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The Representative on Freedom of the Media

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Regular Report to the Permanent Council

For the period from 14 May 2021 to 25 November 2021

INTRODUCTION

Madam Chairperson,

Excellencies,

Ladies and Gentlemen,

I am honoured to present my second report to the Permanent Council, covering the period from 14 May 2021 until today, 25 November 2021.

It has been quite an experience, I must say, with many constructive encounters, interesting meetings and debates on thought-provoking issues. But also with many threats and challenges to media freedom, including some persistent, deep-rooted problems.

Let me start by referring to the fact that during this period the Nobel Committee awarded the Peace Prize to the outstanding journalists Maria Ressa and Dmitry Muratov, for their efforts to safeguard freedom of expression, which is a precondition for democracy and lasting peace.

That is good news, one could argue. Good news, because the Nobel Committee underlined with this decoration the crucial role that journalists have in our societies and because it specifically referred to all those who stand up for this fundamental right.

At the same time, however, it is a sad sign of the time. A time where strong, independent and trustworthy journalism is often deprived of serving the public interest, contributing to a more informed and active citizenry, as the watchdog that holds those in power to account, thereby ensuring a rich, pluralistic and transparent media landscape. A sad sign for freedom of the media and freedom of expression, which should be the norm, but apparently is not. A sad sign, underlined by the fact that Dmitry Muratov dedicated the prize to his murdered colleagues.

Sadly, since my last report again three journalists got killed in our region. In June, Azerbaijani correspondent Maharram Ibrahimov and camera operator Siraj Abishov lost their lives in a landmine explosion. Less than a month after, Dutch investigative reporter Peter R. de Vries was shot on the streets of Amsterdam, dying a week later. I was also saddened to learn about the death of Aleksandre Lashkarava, a cameraman of Pirveli TV this July.

I would like to take this opportunity to express again my deepest condolences to the families and colleagues of these journalists.

Ladies and Gentlemen,

As I stated in my first report to the Permanent Council in May, I believe very much in the virtues of diplomacy, to build a trustful relationship with participating States, which forms the basis for sustainable progress. This is why in the last six months I have continued my direct engagement with your delegations and with your authorities.

I am convinced that this is the way forward. The Mandate clearly stipulates that as the Representative on Freedom of the Media (RFoM), I am here to "assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media". Therefore, I strive for an effective, inclusive, collaborative and strategic approach to my work. An approach that involves co-operation with all participating States, to the benefit of the approximately 1.3 billion people living in our region.

Let me add here that such co-operation, of course, is a two-way street, which involves the efforts from both sides. I would therefore want to stress once more, the importance of your involvement and prompt reaction to my different ways of reaching out to you and your authorities.

Aside from assisting the participating States, the Mandate also provides me with a unique tool that allows me to respond rapidly to serious violations of media freedom and non-compliance to the principles we hold, including means of both silent and public diplomacy.

In the past six months, I have explored and employed the tools that the Mandate provides me with, as you will also see in the annex to this report.

I used my first report to mostly describe the larger developments regarding media freedom in the OSCE region. This time, I want to provide you with a more detailed description of the work I have been doing with the support of my excellent team during the past six months and to provide you with some insight in the work that I envision for the near future.

This rhythm – of a more descriptive, analytical report in the spring and a more detailed report on my past and future activities in the fall – is a cycle I would want to repeat and keep for the coming two years.

To put my undertakings in light of the overall media freedom situation in the OSCE region, I will start with a brief overview of some of the relevant issues and developments, followed by a description of the main activities I have employed in the last months.

Then, I will describe to you the plans I have for the coming six months, with a particular focus on the fact that next year we are celebrating the 25th anniversary of the Mandate of the Representative on Freedom of the Media.

For completeness, lastly, I have included an annex to this report, containing a weekly oversight of the different tasks and actions I have pursued during the past six months. This, of course, can never reflect all the interactions I have had with the participating States and all other stakeholders, but it does provide an insight in the issues we dealt with.

BRIEF OVERVIEW OF MEDIA FREEDOM IN THE OSCE REGION

Although, as stated, I will not go into the same amount of detail on trends and developments as I did in May, a report to the Permanent Council would not be complete without a brief overview of the media freedom situation in our region.

Unfortunately, this will not be a positive picture. The deteriorating media freedom situation in our region, as I described to you in my latest report, has not improved. In some cases, the developments I described last time have worsened and the problems deepened. This is not confined to just a few of the participating States. Although some of the developments have a regional aspect, there are clearly also trends that impact media freedom across the whole region, affecting us all in a similar way.

Allow me to name some of the issues and developments I have witnessed in this half year.

During this period, again, I have observed much distrust and anti-media sentiment, a development sparked by several factors, including by certain politicians and authorities who want to sow doubt in order to cover up their anti-democratic tendencies and deeds.

I addressed this issue in October, when I launched a Joint Declaration on Politicians and Public Officials and Freedom of Expression, together with the United Nations (UN) Special Rapporteur on the Protection and Promotion of Freedom of Opinion and Expression, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information.

