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Office for Democratic Institutions and Human Rights | OSCE High Commissioner
on National Minorities | OSCE Representative on Freedom of the Media

Office for Democratic Institutions and Human Rights

Originally established by the Charter of Paris in 1990, the Office for Democratic Institutions and Human Rights (ODIHR) is the principal OSCE institution responsible for the Organization's human dimension activities. Its mandate comprises four main tasks:

- promoting democratic elections, particularly by monitoring election processes;
- providing practical support in consolidating democratic institutions and human rights, while strengthening civil society and the rule of law;
- contributing to early warning and conflict prevention, in particular by monitoring the implementation of human dimension commitments; and
- serving as the OSCE Contact Point for Roma and Sinti issues.

The Office is located in Warsaw, Poland, but the most visible part of the ODIHR's activities takes place in the field: observing elections and running a large number of assistance projects in participating States to address shortcomings in the rule of law and democratic institutions, human rights, and election processes.

The ODIHR has been headed since March 2003 by an Austrian diplomat, Ambassador Christian Strohal, and is staffed by a total of 116 employees.

The year 2004 was a time of reform for the ODIHR. Confronted in 2003 with new tasks and the need for more consistent, long-term engagement and a programme-oriented approach to its work, the Office began a review and consolidation process with the goal of ensuring more continuity and sustainability of results. In 2004, this process was followed by an in-house assessment of all ongoing activities, projects, and programmes, based on the participating States' needs and requirements. The result of these reforms is a comprehensive and long-term programming process to help ensure effective implementation by the participating States of their OSCE commitments in the human dimension.

The reform programme helped the Office strengthen its position in meeting the long-term needs of participating States and in responding to them in an effective and timely manner, while at the same time retaining the flexibility to react to new challenges that threaten security and the individual rights and freedoms of human beings.

Racism, discrimination, and intolerance make up one such challenge that the OSCE recognized as a threat to human security in its region. In response to this new priority, the Office developed a programme focusing on tolerance and non-discrimination. In implementing the results of three international conferences held by the OSCE in 2004 on issues in this field, the ODIHR began to collect information, gather examples of good practices, and work actively with other international partners in this regard.

The Office also enhanced its capacity for legislative support. Its *Legislationline* project developed into a full-fledged legislative support programme that assists participating States in drafting legislation in line with human dimension commitments.

The Office continued its broad range of activities towards fostering democracy and the rule of law, promoting and protecting human rights, addressing pertinent shortcomings, and assisting participating States in the implementation of their commitments.

As Europe's leading election observation agency, the Office had one of its busiest years ever, with a schedule of 15 observation missions. In addition to monitoring elections in new democracies in the OSCE region, it continued to follow elections in the Organization's long-standing democracies. Among others, the Office conducted observation missions in Georgia, Russia, Belarus, the United States, and Ukraine as well as assessment visits to elections in Spain, Romania, and Slovakia.

Elections

Recognizing that a democratic election process provides the foundation for democratic governance, the Office continued its efforts to promote the integrity of election processes. The Office's election observation and assistance efforts continued to improve the legislative and administrative framework for elections in the OSCE region.

The ODIHR deployed more than 5,300 observers to observe and assess a total of 15 elections. In addition, some 225 short-term and 14 long-term observers were funded through the ODIHR's Fund for the Diversification of Observation Missions. This voluntary fund was established to ensure more active participation of nationals from participating States that do not regularly second individuals for ODIHR observation missions.



A voter in the former Yugoslav Republic of Macedonia

ODIHR Election Observation and Assessment Mission Schedule 2004

Country	Type of election	Date
Georgia	presidential	4 January
Russian Federation	presidential	14 March
Spain	parliamentary	14 March
Georgia	repeat parliamentary	28 March
Slovak Republic	presidential	3 April
The former Yugoslav Republic of Macedonia	presidential	14 April
Serbia, Serbia and Montenegro	presidential	13 June/27 June
Kazakhstan	parliamentary	19 September/ 3 October
Bosnia and Herzegovina	municipal	2 October
Belarus	parliamentary	17 October
Ukraine	presidential	31 October/ 21 November/ 26 December
United States of America	presidential/ congressional	2 November
The former Yugoslav Republic of Macedonia	referendum	7 November
Romania	presidential/ parliamentary	28 November
Uzbekistan	parliamentary	26 December

The Office followed elections in some of the long-standing democracies among the OSCE participating States, including a targeted observation of the November election in the United States (see also page 17) and an assessment of parliamentary elections in Spain. In anticipation of the European Parliament elections, a pre-election assessment was conducted, leading to the publication of a pre-election report on EU-wide electoral issues.

Supporting Afghanistan's first presidential election

In close co-operation with the OSCE Secretariat, the Office responded rapidly to the unfolding preparations for elections in Afghanistan by deploying an Election Support Team. Applying a unique and exceptional methodology different from that used for traditional observation missions, the Office was able to support the electoral process in Afghanistan without holding it accountable to stringent OSCE commitments at this decisive stage in its transition towards democracy. Afghanistan became a Partner for Co-operation of the OSCE in 2003. (For more on the OSCE's role in the Afghan election, see page 25.)

When an observation mission was not deployed, the Office provided support to OSCE field missions in conducting election assessments. In 2004, ODIHR experts were deployed for the

municipal elections in Kyrgyzstan and Azerbaijan and for regional assembly elections in Ajara, Georgia.

Election law reform and reviews. The Office continued to provide assistance to participating States in meeting their commitments through the Electoral Legislation Alert and Assistance Programme. This enables expert advice on election law reform to be offered on the basis of a voluntary fund. The ODIHR issued joint recommendations with the Council of Europe's Venice Commission on the electoral law and electoral administration in Albania and joint preliminary comments on draft amendments of the Armenian Electoral Code. The ODIHR also issued comments on draft amendments proposed by political parties to the Tajik Election Law and an assessment of the Constitutional Law on Elections of Kazakhstan, and it prepared assessments of the election legislation of Uzbekistan and Kyrgyzstan.

Follow-up and implementation of recommendations. In addition to preparing legislative reviews, the Office actively followed up on the recommendations in Albania and Armenia. A long-term follow-up exercise begun prior to the last round of elections in Kazakhstan in 2000 was completed with a review of the country's Constitutional Law on Elections.

Despite significant improvements in the conduct of elections in a number of participating States, OSCE election-related commitments were frequently challenged in 2004, and corresponding ODIHR recommendations remain to be implemented. In a number of participating States, further advancement towards genuine democratic elections requires a commensurate level of political will. Without the active engagement of participating States, follow-up and implementation of ODIHR recommendations will not be easily accomplished.

