



**Organization for Security and Co-operation in Europe  
The Representative on Freedom of the Media  
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**23 June 2011**

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

### **Introduction**

#### **Vilnius Recommendations on Safety of Journalists**

Several seminal matters have come to the forefront since my last report in March. Among them was the Conference on Safety of Journalists held in Vilnius on 7-8 June. The event, co-organized with the Chairmanship, focused on three areas. The first was recalling the obligations of governments to secure a safe working environment for media professionals and to clearly refute acts of violence against journalists. If assaults occur, they must be seen as attacks against democracy itself. The second dimension highlighted capacities, instruments and structures which can be put in place to swiftly and convincingly respond to acts of violence and to investigate them properly, thus creating much-needed transparency and credibility to prosecutorial efforts. If these two dimensions are adequately established, the third element, which was discussed in Vilnius, can make a meaningful contribution, namely the actions of journalists themselves to enhance their safety and security.

The major findings and best practices highlighted at the conference were presented jointly by the Chairmanship and my Office as the Vilnius Recommendations on Safety of Journalists.

Recalling the various existing OSCE commitments and instruments regarding the safety of journalists, the recommendations call upon participating States to lend their voices on the government level to combat violence, to ensure necessary capacities and structures for investigating violence and other forms of intimidation and to engage in awareness raising and joint training activities by law enforcement and media professionals.

I would like to thank the Chairmanship and, in particular, the Chairman-in-Office, Lithuanian Foreign Minister Audronius Ažubalis, for the importance they attach to the protection of journalists and to making freedom of the media one of their priorities in 2011. The Chairmanship and my Office will compile a catalogue of best practices and useful instruments to further promote safety of journalists in the course of 2011.

How timely this event was can easily be assessed by going through the below list where I, once again, had to intervene in cases that touched upon the safety of journalists and a safe working environment.

\*) change of the distribution status

These Recommendations should serve as a reminder to participating States, following the Astana Commemorative Declaration, about the importance and urgent need to ensure a safe working environment for the media.

The Recommendations can be found at: <http://www.osce.org/cio/78522>.

### **OSCE-wide study of Internet Regulation**

As I reported to you earlier, my Office commissioned a study on Internet regulation. I am pleased to be able to present you with this long-awaited, first OSCE study on content regulation on the Internet. My Office embarked last September on this ambitious project when, for the purpose of a survey, your Delegations received a questionnaire. Although the majority of the responses were received in January and February of this year, the last reply reached my Office only in May. I am pleased that more than 70 percent of all OSCE participating States took part in the survey and submitted detailed answers. As you know, the questionnaire included 20 questions on whether and how Internet content is regulated in the OSCE participating States. The information that your governments kindly provided was used to develop a comprehensive OSCE-wide matrix of legal provisions related to freedom of the media, the free flow of information and media pluralism on the Internet.

The report shows that attempts to regulate the Internet are increasing. Moreover, participating States increasingly feel the need to regulate the content on the Internet – not just the infrastructure of the network.

While its findings will be debated in detail at the upcoming Supplementary Human Dimension Meeting in two weeks, I would like to share some of the main findings here with you.

- Despite the high responsiveness of the OSCE participating States to take part in the survey, many governments expressed major difficulties in collecting the requested data;
- Access to the Internet remains the most important prerequisite to be part of, and take part in, the Information Society. Access to the Internet is one of the basic prerequisites of the right to freedom of expression and the right to impart and receive information, regardless of frontiers;
- There are several features of the Internet which fundamentally affect approaches to its governance, and while rules and boundaries still exist, enforcement of existing laws, rules and regulations to digital content becomes complex, problematic and, at times, difficult or impossible to enforce;
- The new trend in Internet regulation seems to be blocking access to content if state authorities are not in a position to reach the perpetrators or criminals for prosecution or if their request for removal or a take down of such content is rejected or ignored by foreign law enforcement authorities or hosting and content providers outside their jurisdiction; and
- The development of so-called “three strikes” legal measures to combat Internet piracy is worrisome. While participating States may have a legitimate interest to combat

piracy, restricting or terminating users' access to the Internet is a disproportionate response which is incompatible with OSCE commitments on the freedom to seek, receive and impart information.

The final report will be circulated shortly.

### **Budapest Declaration on Freedom of Expression and the Internet**

The expanding global debate on the role of the Internet also has been the subject of this year's joint declaration with my counterparts – special rapporteurs on free speech – Frank LaRue, the UN Special Rapporteur on Freedom of Opinion and Expression, Catalina Botero, the Organization of American States Special Rapporteur on Freedom of Expression, and Faith Pansy Tlakula, the African Commission on Human and People's Rights Special Rapporteur on Freedom of Expression and Access to Information.

The Declaration on Freedom of Expression and the Internet recalled a few basic requirements:

- Freedom of expression applies to the Internet, as it does to all means of communication. Restrictions on freedom of expression on the Internet are only acceptable if they comply with established international standards, including that they are provided for by law, and that they are necessary to protect an interest which is recognized under international law;
- No one who simply provides technical Internet services such as providing access, or searching for, or transmission or caching of information, should be liable for content generated by others;
- Content filtering systems which are imposed by a government or commercial service provider and which are not end-user controlled are a form of prior-censorship and are not justifiable as a restriction on freedom of expression;
- Self-regulation can be an effective tool in redressing harmful content, and should be promoted; and
- Network neutrality should be observed. There should be no discrimination in the treatment of Internet data and traffic, based on the device, content, author, origin and/or destination of the content, service or application.

A full text of the Joint Declaration can be found at: <http://www.osce.org/fom/78309>.

These are some highlights of my activities since my last report to you. I invite you and, particularly, specialists from your capitals to attend the Supplementary Human Dimension Meeting on 7-8 July in Vienna, which is dedicated to the Promotion of Pluralism in New Media and where we will discuss the development of electronic and new forms of media and their possible implications on media freedom and pluralism as well as presenting the findings of the OSCE-wide Internet study.

Detailed information, including the annotated agenda, on the SHDM on Pluralism in New Media is available at: <http://www.osce.org/odihr/78119>.

## Issues Raised with the participating States

### Albania

On **23 March** I wrote to the Secretary General of the Parliament expressing my satisfaction with the unanimous decision by a parliamentary committee to refrain from requesting phone logs of journalists covering the violent demonstrations on 21 January. I am pleased that the committee respected one of the core principles of a free press, the journalists' right to protection of sources. (See also the Report to the Permanent Council of 17 March 2011).

### Armenia

On **15 March** I wrote to Foreign Minister Edward Nalbandian to enquire about the detention and deportation of four journalists working for Finland's YLE national public service broadcaster. On 10 March the four members of the crew, who are Finnish, Lithuanian and Estonian citizens, were denied entry visas.

I take note of the answer I received on **22 March**, indicating the decision to deport the crew had been made on security grounds.

