restrictions based on political beliefs may not exist as easily, but other limitations related to the audience may be present. These rules may also change over time within the same country, implying that what was not allowed in the past may become permissible at another point.

Four types of government philosophy regarding censorship are identified: authoritarian, paternalistic, pluralistic, and permissive. Of the four types mentioned, the first two are considered actual censorship, as governments are presumed to know what is best for the citizens. Anything that challenges this exclusive view should be prohibited or excluded. (Television Academy Foundation, n.d.) Since most broadcasts in totalitarian countries are state-funded, control is relatively easy to establish.

In modern times, public broadcasters are primarily threatened by commercial pressures, and generally by the increasing difficulties in balancing the demands of broadcasting simultaneously for large audiences while respecting the values of public service.

Among other things, political pressures often weighing on public broadcasting services should not be overlooked. Over the years, numerous cases of political influence on the media can be mentioned. For example, in 2003, the BBC was attacked by the British government regarding its coverage of the war in Iraq (Glover, 2003). In Greece, Italy, Portugal, and Spain, situations described as ‘political clientelism’, ‘state paternalism’ and ‘partitocracia’ have hindered the complete emancipation of public service broadcasters from direct political control. The manipulation of information under political influence led to the punishment of TVE for its coverage of the general strike in Spain in June 2002. Likewise, the politicization of RAI, caused by a division of the three Italian channels between the main political parties, has further worsened. (Council of Europe, Parliamentary Assembly, 2004)

Meanwhile, in Russia, as in the former Soviet Union, political censorship continues to exist. To varying degrees, a similar control was practiced in other countries with Marxist governments. Such oversight, under the official doctrines of the Communist Party, was not limited to political discussions or books and newspapers but seemed to cover all kinds of topics and all forms of publication, including broadcasts. (Encyclopædia Britannica, n.d.)

On the other hand, the censorship of state-owned channels that mislead the public has proven to be positive. As recently as 2022, when Russia invaded Ukraine, the strategic use of censorship by the European Union led to the blocking of Russian government-owned media outlets Sputnik and Russia Today on multiple levels and platforms. Studies show that these two channels have been a disinformation tool at the Kremlin’s discretion for years. (Wikipedia Contributors, n.d.)

In this context, a wide variety of independent and autonomous media is emphasized, allowing the reflection of the diversity of ideas and opinions. In this regard, the public broadcasting service must maintain impartiality in producing programs, especially in news, documentaries, and coverage of current issues. The principles on which the public broadcasting service is based, including its editorial policy, must be clear and transparent to the public.

Moreover, public broadcasting efforts must focus on securing complete independence from the government to achieve more pluralistic programming. Editorial independence leads to editorial responsibility, which entails effective control over both the selection and organization of programs.

Furthermore, editorial independence and institutional autonomy of public broadcasting services, including financing within an appropriate, secure, and transparent framework, must be guaranteed through a coherent policy and an adequate legal framework.



## **Albanian Radio Television (RTSH) and political censorship.**

### **Historical overview**

Albanian Radio Television (Radio Televizioni Shqiptar (RTSH)) is the public broadcasting service for audio and audiovisual content in Albania, including Radio Tirana and Albanian Television. RTSH was established on November 28, 1938, with the first broadcast from Radio Tirana.

The national radio waves also targeted foreign listeners. Broadcasts were diversified into the languages of neighboring countries, as well as English and French. The regime's doctrine heavily influenced the goal of both domestic and foreign broadcasts at the time, which imposed a propaganda agenda.

The first television broadcast in Albania took place on April 26, 1960, marking the birth of Albanian Public Television and the start of the country's television market. The diverse themes covered included local and international news, films, and cultural events. Radio Tirana was a significant international broadcaster during the Cold War despite Albania's small size and isolationist policies. It played a key role in spreading the country's political stance despite its limited resources. The broadcasts targeted domestic and international audiences, aligning with the country's alliances and political ideologies.

During Albania's alliance with China in the 1960s and 1970s, Radio Tirana adopted an anti-Western and anti-Soviet stance, aligning with China's official policies. Its broadcasts followed a similar line, maintaining socialist political tones. After the break in relations with China, the programming continued to be Marxist-Leninist.

