



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

March 29, 2007

**Regular Report to the Permanent Council**

Mr Chairman, Excellencies, Ladies and Gentlemen,

First of all, I would like to voice my appreciation for the trust shown by the participating States when extending my mandate for another term. I look forward to working with you in a similarly constructive manner as during my first term in office. My special thanks to the Spanish Chairmanship for guiding the procedure.

At the end of my first term I see several major challenges emerging that threaten freedom of the media in the OSCE area.

- Of course, the most intimidating for free speech is when States tolerate harassment, physical attacks, and even murders of media workers;
- Secondly, in several participating States pluralism is considerably restricted by undue governmental influence over broadcasting; by favouritism towards the still-existing state-owned press and by administrative discrimination against the non-governmental media sector;
- Thirdly, heightened security concerns – also but not only in the wake of the global terrorist threat – have prompted authorities to deny investigative rights for journalism regarding governmental data, or to force journalists to reveal their sources to law enforcement agencies;
- Fourthly, in a world of dissolving boundaries, the otherwise legitimate expectation that the media should be culturally sensitive, has increased attempts to label offending or critical views as punishable “extremism” or “hate speech”;
- Finally, a proliferation of arbitrary speech bans on certain statements regarding historical events weakens international standards on free debate, and creates new tensions between nationalities and countries.

My office has tried to respond to these challenges not only with interventions, but also with relevant project activities. To mention but a few: joint training programs for civil servants and media professionals; ongoing efforts to replace criminal defamation laws with civil provisions; fostering professionalism in the media by supporting self-regulation; and developing guidelines for good practices regarding access to governmental information by the media. These activities will continue during my second term, just as will, I hope, the practice of assessment visits, in countries which I did not yet have the chance to visit.

Let me mention a forthcoming development that is bound to engage my Office's capacity in the near future, and also your Governments' energies. It is the so-called 'switchover' from traditional to digital terrestrial transmission in broadcasting, as well as the convergence among different telecommunication platforms towards digital ones. This change will revolutionize the way we watch TV or listen to radio: it will increase the number of available channels and will reduce broadcasting costs by eliminating the current scarcity of the frequency spectrum which, hitherto, has been the main justification for governmental licensing of broadcasters.

However, the enormous growth in commercial broadcasting opportunities will only increase the challenge to secure the finances for public-service broadcasting, without jeopardizing quality programming, such as news, education and minority language programs.

All this will add an additional layer of necessary reform in many participating States. As always, I would like to offer the services of my Office to assist the participating States to embrace these changes.

### ***Obituary: Hrant Dink***

I am saddened to have to report on the murder of another outstanding journalist in our region. Hrant Dink, one of Turkey's best known journalists of Armenian origin, was shot dead in Istanbul on January 19 2007. I would like to pay tribute to his sacrifice for freedom of speech.

Mr Dink was the editor of the Armenian-Turkish language weekly *Agos* Magazine, and a prominent commentator on Armenian-community related affairs in Turkey. The content of his work frequently attracted the attention of the authorities: in October 2005, Mr Dink received a six-month suspended jail sentence for "insulting the Turkish identity" under Article 301 of the Turkish Penal Code.

Shortly after the murder I wrote to the authorities, expressing my appreciation for public statements made by high-level Turkish officials that condemned the heinous attack, and also for the efficient investigation that has already produced tangible results in bringing the perpetrators to justice. To my knowledge, more than 20 people have been detained in several cities of Turkey in relation to the murder, and eight of them have remained in custody, including a 17-year-old man who has confessed to the crime.

Obviously, being depicted as an enemy of "Turkishness" may well have contributed to turning Mr Dink into an object of hatred and a target for fanatics and extremists. The failure by the authorities to repeal Article 301, which is used by certain groups to prosecute views they consider unacceptable in Turkey, must have played a role in this instance. The tragic event revealed that Turkey needs to implement a more supportive environment for free and open discussion. I am encouraged by the expressed readiness of Prime Minister Recep Tayyip Erdogan to support the necessary amendments: they must now to be tabled with Parliament.

**The remainder of this report provides details of the issues raised with participating States during the last four months, as well as our co-operation on recent and planned project activities.**

**It also includes:**

- **A Special Report on Registration of Print Media in the OSCE area**
- **A report focusing on broadcasting in Bosnia & Herzegovina**
- **An update on our survey on Access to Information**

## ***Issues raised with Participating States***

### **Armenia**

In my letter of 8 March 2007 addressed to the Chairman of the National Assembly, the Minister of Foreign Affairs, and the Minister of Justice of Armenia, I shared my observations about the recently adopted amendments to the *Law on Television and Radio* and the *Law on Regulations of the National Commission on Television and Radio* (NCTR).

