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**Organization for Security and Co-operation in Europe**

**The Representative on Freedom of the Media**

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## **Regular Report to the Permanent Council**

*For the period from 25 November 2021 to 19 May 2022*

## **INTRODUCTION**

Mister Chairperson,  
Excellencies,  
Ladies and Gentlemen,

Today, I present my third report to the Permanent Council, covering the period from 25 November 2021 until today.

After my last bi-annual report to this Council in November last year, for a brief moment I cherished the hope that I could come back on a slightly positive note this time. Perhaps even in a bit of a festive mode.

Festive, as it is this year that we mark the 25<sup>th</sup> Anniversary of the Mandate of the Representative on Freedom of the Media. Twenty-five years ago, the participating States of this organization underlined the importance they attach to media freedom for our societies, our democracies and our common security, by creating the Mandate that I am proud to fulfil.

Today, however, there is nothing to celebrate.

The aggressive attack of the Russian Federation on the sovereign state of Ukraine has taken, and is still taking, a terrible toll on the lives and livelihoods of the Ukrainian people. It has also put our region into a deep crisis.

The war leaves no one unmoved. It has hit us in the midst of our region. It was an attack on our common beliefs and values. It violated, and continues to do so, all that is dear to us, and all that our organization stands for since its conception in 1975, including severe consequences for media freedom across our region. My briefing to you will therefore start with the situations in these two countries.

I will then continue to focus on the other most pressing developments regarding media freedom that I have witnessed in the past six months. As I stated previously, my bi-annual briefings to the Permanent Council will move in a two-step cycle: in the fall, I present to you a report that focusses on my past and future activities; now in the spring, I will focus on the most pressing developments regarding media freedom in our region.

## **NO SECURITY WITHOUT MEDIA FREEDOM: UKRAINE AND THE RUSSIAN FEDERATION**

In preparation of this year's anniversary, I chose the following slogan:

"There is no security without media freedom"

Little did I know how true those words would ring in today's world.

I know very well that there have always been conflicts and challenges to media freedom and freedom of expression in our region. Many times before we have witnessed that when conflicts flared up, media freedom and free speech were among the first victims. Vice versa, we saw security declining in those countries and regions where freedom of expression was curtailed.

In the past 25 years, we witnessed that media workers came under serious attack in conflict-affected areas; we heard politicians threatening and abusing media workers; we observed how courtrooms were abused for vexatious lawsuits against journalists; we were confronted with brutal police or demonstrators' violence against reporters; we saw the rise of the internet and the promise it held for freedom of expression, while also watching how it has been exploited to spread lies, disinformation, propaganda and hate; we heard about internet shutdowns; we witnessed the devastating effects of creeping systemic control by authorities over the media landscape; we watched a dangerous anti-media sentiment grow; and we saw a stark rise of so-called emergency measures curtailing our right and access to information.

Never in those 25 years, however, did we witness the scale to which our common principles and commitments regarding media freedom have been violated as during this last reporting period.

### **The impact of the Russian invasion on the media freedom situation in Ukraine**

In the battle zones, media workers from Ukraine and from all over the world came to report. Journalists were injured, abducted, attacked, and even lost their lives in the course of doing so. And this sad reality continues.

Let me use this opportunity to pay tribute again to all those brave journalists who went out to keep us informed about developments on the ground, including serious violations of international humanitarian and human rights law.

I mourn the committed media workers who were our eyes and ears in this terrible conflict and who were killed while performing their duties: *LIVE* channel cameraperson, Yevhen Sakun; *Time* journalist and filmmaker, Brent Renaud; *Fox News* cameraperson, Pierre Zakrzewski; fixer and journalist Oleksandra Kuvshinova; journalist with *The Insider* investigative project, Oksana Baulina; photojournalist Maksim Levin; and film director Mantas Kvedaravičius.

I offer my deepest condolences to their loved ones, their families and their colleagues. They will not be forgotten.

There was more sorrow. We have all read the report of 12 April produced under the OSCE's Moscow Mechanism, in which, amongst others, the wrongful detention and disappearance of 21 journalists and civil society activists is described, including a case involving a Ukrainian interpreter and fixer for Radio France who was held in captivity by Russian troops in central Ukraine for nine days. The report details how he was "Left in an

icy cellar, he was repeatedly beaten with an iron bar and rifle butts, tortured with electricity, deprived of food for 48 hours and subjected to mock execution”.

Among many other horrific examples, other reports indicated the disappearance, detention and abduction of Ukrainian journalists or their relatives by the Russian military, including journalist Iryna Dubchenko, from the city of Zaporizhzhia, who contributed to several Ukrainian media outlets; journalist for the Ukrainian press agency UNIAN, Dmitro Khiliuk; brother of journalist and editor-in-chief of Kherson Newscity website, Konstantin Ryzhenko; editor-in-chief of local news platform Novakahovka.City, Oleksandr Gunko; journalist with Hromadske media outlet, Victoria Roshchina; journalist for the newspaper Novyi Den, Oleh Baturyn; editor-in-chief Yevgeniya Boryan, and the journalists Yuliya Olkhovskaya and Lyubov Chaika, of the newspaper Melitopolski Vidomosti; father of director of the newspaper Glavnaya Gazeta Melitopolya and the RIA-Melitopol news website, Svetlana Zalizetskaya. Next, various reports indicate that because of shelling by the Russian military, several broadcasting facilities, including television towers, were damaged across the country.