Most programs during the communist period were propaganda and informative shows, heavily focused on political programming with Marxist-Leninist doctrine. A similar ideological perspective was applied to television, where foreign broadcasts were censored and blocked. The goal was to maintain strict control over the media and limit outside influence, ensuring alignment with the state's political and ideological agenda.

In the final months of the socialist era, political programming on Radio Tirana drastically decreased. This shift marked the beginning of a move away from strictly controlled content as the country entered a period of change.

In the post-communist period, RTSH gained a strong position in Albanian audiovisual broadcasting. It produced many high-quality documentaries on national heritage, historical and cultural studies, and reports on cultural events. RTSH also covered daily and special sessions of the Albanian Parliament. This period lasted until

the mid-1990s when private radio and TV stations began taking over available frequencies in Albania.

From what we examined above, we can say that the historical aspects of Albanian public radio and television are deeply tied to the country's political changes. During the communist era (1945-1991), radio and television were heavily controlled by the state and used as tools for propaganda and censorship. After the fall of communism, Albania transitioned to a more pluralistic media landscape (Bushati & Bregu, 2023) where public broadcasting faced challenges related to independence, funding, and avoiding political influence. Over the years, reforms have ensured transparency, diversity, and editorial freedom within the public service media sector.

### **Legal and institutional framework referring to the editorial independence of RTSH. Chronological analysis of laws, sublegal acts, and international reports.**

The legal regulation of Albanian public broadcasting began in 1974 with the adoption of the Regulation of the General Directorate of Radio and Television (General Directorate of Radio and Television, 1974), which was later amended by Decision no. 114 on May 28, 1984. This framework set the foundation for the operation of public media in Albania.

As stated in the regulation, the first Albanian radio and television was not an independent and impartial institution but had an ideological character. (General Directorate of Radio and Television, 1974) It carried out "*propaganda-educational and cultural-artistic*" activities based on the party's orientations, serving as a tool to propagate the "*achievements*" of the Albanian people under the leadership of the Workers' Party.

The regulation outlined the obligation of the General Directorate of Radio and Television, as an ideological institution, to propagate the party's policies and ideology. It was tasked with promoting the activities of the working masses across all sectors of political, economic, and social life. This ensured the media's alignment with the political directives of the ruling party, reinforcing its influence over public discourse. (General Directorate of Radio and Television, 1974) The primary and sole function of RTSH was political propaganda, carried out in favor of the ruling party. The institution's activities were focused on promoting the party's ideology and policies, serving as a tool for disseminating its messages and reinforcing its control over public opinion and the media.

The lack of editorial independence and the monopolized nature of the radio-television service during this period are evident in its organization. The only body overseeing the radio and television activities and pre-approving content was the General Directorate of Radio and Television. This directorate was appointed and directly controlled by the Council of Ministers, further consolidating the state's control over the media. (General Directorate of Radio and Television, 1974) The hierarchical dependence of the Radio and Television leadership on the government is clear.

Furthermore, it was a state-funded institution, entirely financed by the state budget, lacking financial independence from the state authority. (General Directorate of Radio and Television, 1974)

The lack of institutional independence of RTSH during this period resulted from the totalitarian system and the absence of political pluralism. The media was under strict state control, with no room for alternative views, independent editorial decisions, or financial autonomy.

The Regulation of the General Directorate of Radio and Television was repealed by Law No. 7524, dated November 19, 1991, "On the Status of Albanian Radio and Television". Given the period in which this law was passed, the significant political changes in the country, and the fact that the law was approved following the provisions of Law No. 7491, dated April 29, 1991, "On the Fundamental Constitutional Provisions", it marked a pivotal shift. This law introduced key democratic principles for establishing and functioning RTSH, aiming to align the public broadcaster with democratic values and independence in the new political context of post-communist Albania. The law enshrines democratic principles such as depoliticization, pluralistic democracy, impartiality, and objectivity. According to Article 5, RTSH must not serve the interests of any party, organization, or social force in a biased manner. These principles ensure that the public broadcaster operates independently, without being influenced by political or ideological pressures, and upholds the core values of fairness and neutrality in its programming.