In this declaration, we denounce the rising tide of dangerous, hateful public statements coming from some politicians and public officials. Such rhetoric spreads intolerance and divisiveness, denies established facts and this in turn erodes trust in democratic institutions, undermines human rights, and threatens or encourages attacks on journalists, human rights defenders, and puts minorities at risk.

The high level of protection that political statements enjoy under international law places a responsibility on politicians and public officials to uphold the rule of law, human rights, media freedom, intercultural understanding, and public trust in democratic systems of governance. Politicians and public officials play an important role in shaping public debate and opinion.

Our declaration calls upon States to foster independence, diversity and pluralism in the media; and on social media companies to ensure their content moderation rules, systems and practices meet international human rights standards. I also addressed this issue on several other occasions, including in some interventions with several participating States, during some of my country visits, and at our Stockholm Conference on Media Freedom in the OSCE region.

Mirroring this distrust and anti-media sentiment, there was again a large number of physical attacks against journalists, especially against those who were reporting on public gatherings. I addressed cases of physical violence against media workers in Georgia, Germany, Italy, Montenegro, The Netherlands and Turkey.

At the same time, I witnessed still many cases of online violence, abuse and harassment, especially when it comes to women journalists – an issue I discussed in all my country visits, and on which I put a special focus on in our regional conferences. More specifically, I addressed these issues with Bosnia and Herzegovina, Montenegro and Serbia.

Legal harassment and amendments to laws that restrict media freedom remain a major concern in our region. These developments are having an increasingly negative impact on the legal environment for media. Therefore, I addressed these issues with Armenia, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Greece, Poland, Russian Federation, Uzbekistan and Turkey.

Restrictions to the free flow of information regardless of frontiers is another issue that I addressed several times during the last period. I emphasized with participating States that media freedom is dependent on a vibrant and competitive media landscape, with a variety of voices. This includes freedom to perform journalistic duties abroad – something that is also considered crucial for strengthening a climate of trust and co-operation within the OSCE region.

In my Communiqué on 3 May I publicly stated that participating States should refrain from restrictive measures on media workers and media outlets coming from, or having (financial) ties to parties in, another participating State, unless prescribed by law and in the pursuit of a legitimate aim in line with the OSCE principles and commitments. Even when these conditions are met, participating States need to always make sure that the concerned media have remedial recourse to a functioning independent judiciary.

I drew attention to these issues in the Russian Federation, where the practice of labelling journalists and media outlets as 'foreign agents' is still expanding. I called on the authorities to abandon the special regime associated with 'foreign agent' status, including the related administrative and criminal sanctions. Regarding Ukraine, I expressed my concerns related to the practice of applying sanctions that negatively affect the work of media outlets and journalists. To better assess the negative impact on media freedom in Latvia, I requested the authorities for more information regarding the recent decisions related to the TV channel PBK. I have also requested further information from Estonia on the alleged closing of bank accounts of Sputnik Meedia. I will continue to work with participating States on how to remedy these issues based on a comprehensive analysis of legal and self-regulatory practices.

Ensuring the existence of fully independent and adequately funded public service media, as part of a vibrant media landscape, remains a challenge in many parts of our region. I raised the issue in the case of Slovenia and I welcome that on 8 November, an agreement on the Slovenian Press Agency's public service has been signed with the Government Communication Office.

Next, I want to point to the increasing challenges in the online sphere, including the impact of disinformation and hate speech on freedom of expression and media pluralism. Dealing with these developments constitutes a very complex challenge, warranting co-operation and dialogue with all relevant stakeholders, including state agencies, civil society, media and private enterprises. In other words, a whole-of-society approach is needed, an approach that should include a discussion on issues like the role of meta-regulation for, and self-regulation of, internet intermediaries and the use of Artificial Intelligence, free speech and the role of public officials and politicians, education and the empowerment of users.

Lastly, the situation in Belarus again warrants a separate mentioning in this part of my report. Since I last reported to you six months ago, nothing has changed for the good, on the contrary. Media freedom in the country is under extreme pressure, with many journalists and other media workers criminally prosecuted and detained; offices and even private houses searched and equipment and information seized; with news outlets' websites blocked; with the Belarusian Association of Journalists shut down; and laws adopted that seriously curtail media freedom in the country.

ACTIVITIES DURING THE REPORTING PERIOD

My work is a reaction to the media freedom environment in our region; it does not take place in a vacuum. It is interrelated, and tries to provide an answer and remedies to the developments we witness, in particular to those that I have described in my report in May of this year.

My Office and I constantly monitor and assess the ever-changing media landscape, the challenges regarding media freedom, and try to distinguish where the assistance to the participating States by a relatively small team like ours, can be most useful. That is a process of constant evaluation and assessment, in order to provide the best suitable responses to the evolving challenges.

I have addressed the challenges of our time through a number of different activities, and I will continue to do so. Taken together, these activities must form the most conducive and comprehensive response possible to the problems we are facing when it comes to media freedom in our region.