Let me underline once more the duty we all, including the parties to the conflict, have to protect media workers and express my gratitude to all those local and international actors who are doing their best to secure journalists’ safety. Such aid needs to be long-term and suited to the situation on the ground. I, for my part, will continue to do all that is in my power as the OSCE Representative on Freedom of the Media.

More than ever do we realize how important it is to receive and keep receiving reliable information from independent media workers on the ground. I underlined this fundamental principle at various events marking this year’s World Press Freedom Day on 3 May, and during the recent Supplementary Human Dimension Meeting, as well as in a joint statement with the other three freedom of expression mandate holders of the international multilateral system. In this statement, we expressed our concerns about the fact that Ukraine’s media and internet infrastructure are being intentionally targeted by the Russian forces in an effort to disrupt access to information, including by means of cyberattacks. I reiterate our call for the adoption of all feasible measures to protect the media as well as media and internet infrastructure from attacks and hostile take overs, and our call for increased support in various forms by the international community to ensure media sustainability in Ukraine at a time when a number of national and local media outlets have lost their premises and equipment or have been damaged or destroyed.

I addressed the dire situation in Ukraine in three press releases, nine social media messages and through direct communications with the parties involved.

### **The media freedom situation in the Russian Federation**

At the same time, in the Russian Federation, we witnessed during this reporting period the most severe crackdown on free speech and media freedom of the last 25 years.

On 16 March, I took the extraordinary step to present to you a special statement on the unprecedented situation that was unfolding in the Russian Federation. I described to you how the authorities systematically violated OSCE principles and commitments regarding media freedom, leading to a situation of censorship and almost complete isolation of Russian citizens from any form of independent information. Earlier, on 4 March, President Vladimir Putin had signed into effect the laws that call for hefty fines and sentences of up to fifteen years in prison for distributing “false” information about the Russian armed forces or for “discrediting” them.

These draconian measures led, amongst others, to the closing on 28 March of Novaya Gazeta, the newspaper led by Nobel Peace Prize winner Dmitry Muratov, one of the last beacons of independent press in the Russian Federation. Next, in my press release of 14 April, I raised the cases of the arrests of Mikhail Afanasyev, an award-winning editor-in-chief of the Abakan based Novyi Focus online magazine, and Sergei Mikhailov, founder of the Gorno-Altaysk based Listok newspaper, which illustrate how the restrictions that were put in place are suffocating the last remainders of independent journalism. According to some reports, after signing of the law, more than 1,650 cases on related administrative offences and more than 30 cases on related criminal offences have been initiated across the country.

I repeat my words: in our midst – in the region where we committed ourselves to approach security as a shared concept inclusive of human rights and media freedom – a frightening information black hole has opened. With an information infrastructure completely under control of the government and no room for other news than the state-controlled one, the people in the Russian Federation are left completely deprived from some of their most fundamental rights: their freedom to seek and receive information of all kinds, and their freedom to share their opinions and to express themselves.

I addressed these issues in my special statement to the Permanent Council, two social media messages and in four press releases, and in direct communications with the authorities.

## **NO SECURITY WITHOUT MEDIA FREEDOM: THE OSCE REGION**

Let us not be mistaken: this is not only a threat to the 144 million people living in the Russian Federation, one-tenth of the population in our region. It is a threat to all of us.

The threats against, and maltreatment of, media workers and outlets in the Russian Federation harm our common information space in the OSCE region and, thus, our common security. The example the Russian authorities are providing might be used by some as a pretext to strengthen their clampdown on the media and to shrink even more the space for independent media in their own countries. It might even give rise to the idea that our common principles regarding media freedom could be negotiable or open for interpretation. Which they are not. Let me reiterate here that undemocratic deeds must never be countered with undemocratic actions.

## **Restrictions to the free flow of information across frontiers**

Journalism across our national borders has suffered greatly in the past reporting period.

In my communiqué on this topic, I explained why the blocking of cross-frontier journalism is detrimental to all of us and how it goes against OSCE commitments and principles regarding media freedom. Taken together, these commitments, that the participating States themselves have agreed to, form clear and irrefutable support for the right of media workers and media outlets that originate, or have ties to parties, in one participating State to freely collect, report and disseminate (publish, broadcast) information in another participating State. Similarly, the public has an undeniable right to freely seek, receive and impart information and ideas without interference by the public authorities and regardless of frontiers. This freedom encompasses access to foreign publications and foreign broadcasts and websites.

Since such restrictions tend to lead to arbitrary and politically motivated actions, all restrictions on the work of media with ties abroad should always be applied as a last resort. When affected, media should always have remedial recourse to a functioning independent judiciary.

Unfortunately, in the past six months I have only witnessed ever more instances where the authorities of participating States hindered or blocked media workers and outlets coming from or with (perceived) ties in another participating State from doing their journalistic work. This varies from the already mentioned practice of labelling media workers and outlets as “foreign agents”, with all the accompanying (administrative) requirements that lead to a de facto impossibility for media workers to properly perform their duties; to revoking of correspondents’ accreditations and blocking of complete TV-channels or other media outlets.

In this respect, the decision of the European Union (EU) of March this year, to ban the broadcasting of Russian TV-channels RT and Sputnik, warrants separate attention. As I have made it clear before, including in my statement of 16 March, I am not in favour of any blanket bans on media outlets. International law is very clear when it comes to the reasons for such drastic steps: it cannot rely solely on the content’s character as “propaganda” or “disinformation”. However, the prohibition of propaganda for war, or on advocacy of hatred that constitutes incitement to discrimination, hostility or violence (as prescribed in article 20 of the International Covenant on Civil and Political Rights) does demand a reaction. Such a reaction must be taken with the principles of legality, legitimacy and proportionality in mind, and should include proper recourse for the disadvantaged party to an independent, functioning judiciary.