In my letter I noted with satisfaction that the amendments were adopted prior to the Parliamentary Elections of 2007; this was one of the key recommendations in my July 2006 report on the state of media freedom in Armenia.

However, the amendments are not sufficiently robust to achieve the aim of an independent NCTR: thus further amendments will need to follow.

## **Azerbaijan**

In my previous report to the Permanent Council I expressed my disappointment with the deterioration of the situation in Azerbaijan. Unfortunately, I cannot state that there has been improvement since.

In particular, I am alarmed by the dramatic increase in the number of criminal defamation charges brought against journalists by public officials. The most recent cases involve the weekly independent newspaper *Nota Bene*: its reporter Faramaz Novruzoqlu and chief editor Sardar Alibeyli were sentenced on 30 January 2007 to two years in prison and 18 months of corrective labour respectively for defamation and libel under Articles 147 and 148 of the Criminal Code.

These cases demonstrate the crucial importance for Azerbaijan to initiate decriminalisation reform.

Further, in my letter to President Aliyev on 27 November 2006, I raised:

- Impediments of *ANS TV*'s license renewal, resulting in a brief suspension of its broadcasting in November 2006;
- The eviction of the opposition newspaper *Azadliq*, *Trend News Agency*, and some other media outlets from their state-owned premises;
- The satirical poet and journalist Mirza Sakit Zahidov is still imprisoned serving a three year sentence on drug-related charges, an allegation he strongly denies;
- Writer Rafiq Tagi and editor Samir Sedagetoglu of the Baku-based *Senet*, accused of stirring up religious hatred with an allegedly derogatory statement on Prophet Mohammed, are still in pre-trial detention: the hearing of their case was recently postponed.

I feel compelled to remind the authorities that two years after the brutal assassination of Elmar Huseynov, the perpetrators are still not brought to justice. This continues to impose a significant 'chilling effect' on Azerbaijani journalists. Full transparency of the progress and results of this investigation, together with full access for the media to court hearings should be guaranteed.

My Office continues to follow the developments in Azerbaijan. A constructive dialogue between my Office and the authorities is ongoing. In this regard, I am glad for an invitation from the Government of Azerbaijan to participate in the upcoming international conference of OIC, "The Role of the Media in Developing Tolerance and Mutual Understanding", which will take place in Baku on 25-26 April 2007.

## **Belarus**

I have asked for information from the Belarusian authorities concerning a new draft law "On Information and Protection of Information", submitted by the Council of Ministers to the House of Representatives in

March 2007. According to the press service of the House of Representatives, the adopted bill will deal with individual access to public information, information security of the state, and information exchange including international information. I look forward to a response, and reiterate the willingness of my Office to assist the Government to apply the best international practices of securing media access to information.

Details on planned cooperation projects with Belarus are included in the section *Projects and activities since the last report*.

### **Bulgaria**

In a letter on 22 March, I expressed my concern to the Bulgarian authorities about the assault on journalists of *24 Hours* and *168 Hours* in their editorial office, committed by leaders and parliamentarians of Ataka party on 23 February 2007. For the sake of an unequivocal message about safety of the media, I urged the authorities to prosecute the attackers without delay, regardless of their public functions.

In the same letter I warned against the adoption of restrictive amendments tabled by individual parliamentarians to the country's already advanced *Freedom of Information Law*.

### **Canada**

The Ontario Superior Court ruled on 19 October 2006 that it was contrary to the provisions of the Canadian Charter of Rights and Freedoms that the authorities had used the *Security of Information Act 2001* against Juliet O'Neill, a reporter with the *Ottawa Citizen*. The judge found the provisions vague, overly broad and open to abuse by government authorities.

Ms. O'Neill's home and office were searched in 2004, following her November 2003 article about an Ottawa man under surveillance by the Canadian security forces for alleged terrorist links.

As I also intervened in the case on 3 October 2006, I welcome the Superior Court's decision, affirming the right of journalists to use leaked documents in cases of legitimate public interest.

### **Croatia**

On 2 March 2007, I wrote to the Minister of Foreign Affairs of Croatia regarding the attack on *Z1* television journalist Zeljko Malnar in a cafe in Zagreb on 27 February 2007. I raised my concern about instances of assaults and threats against journalists reported in recent months, and expressed my

confidence that the Croatian Government would do everything possible to secure a free and safe working environment for media professionals.