My Office is following the case of *Haykakan Zhamanak* and notes with concern that Armenia's Appellate Court on 9 June upheld a lower court decision ordering the opposition newspaper to pay three pro-government Members of Parliament 2 million drams (€3,700) each in damages for defamation. Three days earlier, a lower court in Yerevan had ordered another opposition paper, *Zhamanak*, to pay former President Robert Kocharian and his family 3 million drams (€5,600) in damages for libel. I hope the two court judgments will be overturned.

My Office also continues to follow the reform of the Law on TV and Radio Broadcasting. I was informed that on 30 May amendments prepared by a working group with support from the experts commissioned by my Office and the Council of Europe were sent to Parliament. I hope that the discussion on the proposed changes will continue in the same open manner and any further revisions of the draft would take into account the recommendations of international experts and civil society. I once again offer my Office's support in the reform process.

### Azerbaijan

On **5 April** I wrote to Foreign Minister Elmar Mammadyarov to express my concern about recent attacks on two *Azadliq* newspaper journalists, Seymur Haziyevev and Ramin Dekko. Both reporters had been abducted by unidentified individuals, kept in custody for several hours and threatened with dire consequences if they continued writing about the Government. I also criticized the detention of several members of the press during an opposition rally in Baku on 2 April. I also sought clarification about criminal charges brought against Elnur Macidli, an Azerbaijani reporter based in France.

On **10-13 May** I visited Baku. During my visit, I met with President Ilham Aliyev, Foreign Minister Mammadyarov, Interior Minister Ramil Usubov, Ali Hasanov, head of the Presidential Administration's Social and Political Department, Human Rights Commissioner Elmira Suleymanova, Press Council Head Aflatun Amashov and Nushiravan Maharammli, chair of the National Television and Radio Council. I also met with journalists and representatives of media nongovernmental organizations. The meetings allowed me to collect first-hand information about the state of the media in Azerbaijan and discuss pending issues frankly and openly. I voiced my concerns regarding the media freedom situation and addressed individual cases of violations of journalists' rights. The safety of journalists remains one of my biggest concerns. I urged the authorities to once again investigate all past attacks on reporters, including the 2005 assassination of newspaper editor Elmar Huseynov. I welcomed the fact that Minister of Interior Ramil Usubov said he took the investigations into the cases of the two recently attacked *Azadliq* journalists under his personal supervision. I also reiterated that it is important that journalists are not made criminals and imprisoned for their work. The authorities must allow for more pluralism, especially in broadcast media. Restrictive changes introduced into the laws relating to media in 2009 and 2010 should be reversed. I also discussed Azerbaijan's plans to decriminalize defamation. I hope a bill to that effect will be introduced in the Milli Maclis, thus enabling Azerbaijan to become the next OSCE participating State to do so.

The authorities and I agreed that the media freedom situation needs further improvement and I offered my Office's full support in this important endeavour. I am convinced that my visit will further enhance the existing co-operation between the Government and my Office.

On **26 May** I added my voice to that of the OSCE Chairperson-in-Office, Lithuanian Foreign Minister Audronius Azubalis, and welcomed President Aliyev's decision to pardon Eynulla Fatullayev.

I was also pleased by the announcement made on 3 June by the Prosecutor General's Office that the criminal investigation launched against Macidli had been suspended. I hope the case soon will be closed.

On **15 June** I wrote to Foreign Minister Mammadyarov to express concern over the sentencing of social bloggers Jabbar Savalan and Bakhtiyar Hajiyev. Both men last month were sentenced to two years and two-and-a-half years in jail, respectively. Hajiyev was sentenced on draft dodging charges while Savalan was convicted of drug possession. I hope higher courts will overturn both sentences and that Hajiyev and Savalan soon will be set free.

On **17 June** I wrote again to Foreign Minister Mammadyarov to request information on the investigation into the 16 June assault on Amanda Erickson, a U.S. journalist working in Baku. I was told by authorities that after conducting an investigation it was determined that the incident was not linked to her professional activities.

## **Belarus**

I remain gravely concerned over the critical state of media freedom in Belarus. The crackdown on independent media that started after the 19 December 2010 presidential election continues.

On **1 April** I sent a letter to the Minister of Foreign Affairs, Sergey Martynov, about the continued intimidation of national and foreign journalists in Belarus. The letter referenced recent incidents of media-freedom violations. They include:

- The appeal lost by Avtoradio on 28 March in the Supreme Economic Court against a warning issued by the Ministry of Information and the decision of the broadcasting commission to annul its license;
- The appeal by *Narodnaya Volya* newspaper against a January warning issued by the Ministry of Information, which the Supreme Economic Court rejected on the same day;
- Preventing several media from covering street events dedicated to the Freedom Day ('Dzen voli') on 25 March;
- Stripping accreditation from Alexander Lashmankin, a chief editor of the Samara-based Russian rights-defence agency Svoboda. Lashmankin was also held in jail for three days for "petty hooliganism";
- A criminal investigation against the correspondent of *Gazeta Wyborcza*, Andrzej Poczobut, for "insulting the President";
- The criminal investigations against journalists Irina Khalip of *Novaya Gazeta* and Natalia Radzina of Charter97.org.

In a **5 April** public statement, I asked the authorities of Belarus to stop the harassment of journalists, which has reached a critical stage and represents a flagrant violation of Belarus' OSCE commitments.

Also on **5 April** I wrote to the authorities in response to statements by the Belarusian Delegation at Permanent Council meetings and appeals by several government public associations regarding the travel ban imposed by the European Union on some members of Belarusian state-controlled media. After studying this case, my Office concluded that the journalists who were banned from travelling to the European Union did not work as foreign correspondents residing in or visiting its member states; neither were they involved in news-gathering in the EU. Therefore, their inability to travel to the EU will not limit their right to exercise their profession freely and convey news to their audiences. I also informed the authorities that the conditions under which individuals are allowed to enter a country are regulated by international law, which is outside the scope of my mandate.

In a press release on **28 April** I expressed alarm about the lawsuits filed by the Information Ministry aimed at shutting down *Nasha Niva* and *Narodnaya Volya*, the largest independent political newspapers. I warned the authorities that their move to silence the few remaining critical voices would further diminish media pluralism in the country. I also stressed that the actions violate core OSCE media-freedom commitments. The lawsuits followed several warnings about the newspaper's reporting on the 11 April metro blast and protest rallies after the 19 December 2010 presidential election.

In the most recent developments, *Narodnaya Volya* lost its appeal against the last warning. On 27 April the Supreme Economic Court ruled that the trial to close the newspaper should

continue. The Appeals Commission of this court on 2 June rejected a complaint by *Narodnaya Volya*, which had contested the 27 April ruling. On 30 May, *Nasha Niva* also lost its appeal against the latest warning from the Ministry of Information. The newspaper plans to appeal this ruling at the Appeals Commission of the Supreme Economic Court.

In a **16 May** press release I condemned the sentencing of journalist Irina Khalip to a two-year suspended jail term in connection with the December 2010 post-election protests. While I am relieved that she is no longer under house arrest, she will still face administrative restrictions. I hope that she will be able to continue her courageous work without pressure and interference.

I regret that the trial of Andrzej Poczobut, which started 14 June, is being held in a closed courtroom. My Office will continue monitoring this and all other cases related to media freedom commitments.