After the EU’s decision, RT France started a procedure with the European Court of Justice. Herein lies an important difference to other cases of blocking: there is a possibility for RT to have recourse to a functioning, independent judiciary. Aside from this, I have received assurances from the EU Member States that the sanctions against RT and Sputnik are limited in scope and time and will be reassessed. I will keep monitoring this situation.

I raised issues regarding restrictions to cross-frontier journalism with Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden as well as the Russia Federation and Turkey.

### **Growing restrictions on media freedom in the national context**

Also in numerous national contexts, I have witnessed limitations to media freedom. In my first report to the Permanent Council of May last year, I warned that many of these violations to media freedom creep in slowly, and taken together form a systemic approach that silences critical voices and dismantles media pluralism.

The COVID-19 pandemic has certainly contributed to this, leading to polarization and mistrust, and resulting in many measures that hinder or hamper media freedom, some of a legal character. I witnessed a clear rise in the spread of misinformation and disinformation around the virus, a real “infodemic” spreading as fast as the virus itself. In an attempt to address these worrying trends, many governments in the OSCE region adopted new laws to combat false information.

While these measures were sometimes adopted with a good intent and for a limited period, their vague definitions and broad scope made it easy to manipulate them for censoring critical reporting. In other cases, authoritarian leaders used the pandemic situation to rush through laws without public scrutiny or time limits and use them as yet another tool to suppress independent and critical voices.

While our societies are slowly starting to adapt and move past the worst of the pandemic, it is important to look closely at the impact that newly introduced rules and regulations, including those on so-called “misinformation” have on media freedom and the ability of journalists to do their work without undue restrictions.

At the same time, we must be vigilant on all those other developments that negatively affect media freedom and media pluralism, including the ability for media workers to perform their journalistic duties and the right of the public to access independent sources of information. In this light, it is worth mentioning media capture, when many media outlets in one country come under control of a few companies or persons, sometimes with close connections to the ones in power.

I raised the matter of restrictions to media freedom in the national context in Azerbaijan, Hungary, Moldova, the Russian Federation, Ukraine and Turkey.

The situation in Kazakhstan in January of this year warrants a separate mentioning. Following the violent clashes in the country, after an increase in gas prices, in a press release I expressed my concern about the media freedom situation in the country, calling for safe working conditions for journalists and other media workers under all circumstances, as well as a restoration of internet access in the country. I appreciated

subsequent conversations with the Deputy Prime Minister - Foreign Minister and the Deputy Foreign Minister on further co-operation on safeguarding media freedom in the country.

### **Online media freedom space**

In the beginning of this year, Portugal's leading media group Grupo Impresa fell victim to hacking and illegal removal of websites. Their websites were offline on 2 and 3 January, and their network abused to spread disinformation, after being targeted by a cyberattack. A few weeks earlier, a cyberattack against Amedia, the largest local news publisher in Norway, prevented the company from printing 78 of its newspapers. While the online news operations were not affected, most of the titles were finally published with a few days of delay. These clear violations of the right to freedom of expression shows our vulnerability, including for the illegal spread of false information, with a clear intent to use the reach of media to cause chaos. News media play an important role in keeping society informed on issues of public interest; such attacks tarnish the trusted relationship between the media and its audience.

Equally worrisome is the reported usage of surveillance software against journalists. Only recently, a journalist in Greece was followed for over two months by spyware. And while the source of the surveillance is not known yet, a swift and thorough investigation can bring clarity and justice to the case. I call upon all participating States to refrain from using such tools and techniques against media workers and to protect journalists from the use of such software against them by third parties, as this goes against the respect for the journalistic principle of professional confidentiality. I want to use this opportunity to remind you of the 2018 Ministerial Council Decision on the Safety of Journalists, where the participating States agreed to "refrain from employing unlawful or arbitrary surveillance techniques, noting that such acts infringe on the journalists' enjoyment of human rights, and could put them at potential risk of violence and threats to their safety".

Meanwhile, the worldwide debate about regulating online platforms, and the impact of the use of Artificial Intelligence (AI) on freedom of expression and media freedom continues. In today's digital age, information and opinions are increasingly accessed, shared and received online. Internet intermediaries have become powerful actors, gatekeepers to our information, and they deploy automation and artificial intelligence to curate and moderate online information spaces. Consequently, their architecture and policies shaping the information landscape are immensely relevant to our freedom of opinion and expression, and our common and comprehensive security.

During the past period, I therefore continued to provide policy guidance to tackle the challenges brought on by AI. In particular, on 27 January we launched our SAIFE Policy Manual with recommendations for states on safeguarding freedom of expression, based on human rights.

During my visits to the EU institutions on 28 and 29 March, I discussed the valuable contribution that the Digital Services Act will make to platform regulation and freedom of



expression online, carrying new rules that will require large online platforms to assess and manage systemic risks posed by their services, including tackling the amplification of hatred and the spread of disinformation, while also demanding the submission of independent yearly audits, and the obligation to give regulators and third-party researchers, including civil society, access to platform data and insights into their algorithms to ensure meaningful transparency, scrutiny and accountability.