The ODIHR identified a number of worrying trends over recent years, including:

- obstacles to candidate registration, limiting civil and political rights and restricting pluralism and competition;
- inadequate voter registration, undermining overall confidence in universal suffrage;
- non-inclusive election commissions, undermining transparency and confidence;
- bias in state-controlled media in favour of incumbents, preventing candidates from having equitable opportunities to convey their messages to the electorate;
- lack of access for observers (including non-partisan domestic observers), diminishing transparency;
- ill-defined or inaccessible complaints processes, obstructing the rights of appeal; and
- non-transparent tabulation of the votes cast, resulting in lack of confidence in the outcome.

Additional or emerging challenges include issues such as guaranteeing the participation of women, access for disabled voters, the inclusion of national minorities, electronic voting, vote-count scanners and other new voting technologies as well as referenda and recall elections.

Supplementary Human Dimension Meeting. The second OSCE Supplementary Human Dimension Meeting of 2004 was devoted to electoral standards and commitments. Prior to the meeting, the Office distributed a paper entitled ‘Election Principles and Existing OSCE Commitments for Democratic Elections’ which served as a basis for substantial discussion. Recognizing that fundamental principles of transparency, accountability, and universal suffrage are necessary to instil confidence in any electoral process, the meeting identified possible areas for supplementing existing OSCE commitments.

Ensuring women’s participation. The Office published the Handbook for Monitoring Women’s Participation in Elections, which sets out practical steps that each election observation mission can take to integrate a gender perspective into its work. When drawing conclusions about the extent to which an election process meets OSCE commitments and reflects universal principles, each election observation mission should take fully into account how the process affects both women and men.

DEMOCRATIZATION

The ODIHR brings people together across borders on a professional level to discuss issues and develop capacities necessary for the consolidation of a democratic culture. These efforts create otherwise non-existent discussion fora, bridging government and civil society and enabling a constructive debate on topics that are often potentially divisive. The Office regards local ownership and the use of relevant experiences and expertise from other participating States in similar situations as critical to success. This is reflected in its methodological commitment to East-East consultancy and, as the Organization’s institutional memory for the human dimension, to a sharing of experiences from south-eastern Europe with the wider OSCE community.

The ODIHR’s democratization activities are primarily conducted in the areas of:

- democratic governance and participation of women in public life;
- rule of law and legislative support;
- migration and freedom of movement; and
- the fight against human trafficking.

In response to priorities of participating States, the Democratization Section spearheaded an office-wide refocusing of its work in participating States and OSCE field operations in 2004. It also further developed its capacity to provide specific and targeted expertise, primarily in the legal field.

Rule of law

The concept of the rule of law is rooted in the just and equitable treatment of all human beings and forms a cornerstone in the OSCE’s human rights framework. The ODIHR’s work in this area, which is to assist participating States in upholding this essential principle, is guided by the provisions of the 1990 OSCE Copenhagen Document.

Preventing torture. Torture remains a prevalent problem in the OSCE region. In many countries, torture and other forms of degrading and inhuman treatment are still considered an everyday part of law enforcement. In some States, the easiest way of solving a criminal case is through a confession, which encourages a culture of extracting statements and confessions under torture. All too often, judges and prosecutors contribute to this by not stopping the use of these statements as evidence in court.

Pursuant to recommendations made at the Supplementary Human Dimension Meeting on the Prevention of Torture in 2003, the ODIHR appointed an Anti-Torture Focal Point in 2004. The Focal Point is responsible for ensuring that torture-prevention work is co-ordinated internally within the OSCE, with participating States, and with other international actors.

Promoting penal reform. The Office’s assistance in the area of penal reform supports momentum for change in several participating States and furthers the reform process. In a number of countries, this has led to the jurisdiction of prison facilities being transferred from interior ministries to justice ministries.

One of the ODIHR’s primary objectives is the creation of mechanisms for public monitoring of places of detention. The Office organized and supported roundtable meetings on monitoring places of detention in Tajikistan and Kyrgyzstan. In Armenia, it helped set up a Prison Monitoring Board and provided training courses for its members.



A prison reform workshop in Tajikistan

The ODIHR also rendered assistance in the capacity-building of prison staff, paying particular attention to the training needs of penitentiary officers who deal with non-custodial measures. At the request of the Kazakh authorities, the Office continued its street-law (legal literacy) programme at the Pavlodar Prison Staff College, which teaches the cadets basic human rights.

To help prison officers handling non-standard situations develop their skills, the Office launched a conflict-prevention and conflict-resolution programme for prison staff in Kazakhstan. In Georgia, senior prison staff working at the Justice Ministry's training centre received security training.

Strengthening the defence bar. Ensuring the right to a fair trial is dependent on the availability of competent and professional legal counsel and procedural guarantees that enable defence lawyers to do their job properly. In Armenia, Azerbaijan, and Kyrgyzstan, the ODIHR engaged in defence-bar (*advokatura*) reform efforts, sharing international standards and best practices from other OSCE States. Working with the OSCE Office in Baku and other partners, the ODIHR promoted discussions on the new law on advocates and its future implementation within Azerbaijan's legal community.

Complementing these activities, the Office developed programmes to enhance the capacity of individual lawyers. These included training seminars for defence lawyers in Kazakhstan and Kyrgyzstan on issues such as legal skills and the International Covenant on Civil and Political Rights. Kyrgyz lawyers are already making use of the knowledge acquired in the seminars: the first individual complaints filed by a programme participant from Kyrgyzstan were registered by the UN Human Rights Committee in March and August.

Legislative support. Responding to increased requests from participating States for a review of draft laws, the Office established a Legislative Support Programme in May. Emphasizing the importance of local ownership, the Programme's primary function is to assist States in the development of legislation that is in line with OSCE human dimension commitments and that fosters inclusive and transparent legislative processes.

Continuing the trend in previous years, the ODIHR's *Legislation-line* website (www.legislationline.org) further increased the amount of legal information, expertise and thematic areas covered by its database. The database highlights good practices and shows legal options used in other countries in the OSCE region. The activities involved in maintaining the database not only benefit lawmakers but also permit ODIHR experts to observe patterns in legislative activity, identify best practices, and monitor the application of international standards.

ODIHR experts commented on numerous legislative acts, mainly in the areas of human trafficking, anti-terrorism, fair trials, and freedom of assembly. In Moldova, for example, the Office supported a locally-driven process for drafting a new law on preventing and combating trafficking in human beings with recommendations

that clarified specific questions of compatibility with international standards.