### **Denmark**

In my letter to the Director of Public Prosecutions of Denmark of 20 November 2006, I voiced concern about the trial of three Danish journalists charged with publishing classified information in the Danish daily *Berlingske Tidende*. Two journalists, Michael Bjerre and Jesper Larsen, as well as the editor Niels Lunde were charged with printing confidential government information under Article 152 of the Criminal Code. Based on leaked classified information, the newspaper published articles about the level of information known to the Danish government about weapons of mass destruction in Iraq in 2003.

I very much welcomed the decision of the court to acquit the journalists finding that by publishing the information they had acted in the public interest.

### **France**

I welcome the decision of a Paris court's decision on 14 November 2006 to drop charges against journalist Claude Ardid and lawyer Albert Lévy for "violating the confidentiality of a judicial investigation" into alleged corruption in school meal contracts in Toulon in 1998.

In my previous report to the Permanent Council, I referred to my letter to the President of the French Senate, in which I asked the Senators to reject the amendment to the "Loi ... tendant à réprimer la contestation de l'existence du génocide arménien" ("Law .... tending to curb the denial of the existence of the Armenian genocide") earlier approved by the French National Assembly.

In his reply dated 23 November 2006, President Christian Poncelet informed me that no motion for debating the draft bill by the Senate, as Second Chamber, has been introduced.

I welcomed the decision by a Paris court 22 March 2007 to acquit the editor-in-chief of the satirical magazine *Charlie-Hebdo*, but recommended that Article 33 of the *Press Law of 1881*, foreseeing prison sentences for press offences, should be modified. Islamic institutions had filed charges against the paper for reprinting some of the so-called "Mohammed cartoons", originally published by *Jyllands-Posten* in Denmark. The court held that reprinting these cartoons did not constitute an "insult of people based on their religion".

## **Germany**

In my letter to the German Minister of Interior in October 2005, I expressed my concerns regarding the treatment of the editorial staff of *Cicero* magazine following its publication of classified information in April 2005. Police raided the offices and homes of two journalists working for the magazine, with the aim of uncovering the sources of the leaked information.

However, on 27 February 2007, the Constitutional Court ruled that the raid was an unjustified intrusion into press freedom. The Court decided that the mere publication of classified information is not sufficient to justify a police search.

I welcome this decision, which reaffirms the independence of the media and the need for prosecutorial restraint in such cases.

## **Kazakhstan**

I received unconfirmed reports regarding the arrest on 15 December 2006 of the journalist Azamat Zhetpysbayev, a freelance reporter for a number of media outlets, including Radio Free Europe. I wrote to the authorities on 22 December 2006, requesting further information on the case and of the whereabouts of Mr Zhetpysbayev. I remain hopeful of receiving a reply from the authorities.

On 24 January 2007 I raised the case of Mr Kazis Toguzbaev, an independent Kazakh journalist, who was handed a two-year suspended sentence by an Almaty district court, for violating Article 318(2) of the Criminal Code *Infringement on the honour and dignity of the President*, for content published in two articles in April and May 2006 on a website.

The details of this case bear a close resemblance to the case of Mr Zhasaral Kuanyshalin, sentenced to two year's imprisonment, also suspended, on 31 July 2006 on similar charges.

In my letter, I stressed that the existence of special insult laws, which give elevated protection to public officials from verbal offence, is contrary to modern democratic practice and I have asked again for their removal from the criminal domain. The urgency of this request is underlined by the fact that new amendments to the Criminal Code have been proposed, which would increase the penalty for libel in Kazakhstan.

Details of cooperation on project activities with Kazakhstan are included in the section *Projects and activities since the last report*.

### **The former Yugoslav Republic of Macedonia**

I welcomed the release of journalist Zoran Bozinovski from prison on 21 November 2006. Mr Bozinovski was sent to prison earlier in November, following a three-month sentence handed down in 2004 for defamation. Since then, on 10 May 2005, the Parliament in Skopje abolished the imprisonment penalty for defamation. I am satisfied with the decision of the Skopje authorities to immediately release Mr Bozinovski.

### **Moldova**

In a letter to the Deputy Prime Minister and Minister of Foreign Affairs dated 19 December 2006, I expressed my concern about the disruption of the nationwide transmission of the *Antena-C* Radio Station and the way the privatisation of *Antena-C* and *Euro-TV* was initiated.

On 14 December 2006, the Chisinau Municipal Council decided to tender out the allocation of the frequencies of *Antena-C* and *Euro-TV*, two Chisinau-based public service broadcasters, as stipulated by the country's new Audiovisual Code.

I fully support the implementation of the Broadcasting Code, which took into consideration many of the recommendations made by my Office (see section on *Legal Reviews*). However, in the letter I emphasised that the privatization process should be fair, independent and transparent. I received a reply to my letter on 26 March 2007, in which I was assured that my requests are being duly considered by the authorities in Chisinau.