The law emphasizes the democratic character it brought to Albania's public broadcasting status. It explicitly guarantees media freedom, central to freedom of expression, while imposing restrictions only concerning the dissemination of state secrets, calls for violent overthrow of the constitutional order, or incitement of political, ethnic, or religious hostility, among other activities contrary to Albanian law. This approach reflects the commitment to safeguard public interest and uphold democratic values in the media sector. (Assembly of the Republic of Albania, 1991)

According to Law No. 7524, RTSH had two governing bodies: the Steering Council and the General Director. The Steering Council comprises prominent experts

from various fields of country life. Its composition was proposed by the Permanent Commission of Mass Media Information of the People's Assembly and approved by the latter. This structure ensured RTSH's governance was based on expertise and democratic oversight. The state authority responsible for regulatory oversight and complete control of public broadcasting and its activities was the People's Assembly. The special institutional relationship with the legislative body guarantees the proper functioning and prevention of abuse by members of the RTSH Steering Council. However, this relationship should not involve complete control, but rather a regulatory function. (Assembly of the Republic of Albania, 1991) The General Director of RTSH was a member of the Steering Council, elected through a secret vote by the Council itself.

The primary source of financing for RTSH came from the state budget, but Article 13 of the law also allowed for additional financial resources from other activities recognized by law. Therefore, RTSH's financial independence was guaranteed by law.

Law No. 7524, dated 19.11.1991 "On the Status of the Albanian Radio Television" underwent successive amendments, precisely through Law No. 7569, dated 27.05.1992, which amended the number of members in the RTSH Steering Council from 17 to 11. (Assembly of the Republic of Albania, 1992) Additionally, Law No. 8228, dated 31.07.1997, further contributed to organizational governance structure changes. (Assembly of the Republic of Albania, 1997)

The recent legal changes brought modifications to the organizational and leadership structure of RTSH. Specifically, the number of members in the Steering Council was increased to 21. For the first time, the Council is tasked with electing its own Chairman, who will lead its activities—previously carried out by the General Director. The law also altered the process for renewing the Council's members.

Previously, the Council was renewed every two years with 1% of its external members, but now it is renewed annually by 1/3 of its members. This law positively influenced the precise definition of the organizational structure and the division of responsibilities within RTSH. It also provided legal guarantees to reduce the possibility of abuse of office by members of the Steering Council.

The more detailed implementation of democratic principles, including depoliticization, pluralistic democracy, impartiality, and objectivity, was established with the changes in September 1997. These changes tasked the Permanent Commission of the People's Assembly on Public Information Media with monitoring RTSH's adherence to these obligations. (Assembly of the Republic of Albania, 1997)

The amendment introduced a provision that RTSH must ensure equal conditions for expression between the ruling party and the opposition. This includes proportional time distribution based on the percentage of votes in the most recent parliamentary elections and guaranteeing a minimum quota for small parliamentary and non-parliamentary parties. It was also stipulated that in the news editions of RTSH, short news updates should regularly cover the agenda and debates of the People's Assembly and relevant decisions. Additionally, news about state, social, religious, cultural, scientific, sports organizations, trade unions, and the ruling party and opposition should be provided. For each topic, alternative opinions should also be presented, as allowed by the professional concept of news. (Assembly of the Republic of Albania, 1991)

Despite the innovations brought by Law No. 7524 and its amendments, aimed at sanctioning and affirming democratic principles, there was still a noticeable lack of pluralism in audiovisual media. Consequently, a monopolistic regime persisted in the audiovisual sector, with the public broadcaster being the sole entity responsible for broadcasting activities.

The creation of private media, alongside public radio and television, was first established by Law No. 8221, dated May 14, 1997, *"On Public and Private Radio and Television in the Republic of Albania,"* thereby ending the monopoly on broadcasting activities that had been solely controlled by public television. (Assembly of the Republic of Albania, 1997)

With the approval of Law No. 8410, dated September 30, 1998 *"On Public and Private Radio and Television in the Republic of Albania"* the previous laws, including Law No. 7524, dated November 19, 1991 *"On the Status of RTSH"* and Law No. 8221, dated May 14, 1997 *"On Public and Private Radio and Television in the Republic of Albania"* along with their respective amendments, were repealed.