The Office also developed guidelines to support the drafting of legislation on a number of human rights issues. In addition, it contributed to the formulation and development of standards contained in human rights instruments. For example, ODIHR experts took part in the drafting of the new Council of Europe Convention on Action against Trafficking in Human Beings.

Migration and freedom of movement. Increased population mobility and changing migration patterns in the OSCE region in recent years have revealed shortcomings in policy and legal frameworks for the protection of migrants. Both government officials and the general public face information gaps about changes in migration policy and regulations, leading to numerous violations of the rights of migrants and a rise in anti-migrant sentiments. Policy options that strengthen cross-border co-operation are therefore crucial to addressing these phenomena effectively.

The Office assisted countries with a legacy of restrictions on internal movement. To share knowledge of existing registration systems and to facilitate discussion on potential reform efforts, the Office conducted roundtable meetings and organized training visits to Armenia, Belarus, Georgia, and Ukraine.

Pilot research projects were launched in the Russian Federation and Kyrgyzstan to assess regional co-operation on labour migration and protecting the rights of migrants. The results will serve as a basis for helping participating States develop more efficient labour-migration policies and improve the situation of migrant workers.

Together with the IOM, the Office promoted international co-operation and exchange of migration information by assisting in the elaboration of data-sharing mechanisms. A two-day workshop in Chisinau in September enabled policy-makers, statisticians, and researchers from Belarus, Moldova, Russia, and Ukraine to discuss new migration-related issues resulting from the expansion of the European Union.

The Office provided assistance to the Belarusian authorities regarding the draft law regulating the rights of Belarusian citizens to enter and leave their country. This comprised training visits of Belarusian officials to Slovakia and Lithuania, whose experiences were incorporated into a draft document presented at a roundtable meeting in Minsk.

In November, a Supplementary Human Dimension Meeting discussed practical solutions to alleviate the plight of internally displaced persons (IDPs) in the OSCE area. It called on participating States to develop laws and policies to protect IDPs and to end their displacement using the UN Guiding Principles of Internal Displacement as a framework. OSCE institutions were urged to 'mainstream' IDP issues into their respective activities.

Strengthening civil society and democratic governance. The primary objective of the ODIHR's efforts in this field has become to find ways to strengthen democratic practices and processes rather than merely increasing the capacity of institutions themselves. The Office therefore broadened the scope of its civil society programme by including the fostering of democratic governance in its activities.

In 2004, the Office also completed its project on 'civic diplomacy' in Georgia, which created channels of communication among NGOs throughout Georgia and its separatist regions. A final element of this project involved the training of NGOs in monitoring techniques, networking, negotiating, and reconciliation skills. The project formed the foundation for the continued work of the UN Observer Mission in Georgia and the OSCE Mission to Georgia.

In May, the Office hosted a Human Dimension Seminar on Democratic Institutions and Democratic Governance. Highlighting deficits of democracy in institutional terms as well as the danger of increasing cynicism towards politics, the meeting called for increased OSCE involvement in strengthening democratic culture and practices, specifically through work on transparency and the participation of citizens in the legislative process and increased work with political parties.

The Office also continued to help the NGO community participate in human dimension events. The five main human dimension meetings held in 2004 saw increased participation by NGOs compared with previous years, including an all-time high of 222 NGOs from 38 countries at the OSCE Human Dimension Implementation Meeting in October.

The ODIHR provided financial support to a number of NGOs, thereby facilitating the participation of the most relevant and expert organizations within the OSCE region that would otherwise not have been able to afford the travel. This also resulted in a more balanced representation of NGOs from OSCE participating States.

Participation of women in democratic processes. The ODIHR conducts country-specific programmes in the southern caucasus and Central Asia that are aimed at increasing women's participation in democratic processes. In 2004, programmes were carried out in five main areas: the development of women's leadership skills; building and strengthening of local expertise on gender issues; gender education for a younger generation; integration of gender aspects into the work of government structures; and preventing and combating violence against women, especially in the home.

To assist countries in promoting equal rights and opportunities for women and men and to increase the role of women at all levels of decision-making, the Office helped establish NGO networks in Azerbaijan, Armenia, Georgia, Kyrgyzstan, and Kazakhstan.

In Georgia, for example, the ODIHR programme has helped create an NGO coalition that promotes gender equality. Established in 2000, it brings together more than 50 NGOs and 22 local experts



Taking action for women's rights: a participant at an OSCE gender seminar in Armenia

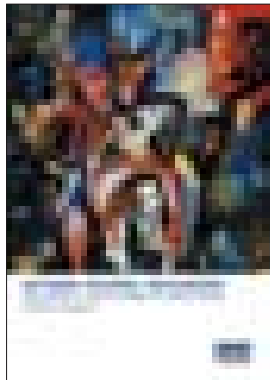
from 11 regions of Georgia. The coalition is recognized by state structures as an official partner in carrying out gender policy and in developing a national action plan on gender issues. In 2004, it developed and presented to the Government a strategy for lobbying for women's rights, promoting equal opportunities between women and men, and increasing the role of women at all levels of decision-making. The coalition also works with the Government on the economic empowerment of women and on education and health issues.

Another focus of the NGO coalition is the promotion of women's leadership role and gender equality through the mass media. Together with the ODIHR, the members of the coalition's media working group organized a regional conference on 'Southern Caucasus Mass Media for Gender Equality', which initiated effective co-operation networks in the region.

Fighting human trafficking. Building on previous initiatives to prevent trafficking in human beings and to assist victims of this scourge, the Office continued its anti-trafficking activities in co-operation with participating States, NGOs, and other international organizations. A Special Representative on Combating Trafficking in Human Beings was appointed and an Anti-Trafficking Assistance Unit was created in the OSCE Secretariat (see also page 19). To strengthen participating States' compliance with OSCE commitments, the ODIHR will contribute its expertise to, and co-ordinate closely with, the work of this new mechanism.

Compiling a handbook on National Referral Mechanisms.

In order to strengthen national capacities to prevent trafficking and better protect victims, the Office published a handbook on National Referral Mechanisms (NRMs) based on concrete field experience. An NRM is a co-operative framework through which state officials fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society. In developing the handbook, the ODIHR supported field missions in creating NRMs in Armenia, Moldova, and Georgia.



Activities financed by the Anti-Trafficking Project Fund. In 2001, the ODIHR established an Anti-Trafficking Project Fund to encourage the development and implementation of activities that address trafficking in human beings. Projects in 2004 included training on human-trafficking reporting for journalists in Tajikistan, supporting SOS information lines for victims of trafficking in Serbia and Montenegro, a study tour in Ukraine for government officials and NGOs from Georgia to learn about the country's anti-trafficking policies, and a review of the Georgian National Plan of Action against human trafficking.