I raised issues regarding the online media freedom space in Greece, Norway, Portugal, and Turkey, and regarding internet shutdowns in Tajikistan, Kazakhstan and Turkmenistan.

### **Safety of journalists**

The safety of journalists has always been a major topic in the Mandate and for my Office, and remains of the utmost importance to the media freedom situation in the region, as was also reflected in the 2018 Ministerial Council Decision (3/18) on this issue.

### **Violence against media workers**

Aside from the terrible losses during the ongoing Russian invasion of Ukraine, during the reporting period Turkish journalist GÜNGÖR Arslan, the owner and editor of the local news site Ses Kocaeli, was killed. I want to use this opportunity to express my sincere condolences to his family and friends, and to reiterate that such heinous acts must not be met with impunity.

At the same time, many journalists who reported on COVID-19 related public health measures again encountered much hostility, both on- and offline. In a number of participating States, journalists were verbally and physically attacked by anti-vaccination and anti-lockdown protesters. Many media workers have reported attacks, assaults, intimidation. In several instances, authorities were slow to act on the threats, and police preventive and protective measures proved often insufficient.

The anti-media sentiment and growing distrust against media among protesters stems from the wrong belief that journalists, especially those working for public broadcasters, represent “the government’s propaganda” on anti-COVID19 measures. Politicians and public figures defaming media workers, or making hateful or even threatening remarks, further fuelled this negative sentiment.

I raised the issue of safety of journalists in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Germany, Italy, North Macedonia, Romania, the Russian Federation, Serbia, Spain, Sweden, Tajikistan and Turkey.

### **Violence against women media workers and promotion of gender justice**

Attacks, harassment and smear campaigns against female journalists continue to be a major challenge. They do not only violate their individual rights, but have a negative

impact on media freedom and plurality in general. The Covid-19 pandemic has unfortunately only worsened the situation for many of them. Online violence has real life impacts, seeding fear and doubt, silencing their voices.

In order to better assist participating States in closing the implementation gap when it comes to online safety of women journalists, I am very pleased to join forces with the OSCE Parliamentary Assembly (PA) in a common initiative. We are working closely with the PA and Members of Parliaments towards identifying and advocating better preventive and protective mechanisms for women journalists across the OSCE.

On this year's International Women's Day, I called upon all participating States to adopt a gender-responsive and intersectional approach in all measures to ensure the safety of women journalists, including in conflict situations. With the 2018 Ministerial Decision on Preventing and Combating Violence against Women, OSCE participating States have joined consensus on eliminating all forms of violence against women and girls, one of the most pervasive impediments to the full enjoyment of their human rights.

On the occasion of World Press Freedom Day on 3 May, together with the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, I published a Joint Declaration on freedom of expression and gender justice. The declaration highlights the need to accelerate full access of women to digital technology and to investigate and prosecute online gender-based violence. Let me mention here that it is the first of such Joint Declarations that addressed a horizontal issue, in a holistic manner, which is much needed: although women are half of society, they are still significantly underrepresented in the media and cannot access or enjoy freedom of expression on equal terms. Freedom of expression, as any human right, cannot be a privilege of some, while excluding others. Freedom can only be inclusive, this principle builds the basis for comprehensive security, sustainable development and lasting peace. So it is about diversity of voices, about diversity in the media, reflecting our societies and enabling access to a diversity of opinions and ideas. Indeed it is about democracy.

### **Legal harassment and arbitrary detentions**

Within a general atmosphere of clampdown on media freedom, the increasing pressure on, and harassment of, media workers through the use of existing laws and regulations or through the abuse of state power and resources warrant a separate mentioning. I described this negative phenomenon in my special report on legal harassment and abuse of the judicial system against the media.

In some participating States, non-speech related articles of the criminal code have been misused to restrict freedom of speech, especially online. This can be fraud, but also more serious crimes, such as anti-terrorism and anti-extremism legislation or propaganda for war. Unfortunately, several participating States have legislation that is so vague that it

can easily be misused to stifle media freedom. Aside, there are a number of cases involving criminal defamation, even in participating States where defamation was partly decriminalized. I have raised issues of legal harassment and other judicial hindrances in Bosnia and Herzegovina, Croatia, Greece, Iceland, Kyrgyzstan, Serbia, Spain, Switzerland, Turkey, Uzbekistan and Turkmenistan. Regarding the United States, I raised the issue of journalists being served with a subpoena by a public body to provide information they have obtained.

At the same time, numerous journalists and media workers continued to face detention in several participating States. Aside from cases in Belarus and the Russian Federation, I observed this worrying trend in particular in Turkey, where a dozen of journalists have been arrested and prosecuted during the reporting period. I have raised these cases both in public statements and in direct contacts with the authorities, and I value their readiness to continue our dialogue in a spirit of co-operation. Such cases have a detrimental impact on the media environment in any society, as they seed fear and uncertainty, lead to self-censorship and weaken the voice of critical observers. Let me underline that media needs to be able to fulfil its role as critical watchdog, and this can only be done if the legal, political, social and economic environment are conducive to a plurality of voices, which also needs to include critical ones.