Meanwhile, both municipal outlets are privatised, and *Antena-C* is now back on air with a new owner, new management, and a modified profile, offering more entertainment programs than news broadcasts. As *Antena-C* was always considered a highly professional contributor to the public debate on political issues, it is regrettable that the privatization process so far has diminished pluralism instead of enriching it.

### **The Netherlands**

On 29 November 2006, in a letter to the Foreign Minister, I raised my concern over the detention by an investigating judge of two Dutch journalists for refusing to reveal their sources. Bart Mos and Joost de Haas of the Dutch daily '*de Telegraaf*' were detained in The Hague on 27 November and ordered to disclose their sources in the Dutch Intelligence Service, who had supplied them with confidential

information about contacts between local criminals and law enforcement officials. I was satisfied to hear that the journalists were released on the same day, following a District Court Decision.

Despite the fact that the principle of the protection of journalists' sources has been recognized by the jurisprudence of the Dutch Supreme Court, I stressed that because the Supreme Court judgement did not set guidance to lower courts, a statutory protection of journalists' confidential sources is required in order to help to avoid future discrepancies between different court rulings.

### **Romania**

I am concerned by the decision of the Constitutional Court of Romania of 18 January 2007, which annulled the decriminalization of defamation, an amendment which was passed by Parliament in 2006. The Court found that the repeal of libel and insult articles from the Criminal Code produced a legal situation inconsistent with the Constitution.

In addition to my Office's longstanding efforts towards decriminalisation, this decision also goes against the May 2006 call by Mr. Terry Davis, Secretary General of the Council of Europe, addressed to all CoE Member States, to move the handling of defamation offences from the criminal to the civil-law domain. I view the ruling as a setback in achieving a free and a more favourable working environment for the Romanian media.

Nevertheless, I hope that the Parliament will consider other measures to address the 'protection of dignity' concerns stated by the Constitutional Court, rather than restoring the old articles of the Criminal Code. My Office will continue to monitor the developments.

### **Russia**

I received a reply from the Russian authorities on 27 November, in response to my letter of 27 September 2006 regarding the case of Vladimir Korolev, a correspondent with the weekly business newspaper *Permski Obozrevatel'*, who is held on charges of violation of Article 283 of the Criminal Code on 'Dissemination of State Secrets', and Article 137, 'Violation of the Integrity of a Private Individual'. The letter gave details of the legal justification for Mr Korolev's detention. The first court hearing was held on 22 February and, as one of the charges against Mr Korolev is "Dissemination of State Secrets", the trial was closed to the public.

In a further hearing on 9 March 2007, the court decided that the investigation of the case is incomplete and returned the case to the prosecution for further investigation. During the ongoing investigations Mr Korolev remains in detention. My Office will continue to monitor the developments.

On 5 March 2007, I wrote to the Russian authorities regarding the death of Ivan Safronov, a military analyst for the Russian weekly *Kommersant*. Mr Safronov died on 3 March following a fall from a window in his Moscow apartment block. Given the worrying details and the ensuing questions in the Russian and international media regarding the cause of his death, I have requested timely information from the authorities regarding the progress of the investigation.

Regarding the murder on 7 October 2006 of the journalist Anna Politkovskaya in Moscow, covered in my previous report to the Permanent Council, I am still waiting for information from the authorities on the progress of the case.

### **Serbia**

On 29 November 2006, I wrote to the Republican Prosecutor of Serbia, raising the case of Snezana Nikolic, a journalist for the Novi Sad newspaper *Dnevnik*. Ms Nikolic was sentenced to six months of imprisonment with two years of probation for libel. This sentence was confirmed by a second instance court in January 2006, which should not have taken place, since starting on 1 January 2006, the Serbian Criminal Code no longer punishes defamation with imprisonment.

In May 2006, in a joint statement with the OSCE Mission to Serbia I voiced concern over the closure of BK Television and the subsequent decisions of the Republican Broadcasting Agency (RBA).

Despite the decision of the Supreme Court annulling the revocation of BK Television's license, RBA prolonged the revocation of the license for an additional 30 days in May. Additionally, RBA rejected the appeals of three other broadcasters.

The RBA Council also succeeded in initiating amendments to the Broadcasting Law, which were adopted by Parliament in a repeat vote in September 2006. These amendments gave the RBA Council the authority to revoke licenses without delay, thus depriving the affected broadcasters of due legal remedy.