Protecting victims of trafficking in countries of destination.

The 2001 Berlin conference, 'Europe against Trafficking in Persons', addressed the situation of trafficked persons in countries of destination and concluded with a comprehensive list of recommendations for participating States to counter this problem. There still exist, however, a number of gaps in States' efforts to protect the human rights of trafficked persons. In 2004, to address these gaps on the basis of the OSCE Action Plan, the ODIHR and the Finnish Foreign Ministry organized a follow-up conference entitled 'Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking'. Held in Helsinki in September, the event resulted in concrete and operational recommendations, which will also serve as guidance for the new mechanism in Vienna.

HUMAN RIGHTS

In the field of protecting and promoting human rights, the ODIHR carries out two major functions. The first is a role the Office has performed for a long time: monitoring, and reporting on, compliance by participating States with their human dimension commitments, particularly in the areas of freedom of assembly and association, the right to liberty and to a fair trial, and in the use of the death penalty. In addition, the Office has taken a proactive approach to other human rights-related issues, offering training and education, and responding to specific concerns such as the protection of human rights in the global fight against terrorism and combating racism, discrimination, and intolerance.

Anti-terrorism activities. The ODIHR focused in 2004 in particular on dealing with the rising level of political and religious extremism within the context of human rights. The Office's activities included, for example, a roundtable meeting in Central Asia in July that highlighted the importance of freedom of religion or belief and the role of education in combating extremism and also produced several recommendations for the Kazakh authorities on a new draft law on extremism.

In March, the Office organized a two-day workshop in Copenhagen on the protection of human rights while countering terrorism. Organized as a follow-up event to a seminar on human rights and terrorism held in The Hague in 2003, the workshop provided a technical framework for the discussion of counter-terrorism measures that need to be in line with the human rights commitments of OSCE participating States.

Tolerance and non-discrimination. The ODIHR further expanded its role in the fight against racism and intolerance in 2004. In April, June and September, the OSCE held three major international conferences that focused on anti-Semitism (Berlin), racist, xenophobic and anti-Semitic propaganda on the Internet (Paris), and tolerance and the fight against racism, xenophobia and discrimination (Brussels). Based on the results of these events, the Office focused on building capacity to serve as a collection point for information, statistics, and legislation on hate crimes and violent manifestations of racism, xenophobia, anti-Semitism and discrimination. Other priorities were to strengthen co-operation and co-ordination with international organizations and to conduct activities in key thematic areas, including freedom of religion or belief and anti-Semitism.

Following a reform process, the ODIHR's Panel of Experts on Freedom of Religion or Belief was enlarged in 2004 to include more than 50 experts from across the OSCE region. In association with the Council of Europe's Venice Commission, the Panel members drafted a set of 'Guidelines for Review of Legislation Pertaining to Religion or Belief', which were subsequently published by the ODIHR.

The Office also published Polish and English editions of a compilation of essays by Polish experts entitled 'Why Teach About the Holocaust?', and funded the development of a 'Website Guide to Tolerance Education' (<http://tolerance.research.uj.edu.pl/en>). Together with the Office of the UN High Commissioner for Human Rights, panel members developed a training module on international standards and jurisprudence relating to freedom of religion or belief.

A newly appointed Adviser on anti-Semitism Issues started building a network of key NGOs in the OSCE region in order to initiate co-operation on monitoring activities and to compile good practices in areas such as Holocaust education and tolerance education.

Death penalty. At the Human Dimension Implementation Meeting in October, the ODIHR released its annual background paper on the use of the death penalty in the OSCE region. The paper provides participating States with a means to publicize information about their use of the death penalty.

A roundtable meeting in Kazakhstan on the rights of people sentenced to capital punishment brought together 26 participants, representing the Kazakh Government and civil society as well as international experts. The meeting focused in particular on the rights of those subjected to the moratorium on the death penalty in Kazakhstan.

To promote an informed discussion on the death penalty and its abolition, the Office developed a series of radio programmes which were broadcast throughout Central Asia in December. The project was set up in co-operation with the European Commission and the BBC.

Human rights training. Human rights education and training was the focus of the first Supplementary Human Dimension Meeting of 2004, held in March. Participants shared best practices and discussed such topics as formal and informal human rights education, human rights education in school curricula, and human rights education and training for public officials. The meeting resulted in practical suggestions on how to improve the quality of such education and training.

Following a request made at the Human Dimension Forum in Vienna in November 2003, the Office conducted four training courses for new Human Dimension Officers in the field. The training took place in Warsaw, with participants from the field operations in Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kosovo, the former Yugoslav Republic of Macedonia, Moldova, Kazakhstan, Serbia and Montenegro, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Trial monitoring. Following up on training sessions in 2003, the Office carried out a pilot trial-monitoring project in Azerbaijan. The training covered trial-monitoring techniques and principles, national and international fair-trial standards, and reporting skills. From January to October, the 19 participants – lawyers and NGO representatives – applied their newly-acquired skills by participating in the monitoring of 125 cases of individuals charged with crimes following the 2003 presidential election. This included preliminary hearings, first-instance trials and appeals.

In June, an international trial-monitoring expert was sent to Azerbaijan to accompany the monitors at trials and to provide mentoring and expertise in the course of the trial-monitoring. It is planned to publish a report reflecting the monitors' findings from the perspective of the trials' compliance with national and international standards and obligations.



The ODIHR conducted several training seminars to politically empower Roma and Sinti.

CONTACT POINT FOR ROMA AND SINTI ISSUES

Racism and discrimination continue to impede the ability of Roma, Sinti, and related populations to become fully integrated members of society in the OSCE area. Acting within the framework of the 'Action Plan to Improve the Situation of Roma and Sinti within the OSCE Area', the ODIHR is attempting to overcome such discrimination by opening channels of communication between Roma and Sinti and other actors, such as national and local authorities, journalists, and heads of trade unions. The Office also initiates and supports debates on issues that are sensitive for Roma and Sinti populations.

A number of participating States made progress in implementing their commitments in this area in 2004, in particular through the adoption of legislation to combat discrimination and the establishment of institutional ways to enforce such legislation. However, not all States took full advantage of the Action Plan to Improve the Situation of Roma and Sinti within the OSCE Area.

The Office's activities in this field focused on reporting on the implementation of the Action Plan. It also began work on developing means of monitoring implementation without creating a new OSCE mechanism.