## **Belarus**

In this light, the dreadful freedom of expression and media freedom situation in Belarus again warrants separate mentioning, with many journalists being sentenced, arrested or detained for doing their work. The practice of continued arrests and convictions of journalists on trumped-up charges is a grave danger to media freedom in the country. According to the Belarusian Association of Journalists, twenty-five journalists and other media workers are currently in prison in Belarus. In the reporting period, I reiterated my earlier calls for immediate and unconditional release of all detained journalists and condemned the authorities' sentencing of editor-in-chief Yahor Martsinovich and marketing director Andrey Skurko, who both work with Nasha Niva, one of the leading Belarusian news platforms; Aleh Hruzdzilovich, a former correspondent of RFE/RL's Belarus Service; as well as bloggers Eduard Palchys, Vladimir Tsyganovich and Igor Losik. I also condemned the pressing of a new criminal charge of high treason against journalist Katerina Andreyeva from Belsat television channel, who was imprisoned in February 2021. I will keep monitoring the situation and calling for their release.

## **ACTIVITIES DURING THE REPORTING PERIOD**

Subsequent Representatives have over the years developed an important acquis of guidance and interpretation of international standards and OSCE commitments. I have invited renowned experts to critically look into this normative work under my mandate and I have published a paper on the value and potential of the Joint Declarations of the special rapporteurs on freedom of expression since 1999. The analysis of the Joint Declarations suggests three significant elements: their value as soft law stemming from

the collaborative process between leading NGOs and intergovernmental mandate holders leading up to their adoption, the progressive nature of the standards they advance on the basis of international and regional human rights law, and their impact upon key policy-makers and courts.

## **Country visits**

### *Luxembourg*

On 27 and 28 January 2022, I visited Luxembourg, where I met with high-level government authorities, senior officials, parliamentarians to discuss a broad range of topics, including access to government information, the increasing threats and violence against the media, including legal harassment, as well as media pluralism in the country and in the OSCE region. I also visited radio station ARA, to discuss the issue of media pluralism, news provision for minority groups and the role of public service media in the country.

### *Armenia*

On 10 and 11 March, I visited Armenia, where I met with high-level government authorities, members of the Commission on Television and Radio of Armenia; the Human Rights Defender of the Republic of Armenia; and journalists and representatives of several non-governmental organizations. We discussed, among other things, issues related to the government's efforts aimed at countering disinformation and hate speech; the regulatory framework for freedom of expression and freedom of the media; and prospects for advancing media literacy in the country. I also participated and spoke at the opening of the conference "National Consultation on Media and Information Literacy Policies and Strategies".

### *Finland*

On 15 and 16 March, I visited Finland, where I met with high-level government authorities, parliamentarians, members of the Council for Mass Media, the National Audiovisual Institute, the Finnish National Agency for Education, media representatives, as well as with two civil society led organizations active in the fields of media literacy and fact checking. On top of the agenda were Finland's longstanding practices in media literacy and media education, as well as developments and challenges related to digitalization. Also, the general situation of media freedom and questions of media sustainability as well as the safety of journalists and online harassment were discussed, including in the context of the current security crisis in Europe.

### *European Union*

On 28 and 29 March 2022, I visited several high-level authorities of European Union (EU) institutions, including commissioners; parliamentarians; presidency of the EU Council of the European Union; and several representatives of media freedom and digital rights organizations. I also had a hearing before the DROI Subcommittee. We discussed current

challenges to media freedom in the context of the Russian Federation's invasion of Ukraine, and the overall situation related to media freedom and media pluralism across EU Member States. In addition, we discussed upcoming and currently negotiated EU legislation, including the Digital Services Act, the AI Act, the Anti-SLAPP directive and the Media Freedom Act.

### *Belgium*

On 30 and 31 March, I visited Belgium, where I met with high-level government authorities, representatives of government institutions in the media field and of journalists' organizations and media companies. I discussed the growing physical and online violence against (women) journalists; the use of lawsuits to silence media; legal developments, like aggravated penalties for crimes against journalists; challenges to media freedom, including the recent EU ban on Russian channels RT and Sputnik.

### *Bosnia and Herzegovina*

From 11 to 13 April, I visited Bosnia and Herzegovina (BiH), where I met with high-level government authorities ; as well as with parliamentarians; with several senior officials from the two entities of BiH, as well as ministers and parliamentarians of the Republika Srpska entity; with the management of the Communications Regulatory Agency and the two public service broadcasters; with several journalists and civil society representatives; and with representatives of the Sarajevo Canton Prosecutor's Office and the BiH Ombudsperson. In addition, I met with the High Representative for BiH and the US, UK, Polish and Swedish ambassadors to BiH and representatives of the European Union, the Council of Europe and the United Nations. I addressed, among other issues, the financial sustainability, independence and functioning of the public service broadcasting system in the country and the media regulatory authority; the difficult working conditions, including low salaries, verbal attacks and harassment by public figures and rising number of lawsuits to silence critical reporting; access to public information; digitalization; transparency of media ownership; and the importance of full implementation of the respective media laws, which requires strong political will and mutual commitment by all relevant authorities at all levels of government in the country.

### *Azerbaijan*

On 25-26 April, I visited Azerbaijan, where I met with high-level government authorities, parliamentarians, public institutions, as well as journalists and media and human rights experts. With my counterparts I discussed, among other things, concerns regarding the new Law "On Media", issues related to other aspects of the regulatory framework for freedom of the media, both offline and online, as well as safety of media workers, including the cases of imprisoned journalists. I underlined the important role of the government in ensuring an enabling working environment for journalists.