Law No. 8410, dated September 30, 1998, *"On Public and Private Radio and Television in the Republic of Albania,"* was a significant turning point in the Albanian legal order. It regulated public and private media, laying the foundation for a democratic legal framework. This law affirmed and guaranteed the freedom of both public and private media, establishing initial principles for exercising this freedom while respecting individual rights and the fundamental principles of a democratic state. (Assembly of the Republic of Albania, 1998)

Over time, and as part of Albania's steps toward European Union integration, meeting international standards and obligations in the media sector became necessary. This led to the adoption of Law No. 97/2013 *"On Audiovisual Media in the Republic of Albania,"* which aimed to improve media regulation and align it with European

standards. (Assembly of the Republic of Albania, 2013) The law, amended several times since its adoption by the Parliament, aligns with the European Union's *acquis Communautaire*, specifically the Audiovisual Media Directive 2010/13/EU, amended by Directive 2018/1808. This legal framework aims to harmonize Albania's audiovisual media regulations with EU standards.

Law No. 97/2013, as amended, which governs media activities in Albania, including the Public Radio and Television, reaffirms constitutional guarantees for freedom of expression, press freedom, and the autonomy of radio and television. It emphasizes Albania's commitment to media freedom and pluralism, categorically prohibiting censorship.

The editorial independence of RTSH Today is guaranteed through a coherent policy and an adequate legal framework, as stipulated in Article 91 of Law No. 97/2013, as amended, and the Statute of Albanian Radio and Television, adopted by Decision No. 98/2016 of the Parliament. These ensure RTSH operates autonomously in its editorial decisions, fostering a pluralistic media environment.

Editorial independence and institutional autonomy of the public broadcasting service, including financing within an appropriate, secure, and transparent framework, are practically ensured if the RTSH Steering Council supervises impartiality, objectivity, and completeness of audiovisual information (Assembly of the Republic of Albania, 2013). It also has the authority to approve the programming structure and the annual economic-financial indicators. This guarantees that the content remains free from external influence while adhering to democratic principles.

In 2016, the RTSH Steering Council approved the RTSH Code of Ethics, Editorial Principles, and Professional Standards. This document explicitly prohibits any form of censorship, aligning with the guarantees provided by the Constitution of the Republic of Albania, ensuring the independence and integrity of the public broadcaster's operations. The Code stipulates that editors and journalists should not succumb to direct or indirect pressures to censor their programs. Furthermore, they should avoid self-censorship, as conformity is incompatible with independent journalism. (RTSH Steering Council, 2016) This ensures that the integrity of editorial work remains free from external influence and upholds the principles of media freedom and responsibility. The Code of Ethics emphasizes that while caution is necessary when broadcasting unofficial information from the internet, this should not equate to censorship. If censorship affects program content, authorities, editors, or journalists must acknowledge this in the broadcast. Additionally, if such limitations impact the reporting, they must be brought to the audience's attention during transmission. This ensures transparency and upholds the integrity of the media.

As outlined by OSCE guidelines (Organization for Security and Co-operation in Europe (OSCE), 2023), the media must be free to report on all aspects of elections. This includes covering the work of election administration, campaign platforms, activities of candidates and parties, campaign issues and incidents, election day processes, vote counting, and the announcement of results. This ensures transparency and helps maintain public trust in the electoral process. The principle of freedom of expression also applies to opinions, interpretations, and projections. The media should support these freedoms, allowing journalists and political experts to provide various perspectives and educate voters. The media should also be free to criticize candidates' actions and platforms, ensuring a well-informed electorate.

According to OSCE Guidelines, public service media serve as sources of impartial information and diverse political viewpoints. They support pluralism and diversity of opinions by enabling different groups to access and share information, express their views, and exchange ideas. Public media promote social cohesion, cultural diversity, and pluralistic communication.

Moreover, the Albanian Electoral Code, in Article 91, explicitly provides that favoring a political party or candidate is considered an abuse of public resources and an unlawful manipulation of the public. (Assembly of the Republic of Albania, 2008).

Throughout RTSH's long history, there have been accusations and prejudices regarding its broadcasts, as it has been accused of bias and an unbalanced stance, especially by the political party in power. Domestic and foreign critics and observers have concluded that this institution continues to align itself with the government's agenda, unsuccessfully trying to present itself as an independent public broadcaster.