The Office provided fora for discussions and exchange of information on Roma-related issues by helping Roma and other groups participate in human dimension events and relevant side events at OSCE meetings. For example, a regional roundtable meeting was held in Belgrade on awareness-raising on trafficking in human beings, which provided an opportunity to discuss cultural practices specific to Roma and Sinti groups. The Office also conducted a series of training sessions on the political participation of Roma and Sinti, with a particular focus on Roma women.

High Commissioner on National Minorities

In recent years, defusing tensions between national majority and minority populations and preventing them from erupting into conflict has become one of the most challenging tasks of the international community. In 1992, the participating States of what was then the Conference on Security and Co-operation in Europe decided to respond to this challenge by establishing the post of High Commissioner on National Minorities.

The High Commissioner's function is to identify and help resolve tensions based on ethnic or other differences that might endanger peace, stability and security between and within the OSCE participating States. This function includes two distinct tasks:

- to address and de-escalate tensions at the earliest possible stage, before they ignite, and
- to act as a 'tripwire', in that he is responsible for alerting the OSCE States whenever such tensions threaten to develop to a level at which he cannot alleviate them with the means at his disposal.

Rolf Ekéus, of Sweden, has been the OSCE High Commissioner on National Minorities since July 2001.

In conformity with his mandate, the High Commissioner continued in 2004 to provide an early warning function and, as appropriate, to take early action regarding tensions that involve national minority questions. When necessary, he also took concrete action to stabilize situations of potential conflict.

In addition, he sought to contribute to OSCE objectives in other minority-related areas such as racism, xenophobia and discrimination. Special attention was given to minority education, including the use of minority languages.

In accordance with the OSCE's Gender Action Plan, the High Commissioner paid particular attention to the status of women in developing his policy recommendations and projects concerning national minorities, with a view to avoiding situations of double discrimination. For example, he supported a number of projects that target the situation of Roma women.

To support his political activities, the High Commissioner strengthened his involvement in various programmes and projects such as his social integration policy for the region of Samtskhe-Javakheti in Georgia through the implementation of a Conflict Prevention and Integration Programme.

As in previous years, the High Commissioner was active in participating States across the OSCE region.

Moldova. In the Transnistrian region, the High Commissioner has been engaged in long-standing efforts to resolve the dispute

over the registration of schools that teach in the Moldovan language using the Latin script. In July, he visited the country to discuss the issue with government representatives and to urge the leadership of the Transnistrian breakaway regime to provide the conditions necessary for these schools to operate normally. While some progress was made in autumn, the High Commissioner continues to be concerned about the future of these schools.

Protesting against forced school closures in Transnistria

In July, the Transnistrian authorities began closing several schools on its territory that teach in the Moldovan language using the Latin script, arguing that these had not been properly registered. These closures took place by force, armed police and militia having surrounded the premises. Equipment and furniture were removed from the buildings, which parents and teachers were prevented from entering.

In an official statement, the High Commissioner called the events "linguistic cleansing". "I am deeply disappointed by this illegal and inhuman action today in Tiraspol," he said. "This ... is damaging to thousands of children who are being used by the Transnistrian authorities as pawns in a political game."

The authorities eventually permitted the temporary registration of the schools, but the schools continue to face problems. Roughly 40 per cent of Transnistria's population have Moldovan/Romanian as a mother tongue, with some 5,000 pupils studying in the Latin script. (For more on this issue, see section on the OSCE Mission to Moldova.)

During his visit to Moldova, the High Commissioner also explored the conditions for new educational projects, particularly in the field of teaching Moldovan/Romanian as a second language. A four-year project initiated by the High Commissioner to support the teaching of the state language in minority schools successfully ended in 2004. Over 1,200 teachers were trained, new teaching methodologies were developed, and four resource centres for the teachers were established. The High Commissioner is studying the possibility of expanding this language project to other target groups.

Hungary and Romania. State policies regarding kin minorities living abroad were at the centre of the High Commissioner's attention in Hungary and Romania. He closely followed developments in this field and kept in close contacts with the Governments of both countries on new initiatives.

Estonia. Visiting the country in March, the High Commissioner continued his dialogue with both authorities and minorities on the social integration of national minorities in Estonia. In his discussions, he focused on the country's upcoming minority education reform and offered his support for efforts aimed at further

integrating national minorities. The High Commissioner continued support for initiatives that promote the naturalization process.

Latvia. Pursuing his dialogue with all interested parties on the situation of the country's national minorities, the High Commissioner paid two visits to Latvia in 2004. In his meetings with the country's authorities, minority representatives, parents and pupils, he discussed issues ranging from the process of social integration to the naturalization process and the ratification of the Council of Europe's Framework Convention for the Protection of National Minorities. Special attention was paid to the introduction of minority education reform in secondary schools. The High Commissioner stressed the need for continued dialogue during the implementation period of the reform and emphasized that it was essential to focus on the quality of education.

During the year, the High Commissioner also finalized a project to identify complementary and additional means for the promotion of the social integration process in Latvia and elaborated guidelines for the State Language Inspectorate on how to apply the State Language Law in a liberal and fair manner.

Ukraine. In close co-operation with the Council of Europe, the High Commissioner offered his advice to the Ukrainian authorities and the Parliament on their elaboration of a draft law on national minorities. During his visit in September, he stressed the need for continued international support to facilitate the integration process of formerly deported people and offered his support in areas where his office can provide specific expertise such as in the field of minority education.

Croatia. During a visit to the country in February, the High Commissioner met government representatives and members of national minorities to discuss questions related to minority rights and the return of refugees. The talks focused on the repossession of property and reconstruction assistance, reform of the judiciary, prosecution of war crimes, and the implementation of the Constitutional Law on National Minorities (CLNM). The High Commissioner was encouraged by the improved atmosphere in Croatia, and by the hope expressed by most interlocutors that the accession process to the European institutions would hasten progress on those questions covered by his mandate.

In October, the High Commissioner's experts discussed further assistance in the implementation of the CLNM, in particular provisions regarding education and proportional representation of minorities in administration and judiciary.

Serbia and Montenegro. In April, the High Commissioner paid a visit to Belgrade and Podgorica, where he discussed the status of implementation of the Law on National Minorities as well as education issues. He raised his concern about the amendments to the Serbian Law on the Foundation of the Educational System, adopted in May 2004, and their impact on the educational rights of persons belonging to national minorities. The subject was later followed up by correspondence with the Serbian Minister of Education.

