



INTERNET FREEDOMS

Summary



IMPRESSUM

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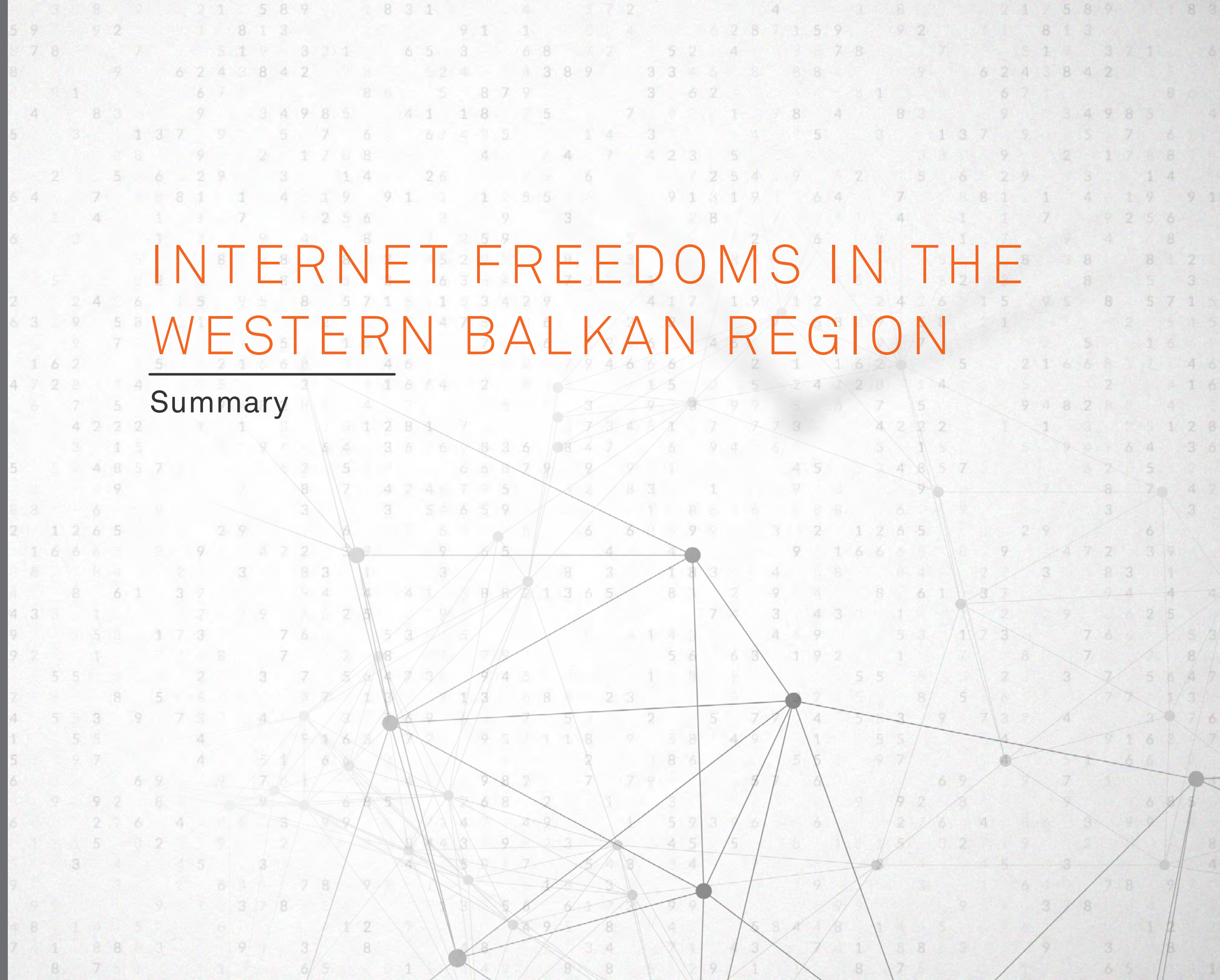
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INTERNET FREEDOMS IN THE WESTERN BALKAN REGION

Summary



INTRODUCTION

Governments in the Western Balkans have continuously jeopardized the right to freedom of expression by shutting down media outlets, social movements' pages and intimidating individual activists online. Furthermore, there is a growing tendency of introducing legislation aimed at censorship of online content. There are also rising concerns in terms of surveillance and lack of efficient personal data protection of citizens. Such measures limit and restrict civic participation and undermine the very foundation of democracy.