Being a staunch supporter of co-operation and multilateralism as a way to strengthen and expand the influence and effectiveness of our work, I always try to connect and engage with other stakeholders on various levels in my activities. It is only through effective and enhanced co-ordination that we give visibility to the OSCE as a leading platform for addressing the current challenges to freedom of expression as core pillar of security and that we can avoid duplication with the work of others, as required in the Mandate.

This includes co-operation with other OSCE institutions, like the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM), as well as with all other OSCE executive structures, OSCE field presences and the OSCE Parliamentary Assembly. It also includes close co-operation with other relevant

international organizations, such as the UN, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Council of Europe (CoE) or the European Union (EU). In addition, I am equally reaching out to relevant civil society actors, with the aim to maintain an effective network with these very important stakeholders.

Safety of journalists

The safety of journalists has always been a major topic in the Mandate and for our Office, and remains of the utmost importance to the media freedom situation in the region, as was also reflected in the 2018 Ministerial Council Decision (3/18) on this issue.

Safety of female journalists online

When referring to the safety of female journalists online (SOFJO), I want to start with the personal remark that I have encountered great interest among many stakeholders, for instance during the regional conferences in Central Asia and South East Europe, but also on many other occasions, for our #SOFJO project. I find this attention heartening and it strengthens the thought that we need to continue our work on this important topic.

Our comprehensive SOFJO Resource Guide, addressing 10 key stakeholder groups and proposing 40 concrete actions, complemented by good practices and additional resources, was published in late 2020. During the past period, my Office and I continued to focus on furthering these 40 proposed actions in co-operation with key actors and their networks, as well as to put them in regional contexts. In collaboration with OSCE missions in the region of South East Europe, I facilitated translations of the Resource Guide into Serbian and Albanian, in addition to its translation into Russian.

Aside from organizing SOFJO dedicated events in the margins of the Central Asia Media Conference and the South East Europe Media Conference, I continued to enable discussions and viewings of the documentary *A Dark Place* at several universities and media freedom roundtables, for example in Denmark, the United Kingdom, Ukraine, Poland, and Switzerland. A co-operation with the European Broadcasting Union (EBU) led to its screening via the Belgian Public Service Broadcaster's video-on-demand-platform.

The Resource Guide was included as reference material in several training and educational programmes globally and across the OSCE region, including in online trainings organized by the Office of the UN High Commissioner for Human Rights (OHCHR) Asia/UNESCO, the OSCE Mission to Skopje and joint UNESCO-Oxford Massive Open Online Course (MOOC) on International Standards on Freedom of Expression. As I welcome every meaningful opportunity to co-operate with key actors for a safer internet, I also presented the Guide's proposed actions in a Lightning Talk at the RightsCon, the biggest digital rights conference globally, as well as at the Press Freedom Files podcast by the International Press Institute (IPI) and EBU's podcast on media freedom. During the IPI 2021 World Congress, we co-organized a masterclass on journalists' safety in order to discuss solution-oriented ways to implement the Resource Guide's proposed actions with selected journalists and experts with a particular regional focus on Central and Eastern Europe.

Legal harassment

With legal safety of the media being an integral part of OSCE commitments on media freedom, and recognizing that journalists often are under threat of legal harassment and abusive litigation, I decided to issue a special report on this topic, which I published just a few days before presenting this report to the Permanent Council.[1]

The risk of abuse of the judicial system against the media comes in many forms, ranging from administrative sanctions or criminal prosecution, to (the threat of) extensive and expensive civil litigation by powerful individuals and organisations – a phenomenon that is oftentimes also referred to as Strategic Lawsuits Against Public Participation (SLAPP). Such legal harassment can pose a serious threat to the safety of media and the economic basis of outlets and, hence, has a strong chilling effect on media pluralism, undermining journalistic freedom in the OSCE region.

The report does not aim to cover the complete and vast area of legal harassment of the media, but rather focuses on three of the most poignant and current topics: extremism and terrorism charges under public law; defamation claims under public law; and abusive private lawsuits against journalists and other media workers. The report aims to provide general guidance to the OSCE participating States regarding their related commitments.

The report is not meant as a stand-alone action. Rather, it will form a first step in further work on this topic. My Office and I are currently looking at the possibility to hold (a series of) roundtables, or a conference, in order to provide more clarity on the matter within the context of the OSCE. I hope for your support and co-operation in this regard.

Artificial Intelligence

As we witness a worldwide debate about regulating online platforms, it is ever more crucial to the Mandate to guide policies toward protecting freedom of expression from harmful business practices that rely on the use of Artificial Intelligence (AI) to shape and arbitrate content online.

During the past period, my Office and I therefore continued to highlight innovative initiatives to tackle the challenges brought on by AI. These initiatives (such as a visual guide on AI tracking techniques or podcasts on the intersection between hate speech and AI, or the impact of algorithmic content curation on freedom of opinion) form part of our ongoing Spotlight on Artificial Intelligence & Freedom of Expression (#SAIFE) project. Close collaboration with renowned artistic experts led to the co-production of the interactive storytelling website and documentary *Made to Measure*, which illustrates the severe impact AI technologies and constant corporate surveillance has on the individual as well as societal level of freedom of expression and media freedom.

