

[AL] Albanian Parliament Decriminalises Defamation

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On 1 March 2012 the Albanian Parliament adopted some amendments to the Penal Code that decriminalise libel and defamation. These changes followed a first round of amendments to the Civil Code defamation provisions, which were passed by Parliament on 17 February 2012.

The changes culminated in a seven-year effort led by the Justice Initiative and the Albanian Media Institute, which received multi-partisan support in three successive legislature and civil society discussions. The aim was to bring Albania's defamation laws into line with prevailing European standards.

The Penal Code amendments included the full repeal of four offences that granted special protection to national and foreign Government officials. Prison terms and the involvement of public prosecutors in defamation cases were also abolished. The lawmakers maintained that insult and the deliberate publication of defamatory falsehoods should be misdemeanours, to be prosecuted privately and subject to a fine.

The Civil Code amendments provide greater guidance to judges, by requiring them to consider elements such as truth and the contribution of statements to a democratic debate, while also taking due account of unjust attacks on reputation. The changes seek to limit damage awards to proportionate levels that do not jeopardise the financial survival of media outlets. Civil libel awards granted by Albanian courts have increased dramatically in recent years, casting a chilling shadow perhaps longer than that of the criminal offences, which have largely fallen into disuse in the recent past.

Last week's reforms in Albania follow a trend set by new European democracies, such as Estonia and Bosnia, who were among the first to repeal criminal libel laws. Such laws remain in the books in several Western European countries, but are sparsely used and are subject to the close scrutiny of the European Court of Human Rights in Strasbourg.

The changes to the criminal and civil codes, the adoption of which required a qualified majority in Parliament, became possible due to a recent thaw in the chilly relationship between Government and opposition parties that had greatly hampered lawmaking activities in recent years. The two sides have now committed to passing reforms important to the country's efforts to seek European

Union membership. The European Commission and media freedom watchdogs had repeatedly called for defamation law upgrades.

Kuvendi mblidhet në seancë plenare dhe miraton me 126 vota pro dhe asnjë kundër, katër nismat legjislative, për ndryshimet në “Kodi Penal i Republikës së Shqipërisë”

[http://www.parlament.al/web/Kuvendi mblidhet ne seance plenare dhe miraton me 126 vota pro dhe asnje kunder kater nismat 13844 1.php](http://www.parlament.al/web/Kuvendi_mblidhet_ne_seance_plenare_dhe_miraton_me_126_vota_pro_dhe_asnje_kunder_kater_nismat_13844_1.php)

Press release of the Albanian Paliament

Joint statement of Albanian Media Institute and Justice Initiative

<http://www.institutemedia.org/news.html>