### **Kyrgyzstan**

I am pleased to report on two very positive developments in Kyrgyzstan this week. On 25 March, President Bakiyev withdrew his former objection to the draft law "On setting up public television" and on

27 April, the Kyrgyz parliament voted to abolish criminal libel and insult laws. In my public statement of 27 March I welcomed these decisions as 'first-of-a-kind' in Central Asia

The new draft law opens up the possibility for truly independent broadcasting while the parliament's decision to decriminalise libel is a sign of the country's commitment to freedom of media. I commend these courageous decisions and hope there will be no delay in passing these laws.

### **Kosovo**

The Special Representative of the UN Secretary General in Kosovo promulgated on 28 February 2007 the civil Law against Defamation and Insult. This is in line with my recommendations to the OSCE participating States to adopt adequate civil defamation provisions. However, under the existing UNMIK penal code, defamation remains a criminal offence, with media exempted from insult charges.

The law is generally in line with modern concepts of decriminalizing speech offences. Under the new law, true statements may not be regarded as defaming. The media's compliance with recommendations of the Press Council is a mitigating factor for setting damages in defamation lawsuits. Public figures have to accept to be under a stronger regime of criticism.

There is scope for further improvements as the new law does not exempt the media from liability for insult, unlike the penal code. This raises anxiety among media experts of a potential wave of media-related insult cases in Kosovo courts. Besides, defamation provisions should still be deleted from the penal code.

### **Switzerland**

In my letter dated 16 March 2007, I informed the Swiss authorities, that the first instance verdict of 9 March 2007 against the Turkish politician, Dogu Perincek, for denying that the killings of Armenians in 1915 amounted to genocide was inconsistent with the relevant jurisprudence of the European Court of Human Rights. The ECHR holds that only denials of genocide recognized by an international court since 1945 or by other relevant international legal instruments may be exempt from protection under free speech. Other historical events must remain open for debate by the public and the scientific community alike. As an appeals procedure is pending, my Office will continue to monitor this case.

### **United Kingdom**

I welcome the decision of the Court of Appeal in the United Kingdom, which ruled on 21 February 2007, following seven years of litigation, that journalist Robin Ackroyd did not have to reveal his confidential source.

Ackroyd was behind a Daily Mirror story, published in December 1999, which revealed the type of treatment being meted out to a criminal during a hunger strike. Ever since, the hospital has sought to discover how he obtained the medical records on which the story was based.

I am glad that Mr Ackroyd's right to protect his sources was affirmed, thereby setting an important case law precedent that confirms that journalists will not be forced to reveal their sources.

### **The United States of America**

I welcome the passing by the House of Representatives in the United States of a package of open-government bills on 14 March 2007. These bills would streamline access to government documents and expand safeguards for government whistleblowers.

I equally welcome the recent decisions of the Washington State Senate and the House of Representatives, which passed bills granting reporters an absolute privilege to protect their confidential sources. With these bills, Washington will become the 33<sup>rd</sup> state to enact such legislation.

Regrettably, Joshua Wolf, a freelance videographer who refused to co-operate with a grand jury investigation, is still in prison. He has become the longest incarcerated journalist in modern U.S. history. Mr Wolf has been in prison since August 2006 after refusing to submit his unedited videos of a street protest in which a police officer was injured and a police car damaged. This is a federal procedure; under the Californian state law, Mr Wolf would not have been obliged to reveal his sources and could lawfully have retained his materials.

In letters to the Chairman of the House International Relations Committee and to the members of the Senate who last year initiated a "Free Flow of Information Act", I urged them to reintroduce the Act in the 110<sup>th</sup> Congress so that journalists would also not have to disclose their sources at the federal level.

### **Uzbekistan**

On 13 March 2007, I wrote to the Uzbek Foreign Minister regarding the charges brought against the Uzbek journalist and human rights activist, Ms. Umida Niyazova.

Ms Niyazova was detained by police in Andijan on 22 January 2007 and charges have since been brought against her under the criminal code "Illegal Border Crossing" (Article 223) and "Collecting and

distributing material that threatens public security" (Article 246). The maximum penalty for the charges is ten years imprisonment.

In my letter, I stressed that journalists, including those investigating disturbances or conflict, should and must be allowed to collect and store information for publication. By penalising journalists for so doing, the authorities prevent the debate of matters of public interest. I have appealed to the authorities to discontinue the criminal case against Ms Umida Niyazova and to facilitate her timely release from pre-trial detention.

In my letter to the authorities dated 28 March 2007, I asked for more information about the criminal charges brought against Natalya Busheyeva, an Uzbek citizen and reporter for Deutsche Welle, which was denied accreditation in 2006. The charges reportedly relate to concealment of income and non-payment of taxes in connection with her work for a non-accredited foreign news agency.