I remain resolute in continuing to address the current situation and assist the Belarusian authorities to ensure Belarus' compliance with its OSCE media-freedom commitments.

### **Bosnia and Herzegovina**

On **25 May** I publicly condemned the latest developments concerning the countrywide public service broadcaster, BHRT. In a letter to the Speaker of the House of Representatives of the Parliamentary Assembly, Denis Bećirović, I criticized changes by BHRT's Steering Board to the public broadcaster statute as potentially undermining the editorial independence and daily management of BHRT. The changes, adopted without consulting media experts or BHRT management, transferred several important functions to the Steering Board, including the general supervisory functions of editorial managerial control of BHRT. I reminded the authorities that only by leaving editorial and managerial responsibility with management can the political independence and editorial autonomy of BHRT be ensured. I stressed that this development is a further indication of a crisis in the stalled reform process of the public service broadcasting system and also highlights the urgent need for Parliament to appoint the two members of the Steering Board whose mandates expired one and two years ago. I called upon Parliament to make the appointment of the Steering Board a matter of utmost priority and recommended to the Steering Board to abolish the amended statute and put forward a new proposal in accordance with OSCE commitments on media freedom.

I welcomed the **25 May** reply by the Speaker Bećirović, sharing my concern over the potentially negative effect the amendments would have on the editorial and political independence of the public service broadcaster and stating the appointment of two members to the Steering Board would be a Parliamentary priority.

On **7 June** I received a letter from Ahmed Žilić, the Chair of the BHRT Steering Board, on the same issue. In his letter, Žilić disagreed with my concerns and insisted on the appropriateness of the Steering Board's decisions.

### **Bulgaria**

On **21 April** I wrote to Minister of Foreign Affairs Nickolay Mladenov to express concern regarding provisions of the recently amended Criminal Code that could limit media freedom.

On 13 April the Parliament adopted amendments that would impose criminal penalties on journalists for instigating hatred, discrimination or violence based on race, ethnicity, nationality, religion, sexual orientation, marital and social status and disability. I stressed that imprisonment is an excessive punishment for journalism activities and the criminalization of speech should be limited to cases of intentional incitements to violence. I also noted that the amendments were adopted without consulting the media. In addition, some important terms, such as “discrimination”, are not clearly defined, which could make interpretations of the law arbitrary.

On **30 May** I was pleased to have the opportunity to meet with Minister Mladenov while visiting Sofia to attend a conference on media freedom and regulation in Central and Eastern Europe. We exchanged views on what areas of media freedom should be improved. Minister Mladenov said that the recent amendments to the Criminal Code were carried out in accordance with Article 3 of the “Framework Decision 2008/913/JHA of the Council of the European Union on combating certain forms and expressions of racism and xenophobia by means of criminal law”, which Bulgaria has introduced into its national law. My Office will study these provisions in order to clarify the matter. He also stressed that no journalists have been imprisoned in Bulgaria since the political changes of 1989.

Regarding the issue of unsolved murders and other types of violence committed against journalists in the past years, the Minister promised to keep me informed on the progress of investigations. As these cases have been unresolved for several years, I look forward to receiving news of successful investigations, which would send a message to society that violence against journalists will be strictly punished by the authorities. I also look forward to co-operating more closely with the authorities on all issues related to media freedom.

### **Croatia**

In a letter of **23 March** to Gordan Jandroković, Minister of Foreign Affairs and European Integration, I proposed that my Office commission a legal review of amendments to the Criminal Code pertaining to defamation and freedom of the media that are currently being considered. On 2 June, the Croatian Delegation shared with my Office the draft amendments, which we will review carefully and provide feedback soon.

### **Czech Republic**

On **30 March** I received a reply from Minister of Foreign Affairs Karel Schwarzenberg to my 16 March letter about the raid by the military police on the offices of Czech Television. As detailed in my previous report, on 11 March ten armed and masked military policemen raided the offices in search of a report that had led to the dismissal of a former head of intelligence in 2007, seizing computers, documents and other items. In his letter, the Minister informed me that the responsible authorities had stated that the action was inappropriate and specific disciplinary measures had been taken. He also noted that the action was based on a judicial order and, as such, was legal and assured me that I would be informed about the results of the investigation as soon as it is completed. I look forward to receiving the updates from the authorities in this case.

I was pleased to hear that on 31 March the Constitutional Court invalidated a law that forces operators to retain data on telephone calls and Internet traffic on the grounds that it violates people’s right to privacy. The court said that the provision ordering data on all calls, faxes,

text messages and e-mail exchanges to be retained for six months was unconstitutional since it was a "massive" invasion into citizens' rights and was not in line with the rule of law.

I was also pleased to hear that on 15 June the Senate approved an amendment to the so-called muzzle law, which makes it possible to sentence journalists for up to five years in prison for publishing conversations wiretapped by police. In February 2009, before the law was adopted, my Office drew attention to the danger it posed to media freedom in the country. If the amendments are adopted, the media will be able to release information if it is deemed to be in the public interest. I look forward to receiving information on this development.

## **France**

I welcomed the 5 May ruling of a Bordeaux appeals court which recognized a journalist's right to not reveal sources as a cornerstone of media freedom and ruled that a prosecutor acted illegally when allowing the police to examine the phone records of two journalists of *Le Monde* covering the so-called "Bettencourt" corruption affair. This case was prompted by a report in *Le Monde* on 2 September 2010 that police had searched Bettencourt's home. The prosecutor instructed police to check the journalists' phone records in order to identify who informed them about the raid.

On **20 May** I received a reply from the authorities regarding three letters. The first, which I sent on 2 November 2010, concerned alleged mistreatment of some journalists covering street protests. The second, sent on 23 November 2010, referenced the theft of journalists' computers in four different news offices. The third, sent on 20 January, addressed the situation regarding journalist Michael Szames, who was attacked while covering a congress of a political party. I was informed that the authorities took note of my concerns and requested an investigation into the cases.

## **Georgia**

I welcomed the adoption on 8 April of amendments to the Law on Broadcasting which are intended to make media ownership fully transparent. The recommendations made by my Office were taken into consideration. Offshore companies are no longer allowed to have ownership interests in media outlets under the revised law, which I consider a major improvement. I commend the Georgian Parliament and its speaker, Davit Bakradze, for this initiative. Lack of ownership transparency has long been a source of concern not only in Georgia, but also in other OSCE participating States. I hope that the example of Georgia will be followed.

On **27 May** I wrote to Foreign Minister Grigol Vashadze and also publicly expressed my concern about police violence against journalists during an unsanctioned opposition rally the day before. Updated data show that nearly 20 Georgian and foreign reporters were orally and physically abused by police officers despite the fact that most of them were clearly identifiable as members of the press. Some reporters were detained for questioning. Others had their press cards taken away and their equipment damaged or confiscated. I hope these attacks will be properly investigated and I look forward to the results of the probe.