Following his first visit to southern Serbia in May, a region that includes a significant minority population of ethnic Albanians, the High Commissioner helped establish a commission in charge of developing a history curriculum for the region's Albanian language schools. Representatives of the Serbian Ministry of Education and members of the local Albanian community participated in implementing this initiative.

In Montenegro, the High Commissioner continued to advise on the drafting of the law on national minorities. The draft law aims at harmonizing Montenegrin legislation with the legal provisions of the State Union, in particular the Constitutional Charter, as well as with international and national standards for minority rights protection. In May, the High Commissioner provided his recommendations on the final draft.

The former Yugoslav Republic of Macedonia. During a visit to the country in May, the High Commissioner pursued a number of inter-ethnic issues in the context of the implementation of the Ohrid Framework Agreement, in particular regarding education and the use of languages and symbols.

He also continued to support the South East European University in Tetovo, praised for its academic standards and for acting as a role model for inter-ethnic integration. With a total of 5,000 students enrolled in 2004 (25 per cent of non-Albanian origin), the University has significantly improved Albanian representation in the country's higher education system.

In January, the Macedonian Parliament adopted a new law establishing a third state university in Tetovo, a decision that gave rise to concerns that this institution could potentially become a new centre of radical nationalism in the Balkans. At the invitation of the Minister of Education, the High Commissioner provided an expert to the commission responsible for founding the university. The expert will support the commission in creating a university that fully conforms with international standards and adopts a multi-ethnic and multilingual approach to education that fully complements the principles of the South East European University.

Another initiative supported by the High Commissioner is the Transition Year Programme, which seeks to increase the number of ethnic Albanians admitted to state universities in Skopje and Bitola. As in previous years, the programme provided Albanian-speaking students with intensive courses in the Macedonian language during the fourth year of secondary school, in preparation for the university entrance examination.

Georgia. Following the political change in Georgia at the end of 2003, the High Commissioner took steps to establish a good working relationship with the country's new leadership. During visits to Tbilisi in March and October, he laid the foundation for future co-operation between his office and the new Government. The High Commissioner closely monitored the impact of the political landscape on inter-ethnic relations in Georgia, focusing particularly on the policy of the new leadership towards minorities. Together with the Georgian Parliament, he conducted a seminar to assist the

Government in elaborating a Strategy for Civic Integration, which aims at social integration of minorities. He also provided advice and technical assistance to the Ministry of Education on reforming the Georgian education system.

To provide support to the integration process in Samtskhe-Javakheti, the High Commissioner initiated a Conflict Prevention and Integration Programme. An economically underdeveloped region bordering Armenia and Turkey, Samtskhe-Javakheti is mainly populated by members of Georgia's Armenian minority. The High Commissioner's Programme includes teaching the state language to civil servants, helping Armenian high-school graduates to gain entry to universities by improving their Georgian language skills, and translating Georgian television programmes into Armenian. This latter initiative had an important impact on local understanding and participation in the 2004 parliamentary and presidential elections.

An important step in the High Commissioner's efforts to ensure the right of Georgian students in Abkhazia's Gali district to receive education in their mother tongue was the launching of the new project 'Teachers for understanding'. The initiative, which also aimed at building confidence between the two communities, included the training of teachers in the districts of Gali, Tkvarcheli and Ochamchira to improve their skills in the Georgian and Abkhaz languages.

Russian Federation. The High Commissioner visited Moscow twice in 2004. During his March visit, he focused his attention on inter-ethnic relations and the situation of national minorities in several States of the former Soviet Union. This included the issue of the Meskhetian Turk minority population living in Russia's Krasnodar region, especially in light of the US programme to grant refugee status to those eligible within this community.

These issues were followed up during the High Commissioner's November visit, during which he also discussed the implications of plans by the Russian Government to reform the federation for inter-ethnic relations.

Kazakhstan. In view of the many language difficulties Uzbek students face when taking the state examination prior to entering one of Kazakhstan's universities – held in Kazakh and Russian – the High Commissioner supported a pilot project that helps Uzbek schools in southern Kazakhstan to organize supplementary language classes. Another project that received the High Commissioner's assistance aimed at monitoring inter-ethnic relations in the country, providing both the Kazakhstani Government and the OSCE with information and analytical data on this issue.

Kyrgyzstan. The publication of the Report and Recommendations in July by the Working Group on Integration through Education represented a key event in the High Commissioner's engagement in Kyrgyzstan. Throughout the first half of 2004, the High Commissioner supported the activities of the Working Group. Its recommendations became the basis for further initiatives by the country's Ministry of Education and the High



Integrating minorities through education: a school in Kyrgyzstan

Commissioner to further promote integrated education in Kyrgyzstan, for instance in the field of multilingual teaching.

Another important event was the hiring of two police experts to produce a report on multi-ethnic policing in the country, an initiative also supported by the High Commissioner. The aim of this experts' report was to prepare the groundwork for building closer links to the different ethnic communities in Kyrgyzstan and to thereby strengthen their conflict prevention capacity.

In southern Kyrgyzstan, the High Commissioner's activities focused on the monitoring of inter-ethnic relations and a project for training government officials in managing inter-ethnic relations and minority issues.

Tajikistan. During a visit to the country in November, the High Commissioner discussed with officials and representatives of national minorities and NGOs questions affecting Central Asia's national minority communities, such as education and language teaching.

Turkmenistan. The High Commissioner visited Turkmenistan in December 2004 and met the President as well as other senior officials. The visit formed part of the High Commissioner's efforts to develop a dialogue with Turkmenistan on minority-related issues.

Uzbekistan. Building on a visit in February, during which he met government officials, representatives of national minority communities, and NGOs, the High Commissioner held a conference in September on the modernization of education and the promotion of social integration in multi-ethnic societies. The event, which was organized with the Ministry of Public Education in Bukhara, explored the question of how to reform education while ensuring the full participation of national minorities.

Representative on Freedom of the Media

The youngest of the three specialized OSCE Institutions, the OSCE Representative on Freedom of the Media was formally established in 1997 following a decision taken at the 1996 Lisbon Summit. Recognizing freedom of expression as a basic human right, the Representative's mandate is to ensure free, independent and pluralistic media in the participating States. His primary tasks are:

- observing relevant media developments in OSCE participating States to provide early warning on violations of freedom of expression; and
- in close co-operation with the Chairman-in-Office, assisting participating States by advocating and promoting full compliance with OSCE principles and commitments regarding freedom of expression and free media.

The second OSCE Representative on Freedom of the Media, Miklós Haraszti, took up his position in March 2004. A writer and former dissident, Mr. Haraszti was one of the founders of the Hungarian Democratic Opposition Movement.