## *Georgia*

On 28-29 April, I visited Georgia, where I met with high-level government authorities, parliamentarians, public institutions, as well as journalists and media and human rights experts. With my counterparts I discussed, among other things, concerns related to the safety of journalists and issues pertinent to the general environment for freedom of expression and freedom of the media. I underlined that both legislation and practice should ensure strong guarantees for the safe and enabling work of media workers and media outlets.

## *France*

On 9-11 May, I visited France where I met with government authorities, parliamentarians, the independent regulatory authority, media and human rights organizations and institutions; and the UNESCO. I discussed several legislative issues and mechanisms aimed at promoting media freedom and pluralism in France and in the broader OSCE region. This includes the ongoing and upcoming efforts in promoting the physical, legal and online safety of journalists, countering mis- and disinformation, strengthening media self-regulation, as well as addressing the impact of artificial intelligence on the freedom of expression.

## **High-level events**

On 21 December, I spoke at the XXX International Conference "Three Decades of Russian Media Legislation: Results and Prospects" organized by the UNESCO Chair on Copyright, Neighboring, Cultural and Information Rights together with the Higher School of Economics in Moscow, Russian Federation. I underlined, that today media freedom in Russia continues to face a growing number of challenges, such as the safety of journalists, distrust and anti-media sentiment.

On 10 February, I spoke at the Third Global Conference on Media Freedom, in Tallinn, Estonia. In the session on interlinkages between media freedom and internet freedom, I highlighted the need to ensure accountability, transparency and independent oversight of digital platforms. And I underlined that the response to the growing spread of disinformation cannot be censorship, but more quality journalism, media self-regulation, independent fact-checking and debunking of false information as well as media literacy.

On 22 February, I participated in the OSCE Human Dimension Committee Meeting, focusing on the safety of journalists and disinformation. The eroding trust in media's watchdog function coupled with the growing spread of disinformation is paving the way for anti-media sentiments, ultimately targeting journalists and their safety.

On 24 February, I took part in a UN-EU High-level policy dialogue on 'Protecting the safety of journalists, media freedom and pluralism in the EU', where I underlined the need to bring national legislation in line with international standards. Effective investigations of

attacks against journalists require an independent judiciary and well trained law enforcement.

On 25 February, I addressed the OSCE PA Winter Meeting, during the session of the Third Committee, where I highlighted the role of free, independent and impartial media in conflict areas in order to have verified information on the situation on the ground.

During this year's World Press Freedom Day Conference, which focused on journalism under digital siege, I participated in several panels and discussions, including on the safety of journalists in Ukraine, on disinformation and war, on the impact of artificial intelligence on freedom of expression and the surveillance of journalists, and co-launched the Joint Declaration on Freedom of Expression and Gender Justice.

### **Legal reviews**

To assist participating States with their obligations in the legal sphere, I commissioned:

- A legal analysis on the Law of the Republic of Azerbaijan "On Media";
- A legal analysis on the "Draft Law of Malta to Implement various Measures for the Protection of the Media and of Journalists";
- A legal Analysis on the "Law on Amendment of the Code of Audio-visual Media Services" of the Republic of Moldova;
- A legal Analysis of the "Draft Law on Mass Media" of the Republic of Uzbekistan.

I would like to use this opportunity to reiterate the invitation to all participating States to make use of the services of my Office in this regard.

### **THE 25-YEAR ANNIVERSARY OF THE MANDATE**

To mark the 25th Anniversary of the Mandate of the RFoM, I have introduced a new logo for the institution and planned several activities this and the following year.

Firstly, we have brought together an Advisory Group of Eminent Experts on Freedom of the Media (AGEEFOM) that will meet on several occasions throughout the year to discuss current and emerging trends and challenges for media freedom, including, but not limited to, the ones identified above, The group will also identify and discuss the most pertinent areas for deliberation and the potential role of the OSCE in further researching and/or addressing these issues. The overall intention of these deliberations will be to promote ways to safeguard the media's ability to perform its role in reporting freely on matters of public interest, thus contributing to security and lasting peace across the OSCE region. During the first two meetings on 21 April and 16 May 2022, several challenges to media freedom, which have dramatically accelerated in the past years, were discussed.

Secondly, we have started a program to bolster the safety of journalists, in an attempt to counter several of the aforementioned developments that negatively affect media's security. The objective of this project is to assist the participating States in their fulfilment of relevant OSCE principles and commitments in regard to safety of journalists, with particular reference to those outlined in the Ministerial Council (MC) Decision 3/18 on Safety of Journalists; by strengthening and improving the implementation of applicable legal frameworks and national strategies for the protection of journalists. To this end, the project is designed to identify existing and/or planned national measures related to the safety of journalists, as well as initiatives and procedures that I can promote to support the participating States in implementing their OSCE media freedom commitments more effectively. In the coming one and a half year, my Office and I will come up with a series of complementary activities, including the survey that I distributed among the participating States a few weeks ago, to collect information about existing or planned national measures to improve the safety of journalists. Next, I will organize a Launch Event to inform the participating States in more detail, to be followed by seven thematic roundtables centred on the commitments in the OSCE MC Decision 3/18 on Safety of Journalists, with the aim of sharing and collecting good practice examples and focussing on different aspects that affect the safety of journalists. The seven thematic roundtables will focus on: 1) data collection, analysis and reporting on attacks and violence against journalists and promotion of journalistic work; 2) secure working conditions; 3) safety of journalists in conflict situations; 4) intersectional perspectives; 5) digital safety; 6) legal harassment; 7) police prevention and fight against impunity. As an output, I will issue a publication in the form of a toolbox with a set of recommendations and tools to address these recommendations. Concurrently with the launch of our project on the safety of journalists, I will publish an analysis of Ministerial Council Decision 3/18 on Safety of Journalists by a renowned expert, which reaffirms the importance of the Ministerial Council Decision for closing the implementation gap between international standards and OSCE Commitments on the one hand and national laws, policies and practice on the other hand while providing guidance on the way forward that we will reflect in our upcoming work.