On **1 June** I received a letter from Irakli Chikovani, the chairman of the Georgian National Communications Commission, informing me that Georgian authorities are looking forward to

my Office's assistance in raising public awareness about the Georgian Code of Conduct for Broadcasters. The Chairman also informed me that Georgia became a member of the European Platform of Regulatory Authorities on 16 May.

### **Greece**

On **6 June** in a follow-up to an issue I raised in a prior report, I received updates from the authorities regarding the court cases against Muslim minority newspapers Gudem and Millet. They informed me that the Court of First Instance has ruled in favour of Charikleia Nikopoulou, a teacher in a Muslim minority elementary school in Thrace, ordering the newspapers to pay €150,000 and €120,000, respectively, for moral damages. The newspapers published articles that included statements about the teacher's character and professional competence and claimed that she had insulted Islam by asking students to draw a picture of God; a claim which the teacher says is false.

In the letter, the authorities wrote that the principle of proportionality in determining the amount of compensatory damages is part of the court process, and is also inscribed in the Constitution. In my original letter I stressed that the ceiling of damages should never be as high as to lead to the bankruptcy of a media outlet, which would harm media pluralism in the country. Based on the law, in case the judgment becomes final and the newspapers do not pay, the editors of the newspapers face an imprisonment for up to 10 months. The two cases will be considered by the Court of Appeals. I look forward to receiving information about the outcome of these cases.

### **Hungary**

On **4 April** I received a letter from Minister for State Communication Zoltan Kovacs, replying to the legal analysis that my Office had commissioned on 28 February on the new media legislation of Hungary.

On **31 May** I had the chance to meet with the Media Council during my visit to Budapest. I have signalled that my Office continues monitoring the implementation of the legislation. I appreciate the direct and ongoing communication that I have with the authorities, and my Office stands ready to assist Hungary to improve these laws in order to honour OSCE media freedom commitments.

### **Italy**

On **24 May** I wrote to the authorities about the case of journalist Frank Sfarzo who has been subjected to nearly continuous harassment since he started reporting on the official investigation into the November 2007 murder of British exchange student Meredith Kercher in Perugia. I raised three incidents which were particularly disturbing.

On 10 May Guiliano Mignini, the Public Prosecutor of Perugia and lead prosecutor of the Kercher case, obtained a court order for the "preventive closure" of Sfarzo's blog, *Perugia Shock*, which has been dedicated to the criminal investigation of the Kercher murder. On 23 February a criminal lawsuit was filed by Mignini against Sfarzo alleging "defamation by means of a website". And in September 2010 five officers of the Squadra Mobile, allegedly under the supervision of Mignini, raided Sfarzo's apartment without producing a warrant or

identification. During the raid, officers allegedly attacked the journalist. This excessive use of force seems to have taken place in an atmosphere of law enforcement impunity.

In my letter, I stressed that no website should be closed as a preventive measure as it infringes on the public's right to know about issues of public interest. I also pointed out that pursuing a criminal defamation action against a journalist because of his critical opinion breaches international media freedom standards and indicated that my Office has long campaigned for the repeal of criminal defamation laws.

### **Kazakhstan**

On **4 April** I wrote to then State Secretary and Minister of Foreign Affairs Kanat Saudabayev to enquire about the fate of Daniyar Moldashev, the publisher of the independent *Golos Respubliki* newspaper. Moldashev had been missing since 30 March. Moldashev has since resurfaced in Minsk, having left Kazakhstan apparently for reasons unrelated to his professional activities.

My Office is following the case of the opposition weekly *Vzglyad*. On 26 May the Almaty City Court upheld the decision of the lower-level district court which had found the newspaper guilty of libel and imposed a fine of 15 million tenge (approximately €73,000) to be awarded to Almaty-based surgeon Adil Keldybayev. The court also required the newspaper to publish a refutation. *Vzglyad* plans to appeal the verdict. I hope that a higher court will decide in favour of the media outlet.

On 6 June the Almaty Inter-district Criminal Court began hearing the murder case involving Kyrgyz journalist Gennady Pavlyuk. On 24 March the Kazakh Ministry of the Interior announced that it had completed the investigation and three persons, two Kazakh citizens and one from Kyrgyzstan, were charged with murder. I hope that both the perpetrators and masterminds of the murder will be convicted.

I continue to follow the case of the imprisoned editor of *Alma-Ata Info*, Ramazan Yesergepov, and repeat my call to the authorities to release him.

On **21 June** I wrote to the authorities to regarding an assault on Aleksandr Baranov, a correspondent for correspondent for *Gorodskaya nedelya* and *Golos respubliki* in Pavlodar. My Office has learned that police have launched an investigation into the matter and the case will be monitored by the Head of the Interior Ministry's department in the Pavlodar region. I hope the investigation will result in perpetrators being brought to justice.

I commend the new law "On Amendments to Some Legislative Acts of the Republic of Kazakhstan Dealing with the Improvement of the Civil Legislation", which went into effect on 16 April. The new law prohibits legal entities from obtaining moral damages from media outlets. Remedies for defamation are limited to requesting corrections and the right of response. I view this as a small step toward liberalizing the country's civil defamation law and hope that complete decriminalization of defamation will follow.

### **Kyrgyzstan**

On **13 April** I received a response to my **7 March** letter to Foreign Minister Ruslan Kazakbayev in which I requested information on steps taken by the Kyrgyz Government to

restore broadcast pluralism in the south following last year's upheaval. Minister Kazakbayev informed me that Osh TV, which suspended broadcasting during the unrest, has resumed operations and that Mezon TV is soon expected to do so under a new name.

On **25 April** I received a letter from President Roza Otunbayeva acknowledging my Office's support for the ongoing legal reform.

On **17-19 May** I visited Bishkek and met with President Otunbayeva, Vice Prime Minister Shamil Atakhanov, members of the Jogorku Kenesh, journalists and media experts. I also went to Osh, where I met with representatives of the city's mayor and the regional governor. I praised Kyrgyzstan's progress in media freedom, but also raised a number of concerns, including the safety of journalists, decriminalization of defamation and the shortcomings in the draft bill on the Public Service Broadcaster. I suggested to the authorities that they continue to work on the existing draft and delay its adoption until after the presidential election scheduled for October 2011.

During my meetings in Osh I discussed the media freedom situation in southern Kyrgyzstan with the local authorities and journalists. I urged the authorities to support journalists and ensure their safety so they can conduct their activities professionally, as there can be no professional and independent media without a safe working environment. I also stressed the importance of accurate and impartial reporting in a sensitive post-conflict situation.

Unfortunately on 9 June the law on the Public Service Broadcaster was adopted by the Jogorku Kenesh without taking into account the recommendations of the media community and my Office. Among other shortcomings, in its current form, the law foresees the immediate dismissal of the Advisory Board. Therefore, on **15 June** I wrote to President Otunbayeva to ask her to support the Board by using her constitutional right and send the law back to the legislature. In my public statement on the same day I emphasized that while I fully support the adoption of the Law legitimizing the work of public service broadcaster, the timing is not right. Kyrgyzstan needs a strong functioning Advisory Board with the presidential election upcoming.