[1] The Report on Legal Harassment will be published on 23 November 2021.

In order to provide concrete policy guidance and safeguards to freedom of expression, my Office and I brought together independent experts from across the OSCE region, organizing four #SAIFE expert roundtables. After having had two first roundtables in April, two more were held on 23 June and 7 July 2021, focusing on the use of AI in content curation.

In the coming months, building on the outcomes of the four expert roundtables, my Office will launch a comprehensive online toolkit providing solution-oriented guidance.

Legal reviews

As part of my ongoing assistance to the participating States, to bring their national legislation in line with international standards and OSCE commitments on freedom of expression, during this reporting period again my Office has commissioned several legal reviews.

Since my previous report, a legal analysis was conducted of the Belarusian draft laws "On Amending Legislation in the Sphere of Mass Media" and "On Amending the Law of the Republic of Belarus On Mass Events in the Republic of Belarus". Next, a legal analysis was made of the draft law of the Republic of Belarus "On Amending the Codes Related to Criminal Liability Issues".

I also published a legal analysis of the Law of the Republic of Armenia "On Audiovisual Media", and presented to the authorities comments were made on the draft law "On Making Changes and Amendments to the Republic of Armenia Law on the Mass Media".

At the request of the authorities of Malta, a legal analysis examining the draft Bill of the "Act to implement various measures for the protection of the media and of journalists" was conducted and shared with the authorities.

At the request of the authorities of Uzbekistan and in co-operation with the OSCE Office of Democratic Institutions and Human Rights, I commissioned a review of the draft law on mass media.

Multi-stakeholder dialogue and co-operation

In close consultations with participating States and where possible with OSCE field presences and civil society actors I have identified some particularly pertinent or systematic challenges to media freedom, or opportunities for enhancing media freedom, in (parts of) the OSCE region.

Bringing different stakeholders together, discussing these issues and trying to find answers to the questions we face in the OSCE region, is an important part of my work in furthering media freedom and in assisting participating States in their efforts to enhance media freedom in their countries and regions.

Our conferences and roundtables are a platform for media organizations, officials and other stakeholders to build effective networks and coalitions and to discuss the issues that might otherwise never have been on the table, enabling a frank and open exchange between civil society and state authorities on challenges to media freedom on the ground.

Stockholm Conference on Media Freedom in the OSCE region

How to increase public trust in independent media through the implementation of OSCE commitments, and thereby strengthen media freedom as such? That was the pertinent question of the Stockholm Conference on Media Freedom in the OSCE Region that my institution co-organised with the Swedish OSCE Chairpersonship on 18 and 19 May.

Knowing that anti-media rhetoric only serves the purpose of silencing criticism and retaining power; the conference clearly identified the responsibility of participating States to create a climate of trust in the media as a pillar of a healthy democratic system, while highlighting some co-ordinated time-bound national and targeted efforts to enhance the safety of journalists. The conference also highlighted the current economic fragility of many private news media as a problematic issue, preventing independent media from fulfilling their democratic functions.

Moreover, the conference underlined that the spread of disinformation is currently one of the greatest threats to democracy in the OSCE region. Speakers raised the need to identify solutions to counter disinformation and hate speech without limiting freedom of expression and media freedom. In this light, speakers highlighted the importance of truly independent public service media.

Disinformation roundtables

As some forms of disinformation and propaganda may incite to violence, discrimination or hostility against identifiable groups in society, often with the aim of undermining cohesion of societies, I decided to place an increased focus on the threats of harmful disinformation by hosting a series of roundtables on this topic.

The first meeting reviewed ways to counteract the dissemination of false reports and information detrimental to peace, security and co-operation. It presented a body of international law that addresses disinformation and a number of ideas floating in intergovernmental fora, other than the OSCE, as to how to limit the harmful effects of disinformation, especially when it sows distrust among nations was discussed. The second meeting focussed on the principles of fairness and separation of facts and opinions as the core values of professional journalism worldwide, highlighting mechanisms to preserve journalism standards through voluntary self-regulation, such as media councils and codes of practice. During the third meeting mandates and practices of relevant national regulatory authorities (NRA's) on accuracy, impartiality and transparency in the media were discussed. Existent in almost every OSCE participating State, NRA's present a major mechanism of such policy initiatives. It was found that while NRA's traditionally deal with broadcasting matters, they are increasingly involved in content regulation of audio-visual and other content in online media.

The next disinformation roundtable will take place on 7 December and particularly focus on artificial intelligence and disinformation as a multilateral policy challenge.

Tolerance and Non-Discrimination

My office has continued to contribute to ongoing work across the OSCE executive structures and beyond on the issue of tolerance and non-discrimination in the media, in particular, in reference to migration. Between March and July, the RFoM together with ODIHR, the OSCE Secretariat and UNHCR focused on the role of media in shaping public perceptions and attitudes towards migrants and refugees in host societies. The closing event, organized on the occasion of International Migrants' Day, shall complete this series on 17 December and serve as a broader platform to present issues and ideas to the OSCE participating States and its Asian and Mediterranean Partner for Co-operation, with a view to collecting feedback and identifying specific issues and themes to be addressed in similar future events.