The European Convention on Human Rights and recommendations made by the Council of Europe emphasize that member states are responsible for the implementation of human rights and fundamental freedom standards in regard to the internet. More importantly, member states have an obligation to their citizens to respect, protect and promote human rights and fundamental freedoms on the internet.

Civil Rights Defenders In cooperation with SHARE Foundation conducted research on the state of internet freedoms in Serbia, Bosnia and Herzegovina, Kosovo and Albania. This report provides a comparative overview of specific indicators and develops a set of recommendations for governments of these countries to improve the state of citizens' freedoms online.

The indicators for the research were based upon internet freedom indicators included in the Council of Europe Recommendation CM/Rec(2016)5 on internet freedom and adapted in accordance with the local social context. They specifically cover 4 main areas: (1) an enabling environment for internet freedom, (2) the right to freedom of expression, (3) the right to freedom of peaceful assembly and association and (4) the right to private and family life. Each group of indicators provides a deeper insight into the defined area through sub-indicators, which vary in numbers depending on the complexity of the topic.

Such research is necessary to map the most problematic areas in each country and at the same time analyze risks which are common to citizens across the region. This holistic approach is crucial to ensure that recommendations are both practically applicable and of critical importance for the future of internet freedoms in the Western Balkans.

The protection of human rights and fundamental freedoms on the internet is guaranteed in law, in full compliance with relevant articles of the European Convention on Human Rights (ECHR).



Any state body which has regulatory or other competence over internet matters carries out its activities free from political or commercial interference, in a transparent manner and protects and promotes internet freedom.

1. AN ENABLING ENVIRONMENT FOR INTERNET FREEDOM

Legislative frameworks of countries covered by the report mostly enable media and internet freedom, some countries decriminalised defamation and some adopted new laws on cyber security. But in spite of these provisions, the implementation of the laws remains questionable. The reasons for problematic implementation lie mainly in political disagreements and pressures, and in some cases due to legacies from the 90s.

- ▶ In Bosnia and Herzegovina, most of the legislative framework was tailored by the international community after war. However, strong divisions along national lines obstruct its implementation and cause a stall in adopting new and aligning the existing laws with the international standards regarding cyber security. The Law on Public Peace and Order omitted the definition of a public space and caused a chilling effect by including internet and social media in its implementation.
- ▶ Amendments to the legislative framework regarding the media in Albania envisaged the registration of online media and the policing of news content, with potentially enormous fines and possible closure of websites, too.
- ▶ According to the Strategy for Combating Cybercrime from 2019 to 2023, Serbia still needs to align the national legal framework with the EU Directive on attacks against information systems.
- ▶ Unlike the other three countries, Kosovo is not a signatory of the Budapest Convention on Cybercrime, and even though Kosovo has the Law on Prevention and Fight of Cyber Crime it is the Code of Criminal Procedure that prevails if there are any discrepancies between the two.



2. THE RIGHT TO FREEDOM OF EXPRESSION

Freedom to access the internet and net neutrality

While some countries guarantee net neutrality in laws, others do not deal with this issue as explicitly. The access to information comes across different problems in different countries so there are either geographic obstacles or high prices of the internet or other issues which trump the right to receive and impart information.