This stance has been acknowledged and documented by international observers in their reports, who testify to the lack of editorial independence of RTSH and the coverage of news with positive notes for the ruling party and negative ones for the opposition party. Such a stance cannot be justified for a public broadcaster. (Organization for Security and Co-operation in Europe (OSCE), 2011)

Other accusations relate to the censorship of the opposition leader or activities of the opposition party, effectively establishing discriminatory and dismissive relations towards the opposition, even directly attacking it.

As stipulated by law, RTSH is prohibited from engaging in political propaganda (Assembly of the Republic of Albania, 2013) or the censorship of programs. (RTSH Steering Council, 2016)

Given these provisions, we believe that maintaining unbalanced positions in conducting political propaganda or censorship for political motives would be an incorrect stance for RTSH. Instead of fulfilling its goal of being a broadcaster

committed to the highest ideals of public service broadcasting, it would turn into an anti-democratic and harmful actor in the information market. Political propaganda was acceptable only in totalitarian societies. Meanwhile, limitations on broadcasts in a democratic society cannot have political purposes, but only the objective of protecting human rights and freedoms.

The public service broadcaster must be free from political influence and profit-driven motives, a truly genuine forum where information, ideas, and critiques can circulate freely. (United Nations Educational, Scientific and Cultural Organization (UNESCO), 2001)

## Conclusions

In conclusion, freedom of expression and the right to information are essential pillars of a democratic and pluralistic society. The state should establish regulatory systems, including a licensing regime for broadcasters, to fulfill its positive obligation to promote pluralism and diversity in media. Seen from this perspective, it may seem like a restriction on the broadcasters' freedom to provide information and ideas, whether they are existing or future ones. In this sense, pursuing diversity objectives may create a tension between the audience's freedom to receive information and ideas and the media service providers' right to deliver them. It is important to emphasize that this is a matter of balancing the two aspects of the right to freedom of expression, the positive and negative aspects, not limiting this right.

To preserve and strengthen democracy, public broadcasting plays a crucial role. In this regard, ensuring the editorial independence and institutional autonomy of public service broadcasting is important, for it to maintain impartiality in its program production, particularly in news, documentaries, and coverage of current issues. This includes securing funding within a suitable, safe, and transparent framework, supported by a coherent policy and an adequate legal framework. This guarantees that the public service broadcaster contributes to an informed, fair, and balanced media environment.

Editorial independence also brings editorial responsibility, which implies exercising effective control over the selection of programs and their organization, ensuring integrity and balance of content, and reinforcing the commitment to impartial and high-quality broadcasting.

Public or state-funded media, unlike private broadcasters, may be more susceptible to governmental pressure, especially in countries where they have not yet fully transitioned to independent public service broadcasters. For this reason, it must strive to ensure complete independence from the government, which is necessary to achieve truly pluralistic programming.

Furthermore, it can be said that the public broadcaster, owned by the citizens, must earn the trust of its audience. As a result, it should adhere to higher and stricter



standards than other broadcasters. The public service broadcaster must be free from political and profit-driven influence, serving as a genuinely independent forum where information, ideas, and criticism can circulate freely. The public service broadcaster must be accountable to the people, and ensuring responsibility from elected officials is one of its most important duties in supporting democratic institutions.

In terms of guaranteeing freedom of expression and media freedom, Albania has made progress by aligning its domestic legislation with the EU's *acquis*, which regulates the field. The country's reforms align with EU standards and strengthen the audiovisual media market, ensuring further protection beyond the legal framework.

In this regard, several international organizations, including Albania, monitor the exercise of media freedom worldwide. Suppose they find that this right is not being upheld according to international standards. In that case, they respond through periodic reports and relevant rankings, evaluating the state's level of media freedom, including public broadcasters.

The chronological analysis of the Albanian experience of public broadcasting service shows continuous progress in efforts to guarantee editorial independence at RTSH, transitioning from a period of strong state control to a noticeable commitment to freedom of expression and media independence. However, challenges to maintain it impartial and independent continue to exist and require constant oversight and further reforms.

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