Central Asia Judicial Dialogue

On 24 and 25 June, during our Third Central Asia Judicial Dialogue, about 45 participants, including judges from all five Central Asian countries and international experts, discussed how to protect freedom of expression and freedom of the media while taking into account other human rights and encouraging the exchange of best practices among the judiciaries in the OSCE region.

The first session focused on the adjudication of defamation cases against journalists and bloggers in the region and in the broader OSCE area. Participants reviewed the current trends and practices, awards of damages decided by courts and the role of the textual expertise in such cases.

The second session focused on the legal protection of public figures and various articles often replacing criminal liability for libel including, but not limited to, the dissemination of 'deliberately false information'. The discussions addressed the various measures provided by national legislations and judicial practices in Central Asia for the protection of the reputation of public figures, adjudication of cases involving the distribution of "deliberately false information" and others, which may restrict the media's reporting on the matters of public interest.

Central Asia Media Conference

Against the background of increasing polarization of populations across the OSCE region, the 23rd annual Central Asia Media Conference focused on the values, opportunities and strategic dilemmas facing public service broadcasting, which is increasingly critical to restore the common agora where citizens convene for debates that should be at the core of our democracies. It also provided space to highlight various other current challenges and opportunities for the media freedom situation in Central Asia and Mongolia.

The conference also hosted a side event presenting the Russian language version of the #SOFJO Resource Guide, in which the lack of a common factual ground via verified research was identified as a major hinder to conveying this problematic situation to peers and policy makers.

The conference was held in a hybrid format, in Tashkent, Uzbekistan on 9 and 10 September, bringing together around 100 participants from Kazakhstan, Kyrgyzstan Tajikistan, Turkmenistan, Uzbekistan, as well as Mongolia, representing the public authorities, media, civil society and academia.

South East Europe Media Conference

This year's Annual South East Europe Media Conference, the eighth one, entitled "Journalism in times of crisis", addressed media freedom challenges by exploring opportunities for improvement in the context of the present health crisis. Therefore, it was decided to focus on issues and factors that impact media freedom, such as disinformation and quality investigative journalism; safety and working conditions of journalists; women journalists and women media managers; the issue of SLAPPs; and the future of journalism, providing young perspectives on media.

The conference, co-organized with the OSCE Presence in Albania in collaboration with other Field Operations from the region, was held in Tirana on 11-12 October in a hybrid format. It also included a parallel working session with young journalists from the region and a side event to celebrate the launch of the Albanian and Serbian translations of the #SOFJO Resource Guide.

Country visits

Despite the COVID-19 pandemic still around, international travels became increasingly feasible during this period. As I think that direct contact is an important way of communication and diplomacy, I was pleased to have been able to pay visits to some of your countries and meet with authorities and important stakeholders for media freedom. Since media and journalists' organizations are an extremely important source of information on the local media freedom situation and the problems they face, I have made it a custom to meet and discuss with them the local situation when preparing for a visit to a participating State, as well as during my visit to the country.

Germany

During my visit to Germany on 19 and 20 May, I discussed with governmental authorities, parliamentarians and civil society representatives the impact on the work of journalists of the Law on the Federal Intelligence Service (Bundesnachrichtendienst; BND). This law was passed by German Federal Parliament in April this year after the First Senate of the Federal Constitutional Court had ordered the adaption of an earlier version of the bill. I also spoke about disinformation, the regulation of online platforms, the impact of Artificial Intelligence on media freedom and the increasing violence against media, including during public gatherings.

In relation to this last issue, I had a meeting with representatives of the police force of Saxony, where I learned about the special protection team (Medienschutzteam) that this police force has organized to protect media workers when reporting on public gatherings. Such special protection for media reporting on public gatherings could perhaps serve as a best practice for the authorities in other participating States.

Ukraine

On my visit to Ukraine, on 14 to 16 July, I discussed with high-level governmental officials and with journalists and representatives of non-governmental organizations the safety of journalists, which continues to be affected in different parts of the country, including on the Crimean peninsula and in non-controlled areas of eastern Ukraine.

I also discussed the issue of countering disinformation and propaganda, following various efforts at the national level aimed at addressing these phenomena, including by establishing several institutional structures for this purpose this year. As the country continues the important transformation process from state broadcasting into public service broadcasting, I discussed the current state of its development, as well as the challenges faced by the broadcaster. Additionally, I discussed the important role of independent regulatory authorities, as contributors towards fostering a favourable environment for freedom of expression.

I also participated in the high-level panel discussion 'Building Resilience to Information Influence: Freedom of Speech as a Component of Information Security', organized by the Ministry of Foreign Affairs of Ukraine. In separate meetings, I met with the Head of the CoE Office in Ukraine and the Deputy Head of the UN Human Rights Monitoring Mission; with members of diplomatic missions of participating States in Ukraine; as well as with a group of Belarusian journalists who had to relocate to Ukraine due to fear of persecution in their own country.

