



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

25 October 2006

Special Report:
Accreditation of Journalists in the OSCE area
Observations and Recommendations

Background

The Supplementary Human Dimension Meeting held in Vienna July 13/14 2006 on the topic *Freedom of Information and Protection of Journalists* raised a number of questions regarding legislative, regulatory and administrative frameworks for journalists in the OSCE area.

In the report of June 2005 *Coverage of the Events and Governmental Handling of the Press During the Andijan Crisis in Uzbekistan*¹, the Office of the OSCE Representative on Freedom of the Media (RFoM) recommended that “*accreditation should be used to facilitate access of journalists to officials and lack of it should not be used to deprive them from the possibility to work.*” This recommendation was made in response to the governmental revocation of visas and accreditation of foreign journalists who travelled to Uzbekistan to cover the developments.

Since then, RFoM has observed a growing number of instances in the OSCE area where the misuse of accreditation has prevented coverage of events deemed to be of public interest. This report, therefore, expands on the recommendations made in the June 2005 report and offers recommendations to the OSCE participating States to improve the handling of accreditation in the OSCE area.

The function of accreditation for journalists

The accreditation system was designed to allow journalists access to specific venues with limited space as well as access to certain ‘closed zones’, including war zones and places deemed dangerous, or sealed off by the authorities for safety reasons. It also allows journalists to participate in official events and visits.

¹ http://osce.org/documents/rfm/2005/03/15195_en.pdf

For example, journalists who wish to receive an annual accreditation to cover the work of the OSCE in Vienna are required to fill out an OSCE Press and Public Information Section *Accreditation Form* and to present a recent letter of confirmation from their employer or a copy of their Austrian press card. The issued press badge allows access to the second floor cafeteria area beside the Neuer Saal at the Hofburg during meetings of the Permanent Council, the Forum for Security Co-operation and other meetings, as well as to OSCE press conferences.

Journalists who are not accredited at the OSCE may usually obtain temporary admission badges to the OSCE premises, unless space is restricted, when priority is given to accredited journalists. They must present a valid press card at the security desk (*see <http://www.osce.org/press/13222.html>*).

Accreditation therefore, offers journalists access to scarce resources, referring to limited space in a venue or access to the limited time of public officials. On the occasions where a venue cannot accommodate, on grounds of safety, all journalists wishing to attend a press conference, the accreditation system allows a broad range of journalists, representing a wide range of interests and opinions, to cover the same event. Pluralism can be maintained by issuing accreditation to journalists on a first-come, first-served basis, where selection for accreditation is made impartially, and where both pro-government and opposition views are granted equal access.

For some press events, legitimate security concerns require a more robust system of accreditation than a notification-type system would allow for, owing to the need for increased security checks on personnel wishing to enter, for example, the press gallery of a parliament building. In this case, additional background security checks would reasonably be undertaken on a journalist and its representative bureau before accreditation is granted.

Obtaining accreditation

The example above illustrates one method for journalists to obtain accreditation for OSCE events. Throughout the OSCE area, accreditation is handled in a number of different ways. Sometimes domestic journalists are required to apply to a national body, such as a national press council, which can issue a press card. In the cases where additional accreditation is required, either on grounds of security or because a quota system is in place, the press card allows journalists to apply for accreditation and allows the organizers to ensure pluralism in the composition of the press corp.

Procedures to accredit international journalists vary. In some OSCE participating States countries an application for accreditation is made directly to the Ministry of Foreign Affairs (for example, in **Russia** and **Belgium**) while in others, an independent body is responsible (for example, in the **UK** and **France**.)

The misuse of accreditation as a work permit

A common misconception about the accreditation system is the notion that it has a 'permissive' function – permissive in the sense that a government or other regulatory body has the right to grant, deny or revoke a journalist's accreditation. By applying the same rules to accreditation as for a work permit, the government exercises undue control over journalists.

An example of a misunderstanding of the function of accreditation was demonstrated in the regulations governing the activities of foreign journalists in **Uzbekistan** (Resolution No 33, adopted 24 February 2006). The provisions of the resolution affect both nationals and foreigners working in the media and states clearly what foreign journalists are or are not allowed to report. Additionally, the resolution allows the MFA to issue warnings, cancel accreditation, annul visas and expel foreign journalists from the country who do not comply with these provisions. Further, Uzbek nationals who work in a technical capacity with unaccredited foreign journalists are now liable to prosecution.