On **21 June** I appealed to the Parliament to reconsider restrictions on media that could limit media pluralism. The Parliament adopted several laws and resolutions that would block certain websites, including fergana.ru, ban live broadcasts by foreign media and strip journalists of press accreditation. Blocking should not be used to silence alternative voices. I asked Parliament to reconsider its moves.

On **22 June**, I wrote to Foreign Minister Kazakbayev regarding an attack on NTS television journalists by protesters during a rally in Osh. I hope to receive information about the course of the investigation soon.

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

I remain concerned about the developments regarding A1 TV and the three dailies, *Koha e Re*, *Spic* and *Vreme*. As stated in my last report to the Permanent Council, on 27 January the investigations into suspected tax evasion and money laundering of several companies led to the freezing of the accounts of two commercial television stations, A1 and A2, as well as the

printing and publishing companies that issue the three newspapers. The accounts of the media outlets remain frozen today. Moreover, on 25 March a court ordered the seizure of several company vehicles used for distribution of the dailies. While the judiciary has a duty to independently investigate any alleged crimes, I stress that the authorities should not seek political gain and ensure that the investigations do not negatively affect media pluralism, the functioning of important media outlets and that they do not lead to economic censorship of media.

### **Montenegro**

On **20 April** I wrote to the authorities regarding the Government's plan to decriminalize defamation for media. I cautioned that lifting the threat of criminal prosecution only for journalists would still prevent the public from freely engaging in public discussions and, therefore, pose a "chilling effect" on civic debate. The draft amendments would preserve several provisions relating to insulting the state of Montenegro, its symbols and foreign states. I reiterated that these provisions are contrary to advanced international standards, which hold that only living persons can be defamed and that legal entities and symbols can not. Soon after I was pleased to learn that the Government would seek full decriminalization of defamation. I look forward to reviewing the proposed changes. I very much hope that Montenegro joins the growing number of OSCE participating States whose media are no longer threatened by criminal prosecution for their spoken or written words.

### **Russian Federation**

On **6 April** I wrote to Foreign Minister Sergei Lavrov regarding the seizure of nearly 3,500 copies of a book authored by Anna Sokolova, a journalist with the Russian edition of U.S.-based Forbes magazine.

On **18-21 April** I visited Moscow and met with several officials, including Supreme Court Chairman Vyacheslav Lebedev, Deputy Foreign Minister Gennady Gatilov, Sergei Zheleznyak, the chairperson of the State Duma's Committee on Information Policy, Information Technologies and Communications, Human Rights Commissioner Vladimir Lukin, Investigative Committee Deputy Chairman Vasily Piskarev and Sergei Sitnikov, head of the Roskomnadzor federal regulatory agency. Violence against journalists and impunity were the main topics of all the meetings. The authorities said that my concerns over the safety of Russian journalists are shared and the authorities confirmed that they are committed to finding and prosecuting all those responsible for these crimes. In the meeting with Vyacheslav Lebedev, the chair of the Supreme Court, I discussed developments in the handling of media-related court cases. I was pleased to hear that two media-related resolutions that the Supreme Court adopted in 2010 already have produced positive results. In particular, the number of civil libel lawsuits involving journalists and the amount of monetary damages awarded to plaintiffs in these cases has decreased by a third since September 2010. With parliamentarians I discussed the draft law "On amending some legal acts of the Russian Federation in order to improve legal regulation in the sphere of mass information" which had been adopted in a first reading on 22 February. I offered my Office's assistance to review this legislation in order to ensure its compliance with international standards and OSCE commitments.

On **9 May** I wrote to Investigative Committee Chairman Aleksandr Bastrykin to welcome the guilty verdict and subsequent sentencing in the 2009 assassination of human rights lawyer

Stanislav Markelov and *Novaya Gazeta* journalist Anastasia Baburova. I hope this case will be followed by others and that the murderers of all other journalists killed in Russia will be brought to justice.

On **3 June** I wrote to Chairman Bastrykin again, this time to acknowledge the arrest and indictment of Rustam Makhmudov, the alleged killer of *Novaya Gazeta* journalist Anna Politkovskaya. I hope this development will bring investigators closer to solving Politkovskaya's murder and exposing the masterminds behind this crime.

Also on **3 June** I received two letters, one from the Investigative Committee that contained comprehensive information on the current status of cases of violence against members of the media. I hope that my co-operation with the Investigative Committee will continue in the same spirit and soon more specific results will be made public. In a second letter, Mr. Sitnikov said he found the meeting we had in Moscow mutually beneficial and that he hoped the co-operation between Roskomnadzor and my Office would continue in a spirit of mutual understanding and interests.

My Office was informed that on 3 June the Duma adopted the measure "On amending some legal acts of the Russian Federation in order to improve legal regulation in the sphere of mass information". The Council of the Federation (the upper chamber of the legislature) approved it on 8 June and, on 14 June the bill was signed by the President. Most of the provisions of the law are to take effect on 10 November. Unfortunately, the process of adopting the law did not include public discussions and the recommendations of the Public Chamber released at the end of May were disregarded. My Office currently is studying the text of the law.

I continue to monitor the case of Aleksei Dudko, a blogger and former journalist from Ingushetia who on 10 June was sentenced to six years in a prison colony on charges of illegally possessing drugs and explosives. Last year I received information on this case from the authorities. Dudko denies the charges. I hope Dudko will get a fair and impartial appeal hearing.

I welcome the acquittal verdict handed last week in the case of Oleg Orlov, the head of the Memorial human rights centre in Moscow. A Moscow court on 14 June cleared Orlov of the criminal defamation charges brought against him by Ramzan Kadyrov, head of the Chechen Republic. The charges stemmed from comments Orlov made in July 2009, in which he accused Kadyrov of bearing the political responsibility for the assassination of Memorial worker and *Novaya Gazeta* journalist Natalia Estemirova.

## **Serbia**

I am pleased with the action of the board of the country's public service broadcaster, Radio-televizija Srbije (RTS), for the courage it showed when publically apologizing for its hateful and abusive programming during the 1990s. In its apology, addressed to all citizens of Serbia as well as neighboring countries, the RTS Board said that its programmes had been used as a propaganda tool by the then non-democratic regime to discredit and insult the country's political opposition, minorities and critically minded citizens. I welcome that the Board announced it would work toward helping strengthen democratic values and human rights principles in Serbia and beyond.

## Tajikistan

I welcome the fact that an out-of-court settlement was reached on 19 April in a civil defamation claim filed by three high-ranking judges against the three independent newspapers, *Asia Plus*, *Farazh* and *Ozodagon*, without compensation being paid. I hope that appropriate settlements also will be reached in other pending defamation cases.

My office is closely monitoring the trial of Muhammadyusuf Ismoilov which began on 31 May in the northern Asht District. The journalist is accused of insult, defamation, extortion and incitement to ethnic, racial or religious hatred. He has been held in pre-trial detention since 23 November 2010.

My Office is also following the civil libel lawsuit filed by the former Head of the Department for Combating Organized Crime against the newspaper *Asia Plus*, demanding 1 million somoni (approximately €152,000).