### **Concerning all participating States**

I welcome the 4 January 2007 adoption of United Nations Resolution 1738, which condemns attacks on journalists in conflict areas. The measure, unanimously adopted by the UN Security Council, came amid numerous deadly attacks on media professionals, including in the OSCE area.

I believe that at a time when journalists are facing increasing risks, this resolution is a necessary reminder to all governments of their obligations under international law to allow the media to function freely. It is also a call to governments to fight against the impunity too often enjoyed by those committing crimes against media professionals.

### ***Registration of Print Media in the OSCE area: Special Report***

I am pleased to present the second in a series of Special Reports that seeks to clarify problematic aspects and best practices of the administrative framework for the media in the OSCE area.

The first paper, published in October 2005, examined the function of accreditation and concluded that while the participating States have made commitments to facilitate the work of the media, there remains much work to be done to create an enabling working environment for journalists.

The second Special Report examines the issue of Registration of the Print Media in the OSCE area. A number of recent cases illustrate how rigid registration schemes result in an unnecessarily restrictive administrative framework, particularly for the independent press.

The report attached here as an annex contains a set of recommendations to assist the participating States to improve this aspect of the administrative framework for the print media. It is available for download in Russian and English at the following address:

[https://www.osce.org/documents/rfm/2007/03/23735\\_en.pdf](https://www.osce.org/documents/rfm/2007/03/23735_en.pdf)

[https://www.osce.org/documents/rfm/2007/03/23735\\_ru.pdf](https://www.osce.org/documents/rfm/2007/03/23735_ru.pdf)

## ***Access to Information Report***

I would like to express my thanks to the 38 Governments who have already completed the Access to Information Questionnaire regarding the legislative framework governing access to information. In addition to the official replies, my Office has also gathered data from other sources, such as the OSCE field operations and national media NGOs.

The findings from the survey, including an analysis of laws and practices on access to information practices in the OSCE area, will be announced on the eve of the 2007 World Press Freedom Day, 3 May 2007.

## ***Assessment Visit to Bosnia and Herzegovina***

I visited Bosnia and Herzegovina (BiH) on 5 – 7 February 2007. My first visit to BiH came at the joint invitation of the High Representative and European Union Special Representative for BiH and the Head of the OSCE Mission to BiH.

This invitation was prompted by the decision of the Republika Srpska (RS) Government to cease cooperation with the state public television network, BHT1, and later to deny its journalists access to a governmental press conference.

Because the RS government aimed its boycott specifically at the state-level public broadcaster, and because of the role played by state-controlled broadcasters in the 1990's in fuelling the rush to war in the region, I decided to make the public broadcasting system in BiH the focus of the report, together with the responsibilities of the authorities with regard to public broadcasting.

The overall situation of media freedom in BiH is commendable. The legal framework for the protection of freedom of expression is largely in place. However, BiH has yet to complete the reform and unification of its three public broadcasters.

Recommendations on how to further strengthen freedom of the media in general, and public service broadcasting in particular, in BiH, can be found at the conclusion of the attached report and is available to download from the OSCE website at:

[https://www.osce.org/documents/rfm/2007/03/23751\\_en.pdf](https://www.osce.org/documents/rfm/2007/03/23751_en.pdf)

## ***Projects & Activities since the last report***

This section contains details of the work of my Office in media self-regulation, internet governance and assistance to the participating States in reviewing their media legislation. It also provides a chronology of additional activities undertaken by my Office since the last report.

### **Media self-regulation**

- On December 15-16 2006, my office supported a conference organized by the **Azerbaijan** Press Council in Baku. This event focused on helping new democracies to develop media self-regulation models. It brought together more than 40 journalists and chief editors of major media outlets in Azerbaijan, and press council representatives from other OSCE participating States, including Georgia, Kyrgyzstan, Switzerland, Turkey, Ukraine and the United Kingdom. The conference was also an opportunity for the Azerbaijan Press Council to review the main difficulties encountered by the body since its establishment in 2003, and to discuss possible improvements in its workings.
- On 30 January 2007 my Office attended a meeting in Moscow for **Russian** regional journalists and self-regulation bodies. The event, organised by the NGO 'Internews Russia' and EU TACIS, aimed to discuss the state of self-regulation in Russia and to present positive examples of existing regional self-regulatory mechanisms in Russia and to discuss international ethical standards.
- On March 15-16 2007, my Office supported a seminar on media ethics in **Armenia**, organized by the Yerevan Press Club and the OSCE Office in Yerevan. The event brought together more than 50 participants from the Armenian National Assembly, local media outlets, and international organisations, as well as media experts from Azerbaijan, Bulgaria, Georgia, Romania and Turkey.