His predecessor, Freimut Duve, of Germany, held the position from January 1998 to December 2003. The Representative's office in Vienna consists of 11 international staff members.

Selected country-related activities

First assessment visit to Ukraine. In April, the newly-appointed Representative embarked on his first assessment visit to Ukraine. At the invitation of the Ukrainian Government, the Representative went to Kyiv to examine the media situation in the country. In his subsequent report to the participating States, the Representative emphasized that, overall, media pluralism was present in Ukraine. Different views were represented and politicians at all levels were regularly criticized in the media, although the media did not yet provide for a dialogue between different sides and views.

The Representative acknowledged the existence of several laws that could be recommended to all OSCE participating States, including some of the older democracies:

- Ukraine was one of the few OSCE participating States that had taken the bold move to decriminalize libel.
- Amendments to the Law on Television and Radio, passed in 2003, lifted limits on advertising revenues, thus allowing the media to become more independent of different 'sponsors'.
- A law that defined and banned censorship had been signed in 2003.
- This law also prohibited state and local government agencies from filing for defamation claiming 'moral damages', a practice that often drove media outlets into financial ruin.

Nevertheless, according to the Representative, certain developments were worrying, raising questions about the authorities' active commitment to freedom of expression:

- The broadcasting media was heavily tilted towards the Government, often representing only one view out of several that were prevalent in the country.
- The practice of sending out so-called *temniki* – coverage guidelines for editors – should be abolished and replaced by a transparent public relations strategy with clearly defined goals and objectives.
- The ending of the re-broadcasting of Radio Liberty/Radio Free Europe and other quality western programmes in Ukraine, although ostensibly done for commercial and legal reasons, nevertheless raised questions regarding its timing during an election year.
- While frequency allocation is supervised by a non-independent government agency, the actual licensing is done by the National Broadcasting Council. This 'two-headed' licensing procedure was not only complicated but also left room for political favouritism.
- The case of the journalist Georgiy Gongadze, who was murdered in 2000 and whose killers are still at large, continued to be under investigation although a new Prosecutor-General has been appointed for the third time since the case was brought forward.

Returning to the themes of his April assessment visit, the Representative noted in a press release on 30 November: "At this time of post-election turmoil in Ukraine, I am impressed by recent changes in the general openness and objectivity being demonstrated by Ukrainian media in covering the events. This is something I did not see when I visited Ukraine on my first assessment visit in April 2004."

Violent unrest in Kosovo: the role of the Media. In April, the Representative presented his report on the role of the media in the tragic events that shook Kosovo in mid-March. He offered several ideas on preventing similar situations from occurring in the future



In mid-March 2004, Kosovo was the scene of serious inter-ethnic violence.

by creating conditions for free, fair and balanced media in Kosovo. First among his recommendations was to strengthen Kosovo's public radio and television so that it would become a "bulwark of objectivity, fairness and built-in pluralism".

In his report, the Representative identified three main problems that plagued the coverage of the March events: biased reporting, lack of plurality, and the failure of public service broadcasting. According to his report to the Permanent Council on 22 April, all of these elements, and especially their combination, contributed to a practical – even if temporary – loss of Kosovo's media freedom and did a great disservice to Kosovo's ethnic peace and democracy. His core finding was that the most powerful broadcasters had provided biased coverage on two counts. On 16 and 17 March, they had portrayed the death of two Kosovo Albanian children as a cruel, criminal, ethnically-motivated killing. But when – in the wake of their own previous reporting – actual inter-ethnic violence occurred, the TV media in particular followed up with justifying, almost supportive coverage.

The report also stated that the Public Broadcasting System of Kosovo had failed in providing a firm, reliable infrastructure that produced objective news, counterbalancing any irrational and irresponsible disinformation.

The tragic events in Beslan and the media. The Representative commissioned a report on how the media covered the school hostage crisis that took place in the northern Ossetian town of Beslan in September. The report concluded that the coverage of the events proved that media freedom had taken hold in Russia. However, several worrying developments in the relationship between the Government and the media drew the attention of local and international experts and human rights activists.

The report stated that cases of detention and harassment of journalists had occurred, seriously impeding their work. It also stressed that the Government did not provide in a timely manner truthful information on the handling of the crisis, including details of the number of hostages and hostage-takers, as well as the hostage-takers' identities and demands. As a result, some journalists were physically attacked in Beslan for allegedly misinforming the public.

According to the report, a triple credibility gap arose in Beslan: between the Government and the media, between the media and the people, and between the people and the Government. The three nationwide broadcasters – the main sources of information for the Russian people – did not provide accurate and up-to-date information, and in the end, the print media and Internet news sites stepped in, filling the information void as much as they could.

Assessing the media situation in Moldova. The Representative's second assessment visit took place in October, this time to Moldova, following invitations by both the Government and the OSCE Mission to Moldova. His findings were presented to the Permanent Council in a special report.



Browsing the news in Chisinau

In the view of the Representative, media pluralism was highly developed in Moldova, both in terms of quantity of media outlets and of different views that were represented. He reported that politicians of all ranks were regularly criticized in the media, and that the independent press was very outspoken in its comments on the authorities. The report also detailed an open debate regarding the development of the media itself, which was described to the Representative by the Foreign Minister as "transparent."

The main issue discussed was the situation of the state broadcaster, Tele-Radio Moldova (TRM). In his report, the Representative praised Moldova for being one of the first countries in the region to transform its state broadcaster into a public service. However, the quality of news coverage and its overwhelming tilt towards the ruling party was of concern as was a labour dispute that was taking on political overtones. The Representative issued a list of recommendations that could improve the media situation in the country:

- TRM is the only domestically produced nationwide channel. There can be no true pluralism when there are no competing domestic nationwide channels. In this situation, a transparent tender is needed for another nationwide frequency.
- The number of government-owned newspapers should not grow, and there should be no administrative or advertising discrimination against the non-governmental print press. There is no need to re-establish the so-called '*rayonnie gazetii*', that is, the district newspapers paid for by local government.
- Civil defamation penalties remain high and are often misused by public officials. A reasonable ceiling could be introduced for such penalties. Courts should hold public figures to a higher degree of criticism, as endorsed by relevant rulings of the European Court of Human Rights.
- The Transnistrian media are under severe pressure and international organizations should find ways to try to help independent journalists in the region.

Special projects

Decriminalizing libel

Prosecuting libel under criminal law is inappropriate and even detrimental to a modern democracy, where freedom of the press and uninhibited discussion of public issues could be diminished by the impact of a criminal libel sentence against journalists performing their work.