I regret that in May the newspaper Paykon suspended operations because it did not pay a printing bill. In 2009 the newspaper had a judgment of 300,000 somoni (approximately €45,700) against it. In addition, the newspaper's publisher, called The Office of Legal Consultations, was ordered closed by the Ministry of Justice due to its alleged failure to abide by re-registration and reporting requirements.

On **June 16** I wrote to Hamrokhon Zarifi, Minister of Foreign Affairs, and also made public my concerns about the arrest of BBC correspondent Urunboi Usmonov. He is accused of having ties to Hizb ut-Tahrir, an Islamic movement. While I respect the Government's legitimate right to fight terrorism, the circumstances surrounding Usmonov's detention and treatment, including the denial of his right to legal counsel, raises concerns about undue limitations on free expression. I am concerned that his case may be seen as another attempt to silence a journalist who writes on sensitive topics in Tajikistan. I look forward to receiving information on this case from the authorities.

My Office is also following the discussion on the draft media law. I hope that Tajikistan will adopt an advanced law taking into account recommendations of international and local experts suggested at a roundtable in Dushanbe in September 2010.

## Turkey

On **24 March** I received a letter from the authorities informing me that journalist Haci Boğatekin, a prominent journalist in Turkey, was sentenced to 18 months in prison after being convicted under the Anti-Terror Law for spreading propaganda of an armed terrorist organization. The letter indicated that Boğatekin was also convicted of insulting the prosecutor and trying to influence the course of justice. The letter was a reply to my intervention on 26 March 2010, requesting details about criminal cases against the journalist.

On **30 March** I wrote to Minister of Foreign Affairs Ahmet Davutoğlu to present a study on imprisoned journalists in Turkey. According to the research commissioned by my Office, at the time of the study 57 journalists were in prison in Turkey and the number of ongoing trials that could result in imprisonment was estimated to range from 700 to 1,000. The high number of cases resulted mostly from the large scale use of the Anti-Terror Law and Article 314 of the Criminal Code against media professionals. I stressed that the threat posed to national

security by terrorism and the legitimate need of governments to fight it is fully understood and acknowledged. However, the right to know about issues of public importance, including terrorism, must be protected as well and the criminalization of speech relating to terrorism should be restricted to clear instances of intentional incitement to terrorism.

In light of the findings, I asked the authorities to review the legislation that allows for so many ways to imprison journalists for their writing, and ensure that the laws are brought in line with OSCE commitments on media freedom.

The table and main findings of the study of journalists in prison in Turkey can be found at <http://www.osce.org/fom/76373>

**On 2 May** I received the reply of Minister Davutoğlu, saying that the cases involving the detention of Turkish journalists referred to in my letter require prudent assessment and, according to the information provided by prosecutors, the defendants are charged with crimes unrelated to their profession as journalists. He also stressed that the Turkish judicial system is integrated into European judicial structures and that the defendants will have the right to apply to the European Court of Human Rights. He also indicated that Turkey remains fully determined to address all possible shortcomings, including the issue of long pre-trial detention periods, and he repeated Turkey's commitment to maintain freedom of expression and freedom of the media and also to further expand their scope.

**On 11 May** I wrote to Minister Davutoğlu regarding three new developments that, if unchanged, could further limit media freedom in Turkey. On 2 May the Constitutional Court annulled Article 26 of the Press Law, which had limited the period of time when a criminal case could be filed against print media to two months after publication in a daily newspaper, and to four months for other print media. The ruling, which will take effect in 2012, would enable prosecutors to file cases against journalists years after articles are published.

In this letter I also expressed concern about a Decision of the Information Technologies and Communication Authority (BTK) to introduce mandatory content-filtering packages for all Internet users in Turkey, and the plans of the Telecommunications Communication Presidency (TIB) to introduce a domain name restriction policy banning 138 words from domain names and websites.

**On 13 and 25 May** I received further information from the Permanent Mission stating that two of the four filtering packages would not constitute compulsory filtering and, alternatively, an already existing standard profile could be chosen.

In my reply of **17 May** I stressed that this information contradicts the proposed measures and the analysis thereof, conducted by my office and outside experts.

My Office has been working closely with the authorities on these two issues. I hope that our suggestions will be taken into consideration before these planned changes take effect.

I am pleased to report that I have received an invitation from Minister Davutoğlu to visit Turkey in the near future. This visit will provide an excellent way to weigh, together with the authorities, how this Institution can best assist Turkey in media-freedom related issues.

## Ukraine

I welcome the cancellation of the legal requirement for accreditation of all foreign journalists that was enacted on 9 May, as the new law “On Access to Public Information” entered into force. The only accreditation requirement that was preserved for foreign and Ukrainian journalists is for events organized by the Government. I hope that this forward-looking provision will be fully implemented and serve as a good example to other states, where restrictive accreditation practices for foreign and local media are still in place.

Concerning the investigation into the murder of Georgiy Gongadze in 2000, I hope that the proved authenticity of the “Melnichenko tapes” and a new trial will bring the perpetrators of this crime to justice, much deserved by the media community and Gongadze’s family and friends.

I remain worried about the lack of progress in investigating the disappearance of Vasyl Klymentyev, a chief editor of the *Novy Stil* newspaper. Klymentyev has been missing since 11 August 2010.

## United Kingdom

On **20 April** I addressed the authorities expressing my concern following reports that a rise in the number of so-called “superinjunctions” – court orders prohibiting the disclosure of court proceedings – may have a chilling effect on investigative journalism. These injunctions primarily target the media, preventing them from reporting on a court case, from asking questions to any person covered by an injunction and from reporting on parliamentary proceedings about cases subject to injunctions. The penalty for violation of an order is a contempt of court citation – which can be punished by a jail sentence. While recognizing the importance of protecting people’s right to privacy, I stressed that such injunctions may prevent journalists from reporting on cases of public interest. I asked the authorities to share with me the outcome of the parliamentary inquiry into the matter once it becomes available.

On **26 May** I wrote to Minister of State Lord McNally to express my support for the possible reform of U.K. defamation legislation and the opening of a public consultation period initiated by the Ministry of Justice in March 2011. I welcomed the introduction of measures to address “libel tourism” and additional provisions which would establish a “substantial harm” test and a new “public interest” defence. I stressed that those changes represent important steps forward in ensuring that U.K. defamation laws are in accord with international standards on freedom of expression. I also expressed my confidence that the ongoing review would address high cost of mounting a legal defence in defamation cases.

I welcome the ruling in *Mosley v. United Kingdom* by the European Court of Human Rights on 10 May, which states that media should not be obliged to notify subjects of stories in advance of publication. This ruling confirms, by Europe’s highest human rights court, a well-established practice and is binding on all member states. Many NGOs had been at the heart of the debate, arguing that prior notification could be disastrous for a free press.

## United States

On **21 June** I was pleased to receive a letter from State Department authorities stating that on 19 May prosecutors in Columbus, Georgia, dropped criminal charges against Russia Today

journalists Kaelyn Forde and Jonathan R. Conway relating to their arrest in November 2010. Unlawful assembly charges were brought against the pair at that time stemming from their coverage of protests at the Fort Benning military base.

