



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
and
The Centre in Dushanbe**

**Sixth Central Asian Media Conference
Dushanbe**

**21st Century Challenges for the Media in Central Asia:
Dealing with Libel and Freedom of Information**

On 23 and 24 September 2004, the annual Central Asian Media Conference was held in Dushanbe, Tajikistan. The Conference was organized under the auspices of the OSCE Representative on Freedom of the Media, **Miklos Haraszti**, and the OSCE Centre in Dushanbe.

For the sixth time, more than 100 journalists from four Central Asian countries – Tajikistan, the Kyrgyz Republic, Uzbekistan and Kazakhstan, representatives of non-governmental media organizations, as well as experts and foreign guests came together to discuss the latest developments in the media field. As in previous years, the conference provided a unique opportunity for interaction and exchange of views among the participants.

This year the conference focused on **Libel** and **Legislation on Freedom of Information** as modern challenges for the media in the 21st century. The participants agreed that the obsolete **Libel Laws** which exist in four Central Asian countries are inadequate, even detrimental, to a democracy where freedom of the press and uninhibited discussion of public issues could be diminished by libel sentences used against journalists because of their work.

During the discussion, it was stressed that some Central Asian States have made certain steps towards **Freedom of Information**, but substantial problems remain. None have laws that meet international standards on access to information. State Secrets' Acts that undermine the right to access to information are often abused. Significant efforts are required to ensure that the region joins the rest of the OSCE in recognizing the right to access to information for the media and the public.

The Conference ended with a declaration on libel and freedom of information, to which all participants subscribed. In addition to this declaration, participants formulated concrete proposals for action which the OSCE Representative on Freedom of the Media will submit to the respective authorities.

Dushanbe Declaration on Libel and Freedom of Information

The debates at the Dushanbe Conference on the Media stressed the following conclusions:

On Libel:

- The possibility for governmental officials and politicians (public figures) to sue the media and journalists should be limited.

- Defamation should be decriminalised and replaced with appropriate and narrowly defined civil defamation laws, introducing a defence of 'reasonable publication' and capping damages.
- If full decriminalisation is not possible in the short term, the possibility to suspend temporarily the applicability of defamation articles should be considered. Laws envisaging the criminal and civil liability of journalists for insulting the honour and dignity of heads of state on behalf of third persons should be abolished.

On Freedom of Information:

- Comprehensive laws on Free Access to Information based on international standards should be adopted and their proper implementation ensured.
- Multilateral oversight over the observation of these laws and standards should be ensured and carried out by parliaments, parliamentary commissions open to the public, commissions of public hearings and independent ombudsmen.
- State Secrets' laws should be amended in order to limit their applicability only to that information whose disclosure would significantly threaten the national security or territorial integrity of a nation.
- Rules by which information is classified should be made public.
- Limitations in time should be established for information classified as secret.
- Criminal liability for journalists connected with the disclosure of state secrets should be limited in cases of public interest.

Dushanbe , 24 September 2004