For several years, the Office has been actively lobbying for the decriminalization of libel. So far, five OSCE participating States have abolished libel as a criminal offence, turning such cases over to civil law institutions:

- Bosnia and Herzegovina
- Georgia
- Moldova
- Ukraine
- United States (although 17 individual states still retain criminal libel provisions)

There is wide understanding of the need to provide journalists with a certain privilege when discussing issues of public importance. As with the protection of sources, journalists should not be liable to criminal prosecution or frivolous lawsuits even when the information that they disseminate might be false or derogatory. Weighed against the potential 'chilling' effect, this privilege should not be allowed to erode.



In general, the Office is looking into several possible lobbying strategies regarding libel:

- encouraging parliamentarians to table proposals to repeal criminal libel legislation;
- encouraging government officials through public information campaigns to refrain from using existing criminal laws to sue the media and journalists; and
- in countries where criminal libel exists, encouraging judicial bodies to impose a moratorium on issuing prison terms, even suspended ones, until the necessary reform takes place.

In 2004, the Representative's office began developing a database matrix on libel legislation in the OSCE region, to be accompanied by a legal analysis explaining the findings. This will help define the best ways to resolve the problem. The matrix was due to be presented in early 2005.

Preserving freedom of expression on the Internet. In August, the Representative's office organized its second Internet Conference in Amsterdam. Topics discussed included legislation and jurisdiction for digital networks, hate speech on the Internet, education and the development of Internet literacy, access to information and networks, and the problems of self-regulation, blocking and filtering of Internet sites. Among the more than 100 participants were international experts and representatives from the OSCE, the Council of Europe, UNESCO, academia, the media, and NGOs. At the two-day event, the participants emphasized that regulation should be limited to fields where it was absolutely inevitable, since regulatory action – even with the best of intentions – could potentially have serious consequences for media freedom on the Internet.

Results from the discussions at the Conference and recommendations by the participants were included in the 'Media Freedom Internet Cookbook' published by the Representative in December. In the tradition of other similar publications on software and programming, this 'Cookbook' is a collection of best practices on a broad range of Internet issues and also provides valuable guidelines to OSCE participating States on dealing with this medium.

The Representative's office organized several side-events on the same issue at various OSCE conferences and meetings, including at the June meeting in Paris on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes, the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination, and at the annual Human Dimension Implementation Meeting held by the ODIHR in Warsaw in October.

Joint Declaration on Access to Information. In December, the Representative issued a Joint Declaration on Access to Information, together with the UN Special Rapporteur on Freedom of Opinion and Expression and the Media and the Special Rapporteur on Freedom of Expression of the Organization of American States. The principles and recommendations in the document are of great relevance to the OSCE community, as they recognize that there can be no free press without the citizens' right to access information held by public authorities.

The Declaration states that access to information is a fundamental human right, which should be given effect at the national level through comprehensive legislation such as through the adoption of Freedom of Information laws. It also states that the principle of maximum disclosure should be established in modern classification rules, which are based on the presumption that all information is accessible and subject only to a narrow system of exceptions.

The document points out that the sole responsibility for protecting the confidentiality of legitimately secret information lies with the public authorities and their staff whose official task is to hold this information. Other individuals, including journalists and civil society representatives, should thus never be subject to liability for publishing or further disseminating this information, regardless of whether or not it has been provided to them, unless they committed fraud or another crime to obtain the information.

The Representative and the Special Rapporteurs recommended a reform of the penal codes, to the effect that criminal law provisions, not restricting liability for the dissemination of state secrets to those entitled to handle this information, should be repealed or amended.

Sixth Central Asian Media Conference in Tajikistan.

In September, the Representative organized the Sixth Central Asian Media Conference in Dushanbe. The event provided Central Asian journalists with a forum to discuss libel and freedom of information from the viewpoint of their own experiences. The more than 100 journalists attending the Conference agreed that the obsolete libel laws existing in Central Asian countries are detrimental to freedom of the press. Several individual cases were discussed by the participants, some of whom had personal experiences of being prosecuted for libel.

The event highlighted the fact that substantial problems remain in the region regarding freedom of information. None of the countries in the region has laws that meet international standards on access to information, and state-secrets acts that undermine the right to access to information are often used and abused. Significant efforts are required to ensure that the region joins the rest of the OSCE in recognizing the right of the public and the media to access to information.

Libel and media freedom in the southern Caucasus. Similar topics were discussed at the first South Caucasus Media Conference, which was held in Tbilisi in October. Discussions dealt with the developments regarding libel legislation in the three countries of the region – Armenia, Azerbaijan, and Georgia. Earlier in 2004, Georgia had decriminalized libel, and Armenia took an important step forward by reducing criminal penalties for libel. In Azerbaijan, the process of elaborating a new law regulating defamation, libel issues and protection of honour and dignity has begun.

A report commissioned by the Representative and research by the media NGO, Article 19, analysed the linkages between media freedom and freedom of information. The report includes dozens of cases in 2004 in which media outlets and journalists in the three southern Caucasus countries were denied access to information.

Baku roundtable meeting. In October, the Representative and the Council of Europe organized a roundtable meeting in Baku, which brought together parliamentarians, judges and international and local experts on legislative processes related to libel and freedom of information.

Since Azerbaijan was in the process of amending and adopting legislation on these issues, the main focus of discussion were the two legal reviews commissioned by the two organizations in autumn. As a participating State in both the OSCE and Council of Europe, Azerbaijan is bringing its legislation into line with international commitments and standards. Therefore, the exchange of views between local and international experts was an important element in this process.

Legal reviews. At the request of the Albanian Prime Minister, the Parliamentary Media Committee and the National Council of Radio and Television, the OSCE-established Veronica Guerin Legal Defence Fund prepared seven legal reviews for Albania. Of these, two were commissioned jointly with the Council of Europe.

The Fund, which was created in 2003 by Freimut Duve, the first Representative on Freedom of the Media, provides legal defence for journalists in need. It is being financed through voluntary contributions from participating States, human rights organizations and individuals. In total, the Fund presented 18 legal reviews in 2004.

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The Representative on Freedom of the Media, Miklos Haraszti, briefing the press on the South Caucasus Media Conference in Tbilisi

Access to official information continued to be a major problem area for the media in the southern Caucasus. Some of the main obstacles highlighted by journalists at the Conference were similar with those in Central Asia: poor implementation of existing laws on access to information, excessive state-secrets laws and criminal penalties for their violation, lack of public awareness of legal rights to access to information, and a low level of professionalism among the media.