A further example of the misapplication of the work permit was observed in **Belarus** in June 2004, when the Belarus Committee for State Security (KGB) deported a Ukrainian journalist for allegedly violating regulations governing foreign citizens' stay in the country and for biased coverage of social and political events in the country. Mikhail Podolyak, chief editor of the opposition newspaper *Vremya*, was deported by KGB officials, having woken him at 7am and given him 15 minutes notice to pack his belongings. Mr Podolyak had his visa, temporary residence permit and accreditation revoked and was banned from entering Belarus for five years, even though he was married to a Belarusian and had lived and worked as a journalist in Belarus for 13 years.

As the applications for accreditation for foreign journalists is made directly to the Ministry of Foreign Affairs in Belarus, it is unlikely that Mr Podolyak would receive accreditation in the future.

Journalists travelling to the **United States** on business must obtain an I-visa (a journalist's visa) from the Homeland Citizenship and Immigration Services Bureau, part of the Department of Homeland Security. This measure was created in the 1950's, but rarely imposed until 2003. However, from May 2003, dozens of expulsions took place, mostly from Los Angeles, where border police started refusing entry to journalists without the I-visa. Examples of cases include Rachael Bletchley (*The People*, Britain) in October 2003, Sue Smethurst (*New Idea*, Australia) in November 2003 and Elen Lappin, a freelance journalist from Britain in May 2004. The requirement for a special visa for journalists in this instance serves the same function as a work permit, which carries with it an unnecessary permissive character.

Accreditation should not be used as a general work permit for journalism, only as facilitator of the work of journalists. Governments should facilitate the work of journalists by adopting procedures that enable journalists to work in the host country, including the timely issue of visas. Governments should abolish regulations that impose an additional layer of permission to media professionals.

The misuse of accreditation as a mechanism by which to control content

Because accreditation is the mechanism that enables a broad spectrum of journalists to report on events of public interest and to allow them to comply with security arrangements, it should not be used by official bodies as the means to select preferred journalists on the basis of political affiliation or as a reward for presenting a certain account of events.

In **Russia** in April 2006, the Moscow City Duma seized the accreditation card of Alla Tuchkova, a reporter from the Agency of National News following a critical report on 5 April concerning voting procedures in the Duma. The head of the Duma's press service threatened to revoke Ms Tuchkova's accreditation, should she refuse to deny the content of her report. Ms Tuchkova did not issue the requested denial and the accreditation was indeed revoked.

According to the rules of accreditation of journalists in the Moscow City Duma, official procedures must be followed before a journalist's accreditation can be revoked. Further, art 48 of the Russian Media Law states that accreditation of journalist can only be revoked by a court decision. Ms Tuchkova's accreditation has since been reinstated, following an intervention from local deputies, who cited the illegality of the revocation in accordance with the Russian media law.

In a similar case in **Uzbekistan**, the Uzbek MFA stripped Deutsche Welle correspondent Obid Shabanov of his foreign journalist accreditation for alleged inaccurate reporting in a story published on February 1st. The authorities stated that the journalist had been provided with an official account of events, but had chosen to ignore the information. As there is no means for foreign journalists to appeal the decision either to the MFA or through the courts system, the journalist cannot be re-accredited.

In **Turkmenistan**, the OSCE Centre in Ashgabat invited a group of local and foreign journalists to the opening of a conference on sustainable tourism development in May 2006. Following a request to the Centre to provide the names of the invited journalists to the authorities, the MFA objected to their participation, citing insufficient information regarding their accreditation as the reason for the objection.

The journalists in question were representatives from Turkmenistan, as well as from international media, including from Pakistan, France, Turkey and Iran. Many of those on the list have been working in Turkmenistan for some time and were on the list of those typically invited to the Centre's events.

Accreditation should not be the basis on which governmental bodies decide whether to allow a particular journalist to attend and cover a public event. Further, the threat of revocation of the accreditation for an event should not be used as the means to control the content of critical reporting.

Arbitrary application of accreditation procedures

Accreditation procedures differ widely across the OSCE region. For example, **the Russian Federation** has a set of clearly defined procedures that set out accreditation procedure for foreign journalists, managed by the Ministry of Foreign Affairs and available on the Ministry's website; by contrast, the **United Kingdom** does not have any defined procedures and the management of it is outsourced to an agency independent of the Foreign & Commonwealth Office.

The issue is not that procedures differ widely; rather that procedures once adopted should be applied consistently and fairly.