The newly established self-regulatory body, the “Media Ethics Observatory” was presented during the seminar.

- Following a request from the authorities of **Kazakhstan**, my Office, together with the OSCE Centre in Almaty, held a seminar on media self-regulation in Astana on 20 March 2007. Raising awareness about the benefits of media self-regulation was the aim of this seminar, that gathered civil society representatives, media professionals, international experts and state officials.
- My Office is also developing a practical **handbook** to assist OSCE participating States to identify and overcome challenges that civil society groups and media professionals face on their way to achieving effective media self-regulation systems. The publication will provide short answers to frequently asked questions on media self-regulation.

I am pleased to announce that media self-regulation will be the focus of our 2007 regional media conferences in Central Asia and the Caucasus. I would like to express my gratitude to those who are already committed to support our regional media conferences and the new publication. I hope to count on further generous donations for the success of these major projects.

### **Internet Governance**

- My Office participated in the first UN Internet Governance Forum (IGF) in Athens in November 2006 in two workshops organized by UNESCO and Privacy International. As a follow-up to the Athens IGF, in February 2007, my Office participated in Geneva at the foundation of a so-called “dynamic coalition” on Internet freedom, under the UN umbrella. Its purpose is to provide a platform to exchange information, advance initiatives in the field of Internet governance and freedom of the media.
- **E-society project in the former Yugoslav Republic of Macedonia.** My Office participated in the 'e-Society.MK' event in Skopje, organized by the OSCE Spillover Monitor Mission to Skopje on 15 – 17 November 2006, in co-operation with media NGO Metamorphosis. In addition, my Office conducted a half-day workshop on “Media Freedom on the Internet” with participants from the media, industry and the authorities.
- **Paris Expert Workshop on Internet Governance.** As part of the ongoing project 'Internet Governance in the OSCE Region' an Expert Workshop took place on 15 - 16 December 2006 in Paris. The workshop was co-hosted by the ‘Forum des Droits sur l'Internet’, and brought together

the authors to discuss content, structure and methodology of an upcoming publication on the topic. My Office extends its thanks to the Governments of **France** and **Germany** for jointly funding the project. The publication 'Internet Governance in the OSCE Region' will be presented to participating States in May this year, thus formally concluding the project.

- **UNESCO conference: New Media and Freedom of Press.** On 15-16 February 2007, my Office participated in a conference “New Media: The Press Freedom Dimension, Challenges and Opportunities of New Media for Press Freedom” at the UNESCO Headquarters in Paris.

### **Legal Reviews**

- My Office presented an expert review of **Armenia**'s *Draft Plan for Digital TV and Radio Broadcasting* in Yerevan on 22 November 2006. The review was prepared at the request of the Armenian authorities, following my recommendations to establish the necessary legislative framework allowing the upcoming switchover to digital broadcasting.
- On 20 March 2007 my Office submitted to the Speaker of Parliament of **Moldova** a review of the new Audiovisual Code and of the Regulation on Broadcasting Licences.
- In **Croatia**, we are currently reviewing the draft *Law on Data Secrecy*. It will be forwarded to the Croatian authorities early April.
- Following a discussion with the Kazakh authorities regarding the adoption of new legislation governing the media in **Kazakhstan**, in my letter to the authorities dated 20 December 2006, I reiterated the willingness of my Office to review the entire legislative framework for the media and make recommendations to bring legislation in line with international standards.

*Other activities, in chronological order:*

### **EBU Broadcasting Conference, Budapest**

On 3 November 2006, along with EU Commissioner for Information Society and Media, Viviane Reding, I gave a keynote speech at a conference organized in Budapest by the European Broadcasting Union and Hungarian TV, focusing on methods to ensure the political and financial independence of public service broadcasters. I presented a paper detailing the current crises for public broadcasters in Europe and increasingly in the former CIS countries, and also introduced the main conditions for sufficient public-service media financing.

I was pleased to note that some of the best initiatives to guarantee the financial independence of public service broadcasters originate in the new democracies of Europe and the Caucasus, for example in **Georgia and Latvia**.

### **High Level Policy Meeting "Further Improvement of Media Legislation in Ukraine"**

On 8 November 2006, I participated in the first High Level Policy Meeting on Mass Media Issues in Kyiv. At the meeting, a long-term project was launched by the Office of the Project Coordinator in Ukraine, supported by the **Danish** government. The project aims to review and revise the entire legislative framework for the media, in order to bring it in line with international standards.

I am pleased to be part of this wide-ranging project. I also hope that the laws developed in the course of the project will serve as examples of best practice for other OSCE participating States.

