



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

**094/06**

Vienna, 29 May 2006

**To: All Heads of Delegation**

**Subject: RFoM project “A comprehensive review of laws and practices on access to information by the media in the OSCE participating States”.**

Excellencies,

In 2006 my Office is conducting an in-depth review of existing legislation and practices in the OSCE participating States, related to sanctions for publishing classified materials or for refusal to reveal journalists' confidential sources. The purpose of this study is to assess the impact of those sanctions on freedom of the media.

This is the second comprehensive review of media legislation, after the *Matrix on criminal and civil defamation provisions and court practices in the OSCE area* (<http://www.osce.org/item/4361.html>). My Office successfully completed the survey last year, with the support of the Bulgarian and the Slovenian Chairmanships, and in co-operation with many Governments of the participating States, who returned completed questionnaires.

In these times of global terrorism, there is a growing demand in the participating States for improved national security measures. This is a legitimate goal. However, governments should also take into account the media's right to information of public interest. Recently, journalists have come under increased pressure on account of investigative pieces that used confidential information, or for not revealing their sources. That trend threatens to weaken the media's ability to uncover corruption and inform about wrongdoings. The goal of this survey is to assess whether sufficient protection is granted to journalists when performing their duty.

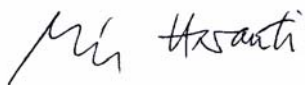
Therefore, I kindly request the relevant departments of your Governments to complete the attached questionnaire which constitutes the first phase of the project. As you will see, we are gathering information about the laws and regulations that define the equilibrium between the government's classification concerns and the media's freedom to provide information to the public. The areas surveyed include: the constitutional practice on freedom of information; the laws on citizens' access to government data; secrecy provisions; classification rules; limitations on receiving and publishing information; sanctions for disseminating unauthorised information; rules on testifying about the media's confidential sources.

The database will serve as a unique comparative tool, highlighting best practices. It will allow my Office to provide tailor-made recommendations to the participating States on ways how to handle the publication of classified information in the media, or regarding the refusal by journalists to reveal their confidential sources. The results and the statistical analysis of your answers will be made available on the OSCE website.

I am convinced that the OSCE participating States, by providing the answers to this concise questionnaire, can significantly contribute to a better balance between public security and the public's right to receive information. A knowledgeable and informed public is the final goal of the responsible press. It is also a precondition for the fulfilment of our organisation's noble commitment to provide human safety in freedom.

Allow me to express my gratitude to the Belgian Chairmanship, and to H.E. Karel De Gucht and H.E. Bertrand de Crombrughe, for supporting this cooperative endeavour.

Availing myself of this opportunity, please accept, Excellencies, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Miklós Haraszti'. The signature is fluid and cursive, with the first name 'Miklós' written in a larger, more prominent script than the last name 'Haraszti'.

Miklós Haraszti