## **Uzbekistan**

On **12-13 April** I visited Tashkent on the occasion of the OSCE Regional Heads of Mission meeting. There, I met with Ildar Shigabudinov, head of the Foreign Ministry's UN and International Organizations Department, and discussed the "Concept for Further Deepening Democratic Reforms and Establishing Civil Society" that President Islam Karimov made public in 2010. The concept paper includes media legislation. I also met with several nongovernmental organizations that are part of a working group which has drafted several media-related laws that will soon be discussed in Parliament.

On **21 April** I wrote to Deputy Prime Minister and Minister of Foreign Affairs Elyor Ganiev to offer the assistance of my Office in reviewing the media-related proposals in the concept paper and propose specific recommendations to ensure it would be in accord with OSCE media freedom commitments. I also proposed other ways in which co-operation would be fruitful. I look forward to receiving response to my letter and increasing co-operation with the authorities.

My Office, together with the OSCE Project Co-ordinator in Uzbekistan, is supporting the conference organized by the National Association of Electronic Mass Media of Uzbekistan on financial sustainability and the role of media, which will take place in Samarkand on 24-25 June. Dainius Radzevicius, a Lithuanian expert commissioned by my Office, will participate in this event.

I continue to follow the cases of the three imprisoned journalists: Dilmurod Saiid, Solijon Abdurahmanov and Hairullo Khamidov and hope they will be released soon.

## **Projects and activities since the last report**

### **European Platform of Regulatory Authorities**

On 26 May my Office was granted observer status at the European Platform of Regulatory Authorities, joining the European Commission, the Council of Europe and the European Audiovisual Observatory which also have observer status. EPRA is an association of 52 broadcast regulators spanning Europe which provides a forum for exchanges of information and views on issues related to broadcast regulation and for discussion of practical solutions to legal problems regarding the interpretation and application of broadcasting regulation.

For more about EPRA, see <http://www.epra.org>

### **Trainings**

On 18-20 May my Office held a regional training seminar in **Bishkek** for government spokespersons and media from Central Asia on improving access to information in the digital age. More than 50 participants from Kazakhstan, Kyrgyzstan and Tajikistan learned about the implementation of freedom of information principles in their states and the effect of modern

Internet technologies on media-state relations. A number of practical sessions addressing key needs and professional challenges of press officers and journalists were conducted.

I thank the Government of the United States for generously supporting this project.

## **Visits and participation in events**

On 25 March I participated in the 2011 Milton A. Wolf seminar: “Picking up the Pieces: Fragmented sovereignties and emerging information flows” organized by The American Austrian Foundation that was hosted by the Diplomatic Academy of **Vienna**. I spoke on the topic of using the Internet and mobile phones to open closed societies.

For more on the seminar see: <http://www.aaf-online.org/seminar-2011.html>.

On 31 March my Office participated in a conference “Towards a European initiative for media pluralism” at the European Parliament in **Strasbourg** sponsored by four European parliamentary groups to discuss development of capacity in the European Union to create the necessary instruments to protect media pluralism and independence in European Union states.

For more on the conference see: <http://www.euroalter.com/ppp/events/97/>.

For the results of the conference see: <http://www.euroalter.com/2011/towards-a-european-initiative-for-media-pluralism-conclusions-and-follow-up/>.

On 30-31 March I participated in an expert meeting on human rights and the Internet in **Stockholm** organized by the Swedish Ministry for Foreign Affairs and the UN Special Rapporteur on Freedom of Opinion and Expression, Frank LaRue, on the topic of the internet and freedom of expression; limiting the limitations and defending freedom. The expert meeting was the concluding event of a series of regional meetings the UN Special Rapporteur held in preparation of his report on Internet and free expression presented on 3 June to the United Nations’ Human Rights Council in Geneva.

On 5 April my Office attended a working group meeting in **Sarajevo** aimed at improving media legislation in Bosnia and Herzegovina and streamlining assistance in this regard offered by the international community.

On 12 April my Office, as part of the preparation of the draft work programme for 2011 of the Human Dimension Committee, took part in discussions at the Hofburg in **Vienna** regarding the issues of pluralism in new media and the safety of journalists.

On 12-13 April I attended the 2011 Regional Meeting of the Heads of Field Operation in Central Asia in **Tashkent**.

On April 18-21 I visited **Moscow** to participate in a hearing co-organized by Mikhail Fedotov, chairman of the Presidential Council for the Advancement of Civil Society and Human Rights, and the Public Chamber’s Commission on Communications, Information Policy and Freedom of Speech in the Mass Media. I also took part in a roundtable discussion hosted by Vsevolod Bogdanov, the president of the Russian Union of Journalists.

I held several meetings with government and civil society representatives including Supreme Court Chairman Vyacheslav Lebedev, Deputy Foreign Minister Gennady Gatilov, Sergei Zheleznyak, the chairperson of the State Duma’s Committee on Information Policy,

Information Technologies and Communications, Human Rights Commissioner Vladimir Lukin, Investigative Committee Deputy Chairman Vasily Piskarev and Sergei Sitnikov, head of the Roskomnadzor federal regulatory agency.

On 18-19 April my Office attended a Council of Europe conference on Internet freedom: “From principles to global treaty law?” in **Strasbourg**. The conference focused on the challenges on the free flow of information over the Internet and debated possible regulatory frameworks needed to sustain a free Internet.

On 19-20 April my Office participated in a Training Course on Freedom of Expression and Equality, organized by Article 19 in **Brussels**. We delivered a presentation to participants representing NGOs promoting tolerance on the need to preserve freedom of expression while addressing hate speech issues.

On 26 April my Office, together with the OSCE Centre in **Astana**, organized a roundtable to discuss the draft law on television and radio broadcasting. Based on a legal review commissioned by my Office, representatives of the legislature, the government, media, civil society and international organizations developed recommendations for the government and other stakeholders to help ensure the future law’s compliance with international freedom of expression standards. I hope that these recommendations will be taken into consideration.

On 3 May on the occasion of World Press Freedom Day I attended the Freedom for Journalists Congress in **Istanbul** at the invitation of the Turkish Press Council. I spoke about the state of media freedom within the OSCE region, highlighting a main focus of my Office, the need for increased safety for journalists. I also addressed the challenges to media freedom in Turkey, including the high number of imprisoned journalists and the wide-scale blocking of Internet sites.

On May 5-6 I gave a keynote speech at a conference entitled “Speak Up! Conference on Freedom of Expression and Media in the Western Balkans and Turkey” organized by the European Commission. The one-day event in **Brussels** gathered almost 500 journalists, editors and representatives of media institutions to discuss issues on safety of journalists, politicization and attempts of state control of media and the state of public service broadcasters in those countries. This was the first time the European Commission organized such an event on the topic of media freedom in the context of enlargement of the European Union.