Uzbekistan

During my visit to Uzbekistan on 11 and 12 September, I was briefed about the progress made in the ongoing reforms in Uzbekistan by several governmental authorities and parliamentarians, members of the National TV & Radio Company and the Board of Trustees of the Public Fund for Support and Development of National Mass Media of Uzbekistan as well as representatives of Uzbek Media.

We also discussed solutions to concerning challenges regarding media freedom in the country, such as safety of journalists and the need to provide media with an enabling environment for carrying out their important work. Further engagement of my Office with various Uzbek counterparts, including the provision of a legal review on the Draft Law on Mass Media was agreed.

Kazakhstan

On 13 to 17 September, during my visit to Kazakhstan, I discussed with several governmental, parliamentary and judicial authorities the issue of safety of journalists, with a particular focus on online safety of female journalists.

We discussed persisting concerns that the media community faces in the country as well as several ongoing legislative developments pertaining to freedom of the media, with the aim of bringing the legal framework in line with relevant international standards and OSCE commitments. In this regard, it was agreed that my Office would provide assistance in drafting a law on Mass Media. We also looked into various other challenges related to disinformation.

I expressed my readiness to continue providing all necessary assistance to local authorities in line with the Mandate, relevant international standards and OSCE commitments on media freedom and freedom of expression. I concluded my visit by participating in the Eurasian Media Forum in a panel titled "How the pandemic has changed the world and defined new vectors of global coexistence".

Albania

During my visit to Albania on 11 to 13 October, I urged the authorities to follow international human rights standards and OSCE commitments in the process of any legislative amendments in the country, including regarding the draft media laws known as the anti-defamation package. Government authorities reiterated willingness to adopt the draft media laws in line with the recommendations of the Venice Commission. I also encouraged them to involve all relevant stakeholders, including media non-governmental organizations and journalists, in the legislative process, to ensure effective decision-making in the public interest.

In my meetings with several governmental and other public authorities, representatives from the media community, as well as the Ombudsperson and EU Ambassador to Albania, I also discussed pertinent issues affecting a free, safe and viable media environment, including safety conditions of journalists, with a particular focus on online safety of female journalists; various concerns related to disinformation; access to public information; the independence of the public service broadcaster; and the legislative developments surrounding media freedom and freedom of expression.

USA

During my visit to the United States of America from 18 to 22 October, in my meetings with government officials I addressed several issues, including safety of journalists in the US, which has seen a growing decline in recent years. I also discussed the urgent need to restore public trust in the media; how to tackle the challenges of disinformation and misinformation, while protecting free speech in an information chaos era; as well as the challenge of regulating online platforms in terms of how their business practices affect freedom of expression and media pluralism. Moreover, I commended new rules introduced earlier this year that help better protect the confidential sources of journalists by restricting the ability of federal

prosecutors to obtain journalists' records through secret subpoenas in government leak investigations.

I also gave testimony at the U.S. Helsinki Commission public hearing on media freedom across the OSCE region. Here, I highlighted the urgent need to prioritize the safety of journalists and to restore trust in the independent media and its democratic function. I also shared my assessment on several interconnected challenges affecting global media freedom, including on the lack of trust in the media; the growing number of attacks on journalists, and the capture of our information space by opaque and unaccountable online social media platforms.

Switzerland

The overall increasing polarization in society contributing to anti-media sentiments and the increasing media concentration in Switzerland, exacerbated by the COVID-19 pandemic, were among the major issues I discussed during my visit to Switzerland on 8 and 9 November, where I met with government and representatives of media freedom organizations and media representatives.

We also discussed the challenges and opportunities of digitalization and digital transition, and their close interlinkage with traditional media's economic viability, the safety of journalists, and the urgent need to look into platform governance in particular how the platforms' business practices affect freedom of expression and media pluralism. In the margins of the visit, Switzerland informed me about their intention to create a National Action Plan for the Safety of Journalists. In addition, I signed a new funding agreement with the Swiss authorities for the OSCE Freedom of the Media SOFJO project, which will substantially contribute to the Representative's work to promote media pluralism in the OSCE region.

LOOKING AHEAD: 25TH ANNIVERSARY OF THE RFOM MANDATE

"No security without media freedom"

This slogan will mark our work in 2022, the year in which we celebrate the 25th anniversary of the RFoM Mandate. It is a slight adaptation to the famous words of the first Mandate holder, Freimut Duve, who once said, "There can be no freedom without media freedom." I decided upon this slogan, to underline even more the centrality of the comprehensive security approach of the OSCE, with media freedom as a prerequisite to peace and stability in the region.

We will use next year to take stock of the media freedom situation in the OSCE region and the parts of the commitments that the participating States still have to fulfil, such as concrete steps to implement the 2018 Ministerial Council Decision on Safety of Journalists (3/18), and other key commitments that participating States have adopted over the past decades. To this end, I decided to start a new project based on extra-budgetary contributions that will assist participating States to engage in enhancing the safety of journalists, including by developing

national action plans or strategies, or by strengthening national data collection and analysis of threats and attacks.