Thirdly, we will turn further attention to the issue of mis- and disinformation and highlight the importance of media literacy in building knowledge-based societies. I have launched a project that will assist participating States with concrete guidance and recommendations on the development of media literacy strategies and sharing of the best international practices in this field. The project will consist of regional and OSCE wide activities. More specifically, it will identify the current media freedom literacy needs and offer recommendations for concrete actions, addressed to several stakeholder groups including governments, civil society, academia and media actors. The project will also work to create OSCE-wide synergies and pave the way for the establishment of networks by showcasing successful fact-checking and other relevant platforms and initiatives, using a cross-sectoral, human rights-based approach.



## CONCLUSION

Mister Chairperson,  
Excellencies,  
Ladies and Gentlemen,

In conclusion, let me reiterate the following:

We are witnessing an unprecedented regress in media freedom and a severe clamp down on independent reporting across the OSCE region. And we cannot assume that this will be without severe consequences for our societies, our democracies and our common security.

It is my duty as Representative on Freedom of the Media, a Mandate that was created by all 57 OSCE participating States in recognition of the fact that we need media freedom in order to have security and stability, to alert the Permanent Council of these worrying developments. My assessment of the media freedom situations in the participating States is guided by merely two aspects: by international law as well as OSCE principles and commitments.

In 2021, I intervened in matters involving restrictions on free media or free expression over 350 times in 38 participating States. And in 2022, up until today it was necessary to raise slightly more than 100 cases in 43 participating States. Even if I sincerely wish that these numbers would decrease, I do believe that they speak a clear language.

The institution was established 25 years ago to promote media freedom as a core pillar of democracy and comprehensive security. Today, this is more relevant than ever. The fact that we have such a high number of media workers and journalists killed or imprisoned across the OSCE region is a sad testimony of my alarming valuation. I do not need to go into more details than remind everyone here of their positive obligation to protect the right to free expression, access to information and allow journalists and media workers to do their important mission in safety.

This Mandate is more important, grander, than the person behind it. I was appointed to fulfil this Mandate, based on my assessment of the incidents and violations I observe in our region, and I will continue to do so. I am always open to constructive dialogue on the situation in our region, but I will not cave to pressure or let my work be guided by attempts of authorities to use it for their own political ends.

I would like to seize this opportunity to thank my team members for their great work and dedication to the cause of media freedom in our region. I would also like to reiterate my gratitude to those participating States that have supported through their generous financial contributions and secondment of highly qualified staff the many activities of my institution that cannot be financed out of the unified budget. My particular thanks go to Austria, Bulgaria, Czech Republic, France, Germany, Italy, Luxemburg, the Netherlands, Portugal, Slovak Republic, Sweden, Switzerland and the US.

I end this report with the heartfelt wish that in half a year, when I will be back to report to the Permanent Council, the war that is plaguing our region and the suffering have come to an end.

<b>Annex</b>		
49 <sup>th</sup> week 29/11 – 5/12	<b>Event of the week:</b> Ministerial Council Bilateral meetings: 11 Outgoing letters: 13 Incoming letters: 1 Social media: 7	Legal Developments Safety
50 <sup>th</sup> week 6/12 – 12/12	<b>Events of the week:</b> - Expert Meeting on Deepfake News - Artificial Intelligence and Disinformation as a Multilateral Policy Challenge - Lithuanian-Belarusian Journalists' Forum to celebrate International Human Rights Day Bilateral meetings: 2 Outgoing letters: 4 Incoming letters: 2 Social media: 5	Arrests/detention Killing of media worker Public Service Media Safety
51 <sup>st</sup> week 13/12 – 19/12	<b>Events of the week:</b> - 50 <sup>th</sup> anniversary of the Faculty CC Information: International Conference on Freedom of Information - Days of Media Freedom - OSCE – UNHCR Webinar on Combating Intolerance and Discrimination against Migrant and Refugees: Importance of Consolidated Approaches Bilateral meetings: 2 Outgoing letters: 6 Incoming letters: 5 Social media: 4	Arrests/detention Legal Developments
52 <sup>nd</sup> week 20/12 – 26/12	<b>Event of the week:</b> Three Decades of Russian Media Legislation: Results and Prospects Outgoing letters: 9 Incoming letters: 1 Press releases: 2 News items: 1 Social media: 1	Legal Developments Safety
53 <sup>rd</sup> week 27/12 – 2/01	Social media: 1	Legal Developments
1 <sup>st</sup> week 3/01 – 9/01	Outgoing letters: 1 Incoming letters: 1 Social media: 2	Killing of media worker Legal Developments Safety