On 9-13 May I visited **Baku** to participate in a conference on decriminalization of defamation hosted by the OSCE Office in Baku and the Press Council of Azerbaijan. I also met with President Ilham Aliyev, Foreign Minister Elmar Mammadyarov, Interior Minister Ramil Usubov, Ali Hasanov, head of the Presidential Administration’s Social and Political Department, Human Rights Commissioner Elmira Suleymanova, Press Council Head Aflatun Amashov and Nushiravan Maharammli, chair of the National Television and Radio Council. I also met with journalists and representatives of media nongovernmental organizations.

On 16-21 May I visited **Kyrgyzstan** on the occasion of a training session on access to information organized by my Office and the OSCE Centre in Bishkek. During the trip, I met with President Roza Otunbayeva, Vice Prime Minister Shamil Atakhanov, members of the Jogorku Kenesh, journalists and media experts. I also went to Osh, where I met with representatives of the city’s mayor and the regional governor and journalists.

On 19 May my Office attended the European Commission's consultation meetings in **Brussels**. The consultations are held annually as part of the preparation for the regular European Union enlargement packages and progress reports on the candidate and potential candidate countries.

On 26-27 May I attended a meeting of the European Platform of Regulatory Authorities meeting in **Ohrid** relating to content regulation, including of new media. At the meeting, it was unanimously decided to grant my Office observer status with EPRA. My Office thus has become the third international organization, together with the Council of Europe and the European Commission, with observer status.

On 30 May I participated in a Colloquium on Freedom of Expression held in **Sofia** and sponsored by the Organisation internationale de la Francophonie on "Media Freedom and Regulation in Central and Eastern Europe."

On 31 May I participated in a conference in **Budapest** organized by the Open Society Justice Initiative on "National Security and Access to Information."

On 1 June in **Budapest**, along with three international special rapporteurs on freedom of expression, signed a joint Declaration on freedom of expression and the Internet. The Declaration is available at: <http://www.osce.org/fom/78311>.

On 1 June my Office participated in a conference organized by, among others, the Norwegian Foreign Ministry and City University London on "The Safety and Protection of Journalists: A Responsibility for the World" in **London**.

On 6-7 June the Chairman in Office and my Office co-organized a major conference in **Vilnius**, the "Conference on Safety of Journalists in the OSCE region."

On 12 June I spoke at a conference in **Sarajevo** on "The Western Balkans: Progress, Stagnation or Regression?" I spoke on the panel relating to media and their role in the democratization and European integration of the Western Balkans.

On 20 June I delivered a keynote speech at the Deutsche Welle Global Media Forum in **Bonn** on the topic of "The free flow of information in a globalized world; How to keep the Internet free and global?"

On 21 June I gave the keynote speech at a conference "Medien Macht Menschen" organized by the regulatory authority of North Rhine Westphalia on "Disempowered Media: Journalistic Freedom and Human Rights" in **Cologne**.

On 23 June my Office will participate in a conference "Why self-regulation in media?" in **Budapest** sponsored by the Centre for Independent Journalism.

## **Legal reviews/ Projects**

### **Italy**

On 6 May I provided an analysis of the Draft Law “on standards on the subject of telephone, data transmission and environmental interceptions, No 1415-C” to relevant authorities.

Generally, the Draft Law is an improvement from a version that was approved by the Chamber of Deputies on 11 June 2009. However, the following key recommendations were made:

- There should be no general restriction in law on publishing non-secret information obtained through electronic surveillance or that relates to court proceedings.
- Journalists should not face prison sentences for publishing information in the public interest.
- Journalists should not be required to join the National Order of Journalists to qualify for protections provided in the law.
- Journalists should be free to choose how to conduct investigations responsibly and in the manner they deem fit.
- The right of correction that applies to traditional media should not be generally extended to Internet sites as this may have a chilling effect on free expression.

On 1 June I received a letter from the authorities indicating that they would forward the legal review to appropriate legislative authorities for consideration.

The full legal review and recommendations can be accessed here:<http://www.osce.org/fom/77453>

### **Kazakhstan**

On 22 March I wrote to the then-Secretary of State and Foreign Minister Kanat Saudabayev to suggest that the Kazakh authorities and the OSCE Centre in Astana organize a roundtable discussion on a draft Law on Television and Radio Broadcasting. My Office in February 2011 presented to the Kazakh authorities a review of the draft law that was prepared by Dr. Andrei Richter, the director of the Moscow-based Media Law and Policy Institute. Richter made a number of recommendations that could be the focus of the roundtable discussion I suggested in my letter to Minister Saudabayev.

## **Planned activities for the next reporting period**

### **Trainings**

With the support of the Lithuanian Chairmanship and the Government of Norway my Office will conduct a second training course for Internet journalists from both sides of the Dniester/Nistru River in **Vadul lui Voda**. This follow-up event will focus on the specifics of

online media content and marketing strategies to promote sustainable Internet media in Chisinau and Tiraspol.

### **Speaking engagements and visits**

On 5 July I will participate in an OCEEA Roundtable “On the road to Marrakesh: role of civil society in fighting corruption” at the Hofburg in **Vienna** on the subject of the role of media in uncovering public and private sector corruption.

On 7-8 July my Office will hold the second Supplementary Human Dimension Meeting (SHDM) this year. It will be dedicated to the Promotion of Pluralism in New Media and held in **Vienna** and discuss the development of electronic and new forms of media and their possible implications on media freedom and pluralism. Topics will include the switchover from analogue terrestrial to digital terrestrial broadcasting and maintaining freedom of expression and the free flow of information on the Internet. Discussions will be based on the *Guidebook to the Digital Switchover*, commissioned by my Office to offer practical help to those OSCE participating States in which the switchover will be a challenge in coming years. By providing a list of the "do's and don'ts" of the process, the Guide focuses attention on the main difficulties and opportunities associated with the switch. Further, the SHDM will present the findings of the first OSCE study on content regulation on the Internet. (see Introduction, above). The study includes an overview of legal provisions related to freedom of the media on the Internet, the free flow of information and media pluralism on the Internet in the OSCE region. The SHDM will address how new technologies necessitate new approaches to safeguarding existing OSCE commitments on media freedom and freedom of expression.

Detailed information, including the annotated agenda, on the SHDM on Pluralism in New Media is available at: <http://www.osce.org/odihr/78119>.

### **Media Conferences**

My Office, together with the OSCE Mission to Bosnia and Herzegovina and the support of the OSCE field missions in South East Europe, will organize the first Southeast Europe Media Conference to be held in **Sarajevo** on 13-14 October. It will focus on the politicization of media, independence of journalists and public service broadcasting. “Pluralism, the Internet and Regulatory Practices” will be the topic of our yearly media conferences in the South Caucasus and Central Asia. On 20-21 October my Office will hold the 8th annual South Caucasus Media Conference in **Tbilisi** and, in early November, the 12th annual Central Asia media conference will be held in **Almaty**.

I would like to thank the Delegations which have provided financial support for the conferences, which allow hundreds of journalists across the regions to benefit from the expertise of international and regional experts in their chosen fields. However, the funding for the two events in Central Asia and the South Caucasus are not secured yet and I appeal to Delegations to respond to our requests which were sent out at the beginning of the year and, if possible, contribute to the financing.