In my conversations in recent months, authorities, journalists and civil society alike have expressed their concern about the impact of disinformation on quality democratic processes, public opinion and human rights. I will therefore continue the work I started with the series of expert roundtables with the aim of providing participating States with concrete guidance on how to counteract effectively this phenomenon, while upholding international standards on freedom of expression.

As part of the response to this challenge, and in reaction to the many requests that I have received, I am currently preparing the start of a project to provide assistance in the development of media literacy approaches. This forms an important tool to empower individuals, equipping them with the necessary skills to distinguish disinformation from reliable news and to convey them not to be producers of disinformation and various harmful content.

To put a further focus on the challenges ahead of us, resulting from a rapidly changing media landscape, I have decided to establish an advisory group of eminent persons. This group shall assess current challenges, anticipate key developments in years to come and propose ways to address the impact of these challenges on the right to seek, receive and impart information as a core concept of comprehensive security. The group will focus on three overarching themes, including political trends and the way these impact media freedom; economic and environmental factors affecting media freedom; and digital transformations shaping the media landscape.

All of this, we will do with the genuine involvement of journalists, civil society and other important interlocutors. A key pillar of this 25-year anniversary will be to further strengthen and consolidate a sustained and structured dialogue with all stakeholders mentioned in the Mandate.

I am convinced that with these efforts, this institution will remain well equipped to exercise its early warning function and provide rapid response to serious non-compliance with regard to free media and freedom of expression and to strengthen security in the OSCE region by upholding our commitments to media freedom.

CONCLUSION

In my last report, I stated that I saw a bleak picture when looking at media freedom in the region. Six months, later, I am afraid not much has changed for the good, when I take into account all the incidents, issues and larger developments that threaten media freedom in our region.

In my last report, I also stated that I have a great deal of optimism and that I was looking forward to be able to mention some encouraging developments. My optimism is still there, and I therefore would want to conclude with some positive notes.

I want to start by using this opportunity to thank Sweden, this year's Chair of the OSCE, for placing freedom of expression and media freedom high on its agenda. For comprehensive security and lasting peace, it is important that the political leadership of the OSCE supports and safeguards the organisations principles side by side with its institutions.

I would also like to reiterate my gratitude to those participating States that have supported through their generous financial contributions and secondment of highly qualified staff the many activities of my institution that cannot be financed out of the unified budget. My particular thanks go to Austria, Bulgaria, Czech Republic, Finland, France, Luxemburg, the Netherlands, Sweden, Switzerland and the US.

As written above, during my visit to the country the Swiss authorities informed me about their intention to create a National Action Plan for the Safety of Journalists. With this, the Swiss authorities will implement the OSCE commitments of the 2018 Ministerial Council Decision (3/18) to take effective measures to ensure journalists' safety; "to establish or strengthen, where possible, national data collection, analysis and reporting on attacks and violence against journalists"; and to "implement more effectively the applicable legal framework for the protection of journalists and all relevant OSCE commitments". Up to date, there are only very few participating States with such a plan. I have also spoken to the UK authorities and welcomed their National Action Plan. I hope such examples will soon be followed by the authorities of other participating States.

The other uplifting experience that I would want to mention here was the encounter I had during our South-East Europe Media Conference in Tirana in October with a group of excellent young journalists. They presented a positon paper on how to preserve the value of journalism as a public good for all and their engagement was refreshing and their positive energy inspiring and hopeful. Who has the youth, has the future, and I would like to add – also the present.

With this in mind, I conclude.

I look forward to next year, when my Office and I will continue to work vigorously for media freedom, with your help, in the same atmosphere and with the same grand idea that started the Mandate of the RFoM 25 years ago.

ANNEX

Week number	Activities	Topics
20th week 17/5-23/5	***Country visit:*** Germany ***Events of the week:*** Stockholm Media Freedom Conference --- Outgoing letters: 4 Incoming letters: 6 Press releases: 3 News items: 5 Twitter posts: 7	Safety Arrests/detention Discrimination of media outlet Legal Developments Public Service Media
21st week 24/05-30/05	Incoming letters: 2 Press releases: 1 Twitter/Facebook posts: 2	Safety Detention Legal Developments Public Service Media
22nd week 31/05-06/06	Bilateral meeting: 1 Outgoing letters: 2 Incoming letters: 2 Press releases: 3 Twitter/Facebook posts: 3	Safety Detention Legal Developments Public Service Media
23rd week 07/06-13/06	Bilateral meetings: 3 Outgoing letters: 3 Incoming letters: Press releases: 1 News items: 1 Twitter/Facebook posts: 2	Safety Legal Developments
24th week 14/06-20/06	Bilateral meetings: 4 Outgoing letters: 2 Incoming letters: 1 Twitter/Facebook posts: 2	Safety Detention Legal Developments
25th week 21/06 – 27/06	***Events of the week:*** SAIFE workshop on content curation with a particular focus on media pluralism; Central Asia Judicial Dialogue; Roundtable on Disinformation and Media self-regulation --- Bilateral meetings: 3 Outgoing letters: 1 Incoming letters: 2 Press releases: 2 Twitter/Facebook posts: 4	Safety Discrimination of media outlet Legal Developments