### **Association of European Journalists**

On 13 November, I was invited to speak at the regular meeting of the London branch of the Association of European Journalists (AEJ). In November 2007 I will give a keynote speech to the Annual General Meeting of the AEJ in Dublin.

### **Press Officer Training Courses**

My Office continued its successful training courses "Interaction between the media and state press services in a democratic society". The goals of the training are: to improve the professional skills of government press officers, as well as of journalists; to inform them of general strategies for, and the legal basis of, their interaction with journalists; to provide an overview of international experience.

In co-operation with the OSCE Centre in Almaty, my Office organised a two-day training course on 24-25 November for media professionals and civil servants from **Kazakhstan**. Similar training courses are planned in **Armenia, Belarus and Tajikistan** in 2007 (see section *Project activities confirmed for the next period*).

### **Ankara Conference**

On November 30 - December 2 2006, my Office attended the international conference "Freedom of Expression: Principles and Turkey", in Ankara and made a presentation in the session dedicated to "Principles, international standards and Turkey". This event was jointly organized by the Faculty of Political Sciences at Ankara University and the Joint Platform for Human Rights.

### **Visit of Kyrgyz Journalists to the OSCE Vienna**

Following a request of the Head of the Kyrgyz Delegation, my Office organised a programme to increase awareness of the OSCE among a diverse group of journalists from **Kyrgyzstan** on 12 – 15 December 2006. The group consisted of ten journalists from several regions of Kyrgyzstan, representing the print and broadcast media. On their return, the journalists published articles recounting their impressions of their visit; these are available from my Office in hard copy for interested Delegations. I would like to express my thanks to the OSCE Press and Public Information Section and the OSCE Centre in Bishkek for their assistance in the organisation of the event.

### **Visit of the Albanian Parliamentary Committee on Education and Media**

On 29 - 30 January 2007, my Office hosted six members from the **Albanian** Parliamentary Committee on Education and Media, representing different parties. During the two-day visit, my office made several presentations to the Parliamentarians on many contemporary issues. The visit also enabled a useful exchange of views between the Parliamentarians themselves. I would like to thank the OSCE Presence in Albania for this initiative.

### **Address to Winter Session of the OSCE Parliamentary Assembly**

On 22 February 2007, I addressed the OSCE Parliamentary Assembly's General Committee on Democracy, Human Rights and Humanitarian Questions. My presentation focused on the implementation of OSCE media freedom commitments by participating States. I also updated the members of the General Committee on the activities carried out by my Office since my last address.

### **The Draft EU Directive on Audiovisual Media Services (AVMS)**

On 28 February 2007, my Office co-hosted a seminar at the European Parliament (EP) in Brussels, entitled 'Freedom of Speech and the Audiovisual Media Services Directive: Conflicts and Solutions. At the event, I presented my Office's position on the AVMS, alongside experts from the European Commission, industry associations, and academics. The EP has just completed its first reading of the Directive, which should prepare the European Union for handling the abundance of television content in the upcoming digital convergence era.

I also recommended, that a strong reference to Article 10 of the ECHR should be made in the Directive, and that the so-called "country of origin" principle should be guaranteed in order to enable the free flow of audiovisual media within the European Union. I asked the Members of the European Parliament to take into consideration the media freedom implications during the Parliament's second reading.

### **Commemoration of Charter '77**

On 21 March 2007, along with former Czech President Vaclav Havel, and former OSCE High Commissioner on National Minorities Max van der Stoep, I made an opening statement to participants at an international conference in Prague, organised to mark the 30<sup>th</sup> anniversary of Charter '77. The participants honoured the significance of the 1975 Helsinki Agreements for the ensuing development in the field of human rights in Central Europe.

### ***Project activities confirmed for the next period***

#### **Supplementary Human Dimension Meeting (SHDM) 29/30 March 2007**

The third session of the forthcoming SHDM on 'Freedom of Association, Assembly and Expression' will take place on 30 March 2007, devoted to 'Freedom of Expression and the role of the media in a pluralist' society, in which my Office will participate. The session will address the roles and responsibilities of the media in diverse societies

#### **Training for Judges**

The first of the three planned seminars on defamation law for judges in **Moldova** will be organized by my Office, together with the OSCE Mission to Moldova, on 23 - 24 April 2007.

#### **Belarus**

Following a discussion with the authorities during the Ministerial Conference in Brussels in December 2006, we have received a positive response from the authorities on a number of joint activities for 2007. Areas of cooperation would include a joint training for press officers and journalists, representing state-owned and independent press, scheduled to take place on 4 - 5 June 2007 in Minsk. A discussion on best practices for internet regulation is also envisaged in 2007.

Further press officer training sessions are being planned in **Armenia** and **Tajikistan**.