2 <sup>nd</sup> week 10/01 – 16/01	Outgoing letters: 6 Incoming letters: 2 Press releases: 3 Social media: 2	Arrests/detention Free flow of information Legal Developments Restrictions on media outlet Safety
3 <sup>rd</sup> week 17/01 – 23/01	Bilateral meetings: 2 Outgoing letters: 1 Incoming letters: 1 Social media: 2	Safety
4 <sup>th</sup> week 24/01 – 30/01	<b>Country visit:</b> Luxembourg Bilateral meetings: 2 Outgoing letters: 3 Incoming letters: 1 Press releases: 1 Social media: 7	Arrests/Detentions Safety
5 <sup>th</sup> week 31/01 – 6/02	Bilateral meetings: 2 Outgoing letters: 6 Incoming letters: 3 Press releases: 1 News items: 1 Social media: 3	Free flow of information Legal developments Safety
6 <sup>th</sup> week 7/02 – 13/02	<b>Event of the week:</b> Third Global Conference on Media Freedom - Interlinkages between Internet Freedom and Media Freedom Bilateral meetings: 2 Outgoing letters: 12 Incoming letters: 1 Social media: 2	Arrest/detention Legal developments Safety
7 <sup>th</sup> week 14/02 – 20/02	Bilateral meetings: 3 Outgoing letters: 4 Incoming letters: 5 Press releases: 2 Social media: 5	Arrest/detention Free flow of information Legal developments Safety
8 <sup>th</sup> week 21/02 – 27/02	<b>Events of the week:</b> <ul style="list-style-type: none"> <li>- Human Dimension Committee</li> <li>- UN - EU High-level policy dialogue on 'Protecting the safety of journalists, media freedom and pluralism in the EU</li> <li>- OSCE Parliamentary Assembly Winter Meeting</li> </ul> Bilateral meetings: 2 Outgoing letters: 5 Incoming letters: 6 Press releases: 7 News items: 1 Social media: 2	Free flow of information Legal developments Killing of media workers Safety

9 <sup>th</sup> week 28/02 – 6/03	Outgoing letters: 3 Incoming letters: 2 Press releases: 2 Social media: 2	Free flow of information Legal developments Safety
10 <sup>th</sup> week 7/03 – 13/03	<b>Country visit:</b> Armenia Bilateral meetings: 3 Outgoing letters: 29 Incoming letters: 3 Press releases: 1 Social media: 3	Free flow of information Killing of media workers Legal developments Safety
11 <sup>th</sup> week 14/03 – 20/03	<b>Country visit:</b> Finland Bilateral meetings: 1 Outgoing letters: 5 Incoming letters: 6 Press releases: 1 News items: 2 Social media: 2	Arrest/detention Killing of media worker Legal developments Safety
12 <sup>th</sup> week 21/03 – 27/03	Bilateral meetings: 5 Outgoing letters: 2: Incoming letters: 9: Press releases: 1 News items: 1 Social media: 3	Killings of media workers Legal developments Safety
13 <sup>th</sup> week 28/03 – 3/04	<b>Country visits:</b> Belgium and EU institutions Outgoing letters: 11 Incoming letters: 3 News items: 1 Social media: 2	Free flow of information Legal developments Killing of media workers Safety
14 <sup>th</sup> week 04/04 – 10/04	Bilateral meetings: 2 Outgoing letters: 8 Press releases: 1 News items: 1 Social media: 3	Arrest/detention Legal developments Safety
15 <sup>th</sup> week 11/04 – 17/04	<b>Country visit:</b> Bosnia and Herzegovina Incoming letters: 7 Press releases: 1 Social media: 10	Arrest/detention Legal developments
16 <sup>th</sup> week 18/04 – 24/04	<b>Event of the week:</b> OSCE PA – RFoM Joint Web Dialogue on Safety of Female Journalists Online: the role of Parliamentary action Bilateral meetings: 1 Outgoing letters: 4 Incoming letters: 3 News items: 2 Social media: 1	Arrest/detention Safety

<p>17<sup>th</sup> week 25/04 – 01/05</p>	<p><b>Country visits:</b> Azerbaijan and Georgia  <b>Event of the week:</b> Freedom of Media in Elections and Counteracting Disinformation  Outgoing letters: 11  Incoming letters: 5  Press releases: 1  Social media: 2</p>	<p>Legal development Safety</p>
<p>18<sup>th</sup> week 02/05-08/05</p>	<p><b>Events of the week:</b>  World Press Freedom Day  <ul style="list-style-type: none"> <li>- I've got my AI on you: Spotlight on artificial intelligence and freedom of expression</li> <li>- Truth, Lies and War</li> <li>- Joint Declaration launch</li> <li>- High-Level Session on the Safety of Journalists in the Ukraine War</li> </ul> Bilateral meetings: 1  Outgoing letters: 4  Incoming letters: 2  Press releases: 2  News items: 2  Social media: 5</p>	<p>Free flow of information Legal developments</p>
<p>19<sup>th</sup> week 09/05-15/05</p>	<p><b>Country visit:</b> France  <b>Event of the week:</b> European Platform of Regulatory Authorities (EPRA) - Media Freedom and Disinformation in Times of Conflict  Bilateral meetings: 1  Outgoing letters: 11  Social media: 1</p>	<p>Legal developments Public Service Media Safety</p>
<p>20<sup>th</sup> week 16/05-18/05</p>	<p><b>Events of the week:</b>  - Supplementary Human Dimension Meeting on the Functioning of Democratic Institutions in Times of Crisis  - Side Event organized by the Group of Friends on Safety of Journalists – Covering war under threat: perspectives on reporting about UA</p> <hr/> <p>Bilateral meetings: 1  Outgoing letters: 21  Incoming letters: 3  Press releases: 1  News items: 1  Social media: 3</p>	<p>Safety Legal developments</p>