26th week 28/06 – 04/07	Bilateral meetings: 5 Outgoing letters: 1 Incoming letters: 5 Press release: 1 News items: 1 Twitter posts: 1	Safety Discrimination of media outlet Legal Developments
27th week 5/07- 11/07	***Events of the week:*** SAIFE workshop on content curation and surveillance-based advertising; Meeting with European Parliament Subcommittee on Human Rights on the media situation in Belarus Bilateral meetings: 3 Outgoing letters: 2 Incoming letters: 2 Press releases: 2 Twitter posts: 7	Safety Killing Discrimination of media outlet Legal Developments
28th week 12/07-18/07	***Country visit:*** Ukraine Outgoing letters: 1 Incoming letters:1 Press releases: 1 Twitter posts: 2 Facebook posts: 1	Safety Killing Legal Developments
29th week 19/07-25/07	Outgoing letters: 3 Incoming letters:1 Press releases: 3 News items: 1 Twitter/Facebook posts: 3	Safety Restriction on media outlet Legal Developments
30th week 26/07-01/08	Bilateral meetings: 2 Outgoing letters: 1 Incoming letters:1 News items: 1	Safety Legal Developments
31st week 02/08-08/08	Bilateral meetings: 3 Incoming letters: 1 Press releases: 1 Twitter/Facebook posts: 2	Safety Legal Developments
32nd week 09/08-15/08	Incoming letters: 1	Safety Legal Developments
33rd week 16/08- 22/08	Incoming letters: 2 Twitter/Facebook posts: 2	Safety Restrictions on media outlets

34th week 23/08-29/08	Outgoing letters: 1 Incoming letters: 2 Press releases: 2 Twitter/Facebook posts: 3	Safety Restrictions on media outlets Legal Developments
35th week 30/08-05/09	Bilateral meetings: 6 Outgoing letters: 2 Press releases: 1 Twitter/Facebook posts: 1	Safety Legal Developments
36th week 06/09-12/09	***Country visit:*** *Uzbekistan* *Events of the week:* Central Asia Media Conference, SOFJO side event Bilateral meetings: 1 Incoming letters: 1 Twitter/Facebook posts: 5	Safety Legal Developments Public Service Media
37th week 13/09-19/09	***Country visit:*** *Kazakhstan* ***Events of the week:*** Eurasian Media Forum International Press Institute World Congress Outgoing letters: 1 Incoming letters: 2 Press releases: 1 Twitter/Facebook posts: 5	Safety Detention Discrimination against media outlet and journalists Legal Developments Public Service Media
38th week 20/09-26/09	Bilateral meetings: 2 Outgoing letters: 4 Press releases: 2 Twitter/Facebook posts: 2	Safety Restrictions on media outlets Legal Developments
39th week 27/09-03/10	**Event of the week:** Astana Media Week Bilateral meetings: 1 Incoming letter: 1 Press releases: 1 Twitter/Facebook posts: 2	Safety Discrimination against media outlet and journalists Legal Developments
40th week 4/10-10/10	Bilateral meetings: 3 Outgoing letters: 2 Press releases: 2 News items: 1 Twitter/Facebook posts: 7	Legal Developments Discrimination against media outlet and journalists Public Service Media

41st week 11/10-17/10	***Country Visit:*** Albania ***Events of the week*:** South East Europe Media Conference; Conference on "The protection of minors in the audiovisual media" organized by the Audiovisual Media Authority in Albania; ODIHR HL-Panel on "Human Rights and Democracy; Advancing the OSCE's unique vision of security" Bilateral meetings: 4 Outgoing letters: 1 Incoming letters: 1 Press releases: 2 Twitter posts: 6 Facebook posts: 5	Safety Detention Legal Developments
42nd week 18/10-24/10	***Country visit:*** *United States of America* ***Events of the week*:** Testimonial before the U.S. Helsinki Commission Launch of the Joint Declaration of Freedom of Expression mandate holders Outgoing letters: 2 Press releases: 1 Twitter/Facebook posts: 3	Safety Discrimination against media outlet Legal Developments
43rd week 25/10-31/10	Bilateral meetings: 1 Incoming letters: 1 News items: 1	Safety Legal Developments Restriction on media outlet
44th week 1/11-7/11	***Events of the week*:** Roundtable on Disinformation, Outgoing letters: 3 Incoming letters: 2 Twitter/Facebook posts: 4	Safety Detention Legal Developments Restriction on media outlet
45th week 8/11-14/11	***Events of the week:*** OSCEPA: Parliamentary web-dialogue on violence against women journalists and politicians: A Growing Crisis; Global Action against Mass Atrocities (GAAMAC) high-level panel: Strengthening national efforts to address hate speech, discrimination and prevent incitement Bilateral meetings: 2 Outgoing letters: 3 Incoming letters: 3	Safety Restriction on media outlet Legal Developments