- ▶ Serbia guarantees free access to information, distribution of information and the use of applications and services which users prefer.
- ▶ In Kosovo, the Law on Electronic Communications ensures that the regulation of electronic communications activities is based on the principle of technological neutrality without any discrimination of specific technologies.
- ▶ Most of Bosnia and Herzegovina is mountainous, so special measures were taken to reach rural and remote areas and provide internet in those regions, too. Half of rural households own a computer, while two-thirds live in areas covered by a mobile phone network. More than 90% of young people in rural and urban areas use both computers and the internet, but this usage is still at least 3-4% higher in urban areas.
- ▶ The internet is rather expensive in Albania and there are no reasonable measures to provide acceptable speed at acceptable prices. Internet speed in Albania is low (from 1 Mbps up to 8 Mbps at home connections) and the price ranges from 10 euros a month up to 100 euros a month for higher speeds.



Freedom of media

Freedom of the media is guaranteed by law, but media independence in practice is problematic in all of the countries, there are issues regarding the registration of media, pressures on media outlets are common, especially in smaller communities, there are technical attacks and censorship is frequent, too. Therefore, media freedoms are dropping more in some countries and less in others, but the general decrease is noticeable in all of them.

- ▶ Technical attacks against online media outlets in Serbia are rather frequent. The violations include: distributed denial of service (DDoS) attacks, unauthorized access, unauthorized alterations of content, malware injection, etc. The targets are often media organizations critical of the Government's actions.
- ▶ In Bosnia and Herzegovina, media landscape is deeply polarized along national lines, and pressures on media mainly come from political parties.
- ▶ According to Freedom House, there is direct and indirect political interference on the media in Kosovo, and it was alleged that some authorities obstructed reporters' work on several occasions.
- ▶ Some online media in Albania claim that their online content is being censored and removed from their Facebook pages, too.



Safety of journalists

Journalists and media actors are often targets of attacks in all the countries and self-censorship is common. Some state actors often turn to verbal attacks and smears of journalists, they rarely provide any protection and investigations of crimes against journalists take a lot of time.

- ▶ More than **60% of Kosovo** journalists feel threatened with violence to some extent, **22%** of journalists say they feel “completely” threatened, while only **7% of journalists think the justice system would process their case adequately.**
- ▶ In **Bosnia and Herzegovina** between **2006 and 2015**, only **15% of the 60 recorded crimes** towards journalists were **legally finalised**, that is, the court proceedings were completed.
- ▶ **Investigations** of threats and crimes **against journalists and new media** actors are very **slow** and even though there are many cases of attacks on journalists in **Serbia**, such as **threats and intimidations**, very often they **remain unsolved.**
- ▶ **Albania's** journalists and media workers saw numerous **pressures** coming from the **highest instances of government** and very often they **face threats** and are **victims of attacks.**



3. THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

The freedom of assembly is guaranteed in all of the countries. It can be restricted only if it is necessary for the protection of public health, morals, rights of others or the security. Social networks have often proven to be a means of gathering people for different causes and it was most often the Facebook pages of different movements or civil society organisations.



4. THE RIGHT TO PRIVATE AND FAMILY LIFE

The right to privacy is not explicitly mentioned in constitutions in some of the countries, instead it is often included as a part of other rights. But with changes brought by new technologies, countries are now trying to adopt new legislative frameworks to address this right, amend the existing laws and make them compliant with international standards and establish new relevant institutions. In this process, all of the countries came across challenges especially in terms of interception of communications and video surveillance.

- ▶ In Serbia, video surveillance of public spaces by state authorities is not regulated, but there are provisions regulating data processing by video surveillance.
- ▶ The latest amendments of the Albanian Law on interception and the Code of Penal Procedure provided more space for interception of communication.
- ▶ In Bosnia and Herzegovina, the Personal Data Protection Agency does not have sufficient support from the authorities and therefore those who violate privacy do not suffer any consequences and the overall data protection of the BiH citizens remains largely questionable.
- ▶ Kosovo established the Commissioner for Oversight of Interception of Communication which conducts a yearly control of the lawfulness of interception of communications, and reports possible identified violations.