In a case in **Canada** in 1999, Robert W. Gauthier, publisher of the National Capital News, applied for membership in the Canadian Parliamentary Press Gallery, a private association that administers the accreditation for access to the precincts of the Parliament. He received a temporary pass that did not provide the same access as a permanent membership, since it denied, among others, access to press communiqués, or the right to take notes during debates in the Parliament. Despite numerous applications, Mr Gauthier was only ever granted temporary passes ranging from a few weeks to six months. No reason was given for denying him full access.

Following appeals to the Federal Court, the Bureau of Competition Policy, and the Provincial Court for a review of the decision of the Press Gallery, his complaints were turned down. Finally, Mr Gauthier filed an appeal to the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Human Rights Committee of the OHCHR concluded that the restriction of the publisher's access to the press facilities in the Canadian Parliament amounts to a violation of his rights under article 19 of the Universal Declaration on Human Rights and urged the Canadian authorities to re-examine the decision of the Press Gallery.

Positive example of addressing arbitrariness in the accreditation system

In May 2006 the head of the Ivano-Frankivska local administration in **Ukraine** announced the intention to change an arbitrary system of accreditation that had been proposed by the newly elected city council in an earlier session. A decision had been taken by the newly elected local council that would allow the council to decide on a case-by-case basis whether or not to admit journalists to the council sessions. Following criticism from local media, the mayor proposed the changes in order to demonstrate the transparency of the work of the council.

The guidelines for issuing accreditation should be drawn up with the aim to promote pluralism, should be transparent and available to the public, should be applied impartially and without arbitrary exceptions. Refusal of accreditation should be accompanied by the right on the part of the applicant to dispute the reasons for the refusal.

Granting of accreditation under selective conditions

The OSCE Commitments underline the civic nature of journalism, which entitles civilians to fulfil the function of freelance or Internet journalists and this right allows civilians to interact both with the local and international media. Requirements for formal training or education in order to work as a freelance journalist are not envisaged. However, we have witnessed instances where the authorities have denied accreditation from journalists based on their lack of formal training.

In **Turkmenistan** in March 2006, the authorities questioned the validity of the claim of two stringers for Radio Free Europe/Radio Liberty, Meret Khommadov and Yumadurdy Ovezov, that they had the same rights as other journalists, following an incident that led to their detention for 15 days. In an official reply from the Turkmen authorities, it was claimed that because these persons did not have any formal journalistic education or training, that they could not be considered journalists.

This view of the Turkmen authorities has been confirmed in recent statements to the Permanent Council in connection with the status of the Turkmen RFE/RL reporter, Ogulsapar Muradova, who recently died in custody. The view of the authorities is that Ms Muradova cannot be considered a journalist as she was not properly accredited according to the laws of Turkmenistan.

Accreditation is the means to promote diverse reporting and should not be made dependent on unrelated factors, such as education or training. Legislation that has a permissive nature over the issuance of accreditation should be re-examined in order to maintain pluralism in the press corp.

Conclusions

The participating States have made commitments to facilitate the work of journalists, and have agreed to ensure that a number of procedural mechanisms are in place to assist them in their work². Procedures related to issuing visas and accreditation, the right to transmit information abroad, travel within the country, access to officials and maintaining public and private contacts are all provided for in the OSCE commitments.

I urge all participating States to examine their accreditation procedures in the light of this report and to take the necessary measures to create an environment where legitimate security concerns are balanced against commitments to freedom of expression.

² Helsinki Final Act 1975; Concluding Document of the Madrid Meeting 1983; CSCE Vienna Follow-Up Meeting 1986.

Recommendations

- *Accreditation should not be used as a general work permit for journalism, only as facilitator of the work of journalists. Governments should facilitate the work of journalists by adopting procedures that enable journalists to work in the host country, including the timely issue of visas. Governments should abolish regulations that pose a required further layer of permission to media professionals .*
- *Accreditation should not be the basis on which governmental bodies decide whether to allow a particular journalist to attend and cover a public event. Further, the threat of revocation of the accreditation for an event should not be used as the means to control the content of critical reporting.*
- *The guidelines for issuing accreditation should be drawn up with the aim to promote pluralism, should be transparent and available to the public, should be applied impartially and without arbitrary exceptions. Refusal of accreditation should be accompanied by the right on the part of the applicant to dispute the reasons for the refusal.*
- *Accreditation is the means to promote diverse reporting and should not be made dependent on unrelated factors, such as education or training. Legislation that has a permissive nature over the issuance of accreditation should be re-examined in order to maintain pluralism in the press corp.*