



Organization for Security and Co-operation in Europe

The Representative on Freedom of the Media

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11 May 2023

Regular Report to the Permanent Council

For the period from 4 November 2022 to 11 May 2023

INTRODUCTION

Mister Chairperson,
Excellencies,
Ladies and Gentlemen,

Today, I present my bi-annual report to the Permanent Council, covering the period from 4 November 2022 until today.

The first report of the year is dedicated, as always, to a more analytical description of the media freedom developments across the OSCE region. However, before I present the trends related to media freedom I have observed in the past six months, I would like to take a step back and look at the broader picture that has unfolded before us.

The media freedom situation cannot be seen detached from the political and social realities. Restrictions and obstructions to freedom of expression and to media freedom do not happen in a vacuum. They are closely linked to decisions and actions of the powers that be. In order to understand the dimensions and consequences of media freedom violations that we are currently witnessing in our region, it is essential to understand the larger context and its impact on our societies, collectively and on an individual level.

It is a sad reality that the horror of war has returned to Europe. For more than one year, we are witnessing the devastating effects of the war waged against Ukraine by the Russian Federation. It is destroying millions of lives and livelihoods, it is causing immense grief and suffering and it is shaking our rules-based order.

At the same time, we are witnessing a global decline in democracy. It seems that the promise after the end of the Cold War of a democratic world, where people could live in freedom, prosperity and peace, is crumbling. Today's reality moves to the contrary. We witness an alarming trend towards authoritarianism, paired with a backsliding of human rights in various established and emerging democracies.

This tendency goes hand in hand with the repression of civil society and censorship of independent media. Last year, a global spike was observed in the number of journalists and media workers who have been killed and in the number of journalists and media workers who were imprisoned. A sad and devastating new reality.

In some parts of the OSCE region, independent and critical journalism is often treated as if it were a crime, with numerous journalists and media workers being arrested or detained, while many others are forced to move abroad in order to escape repression. We observed an increase in journalists moving into exile in order to avoid imprisonment, legal harassment or attacks on their lives for doing their job.

The backsliding of democracy is accompanied by an increasing polarization within our societies, and diminishing trust in democratic governance and institutions, which leads to numerous challenges for social cohesion and respectful co-existence, and is closely

interlinked with the rise of extremist movements, growing populism and even the creation of parallel realities, where facts do no longer matter. The danger is that such challenges can erupt quickly into violent outbreaks. We have observed this during protests against COVID-19 measures across our region; with the questioning of the legitimacy of democratic election results; and most severely with the waging of war against a sovereign State.

An important driver of this downward spiral has been, and continues to be, the unprecedented spread of false narratives, the instrumentalization of information to distort the truth – to a degree that oftentimes leaves people wondering which information can be trusted and which cannot. There is no doubt that propaganda and disinformation pose major challenges in today's societies, even though, as we all know, they are not new phenomena. However, the sheer volume, accessibility and immense spread bring it to a whole new level.

Technological developments have made our lives much easier, they brought significant benefits in terms of outreach and access to information. Today, we are better connected and better informed than ever before, with a speed that was once unthinkable. But digital developments are also facilitating the unprecedented spread of disinformation and hate speech online, having real repercussions on our communities. Even though important steps have been made nationally, regionally and globally to center the use of technologies that impact online information spaces on international human rights standards, we are still far from an information space that serves the public interest. At the same time, under the guise of addressing harmful speech, including countering disinformation, we are witnessing regulatory proposals aimed at further controlling information flows and restricting free speech online.

It is time to find a way out of this downward spiral and to remind ourselves why we indeed aim for strong and just democratic societies. Democracies are the strongest guarantor of individual freedoms and human rights, based on the rule of law and not on the rule of strength. For this, we need independent quality media. Comprehensive security can only be attained through media freedom, able to do its part as an essential pillar of democracy, holding power to account.

This year's Joint Declaration, that I published this week on World Press Freedom Day together with the Special Rapporteurs on Freedom of Expression of the United Nations, the Organization of American States and the African Commission on Human and People's Rights, focuses exactly on this: on the mutually reinforcing nature of democracy, the rule of law and media freedom, and the interlinkage between declines in media freedom and the weakening of democracy and human rights protection.

In this Declaration we underline once more that the media can play a key role in promoting human rights and diversity and equality, including gender justice, as well as enhancing social cohesion and peacebuilding. Declining trust in democratic governance and institutions goes hand in hand with a decline in trust in the media. This, in turn, has

affected adversely the sustainability, independence and diversity of the media and their ability to promote democracy, the rule of law, security and peace.

The Joint Declaration aims to promote the understanding of the role of the media as an essential underpinning of democracy, human rights and sustainable development. By providing reliable information, explanations and analyses, the media enables a public debate and an informed and active citizenry. This facilitates free and independent elections and other forms of public participation and community engagement including in decision-making processes, and contributes to peace and democracy.

The OSCE commitments are very clear in that regard. The participating States have repeatedly committed themselves to ensuring media freedom as a basic condition for peaceful societies and mutual understanding between countries. From the 1975 Helsinki Final Act and other OSCE documents – such as the 1989 Concluding Document of the Vienna Meeting, the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE and the 2010 Astana Commemorative Declaration – the participating States have shown to regard the media and media freedom, including across borders, as a means to further peace and security in the region. At the same time, it is also clear that they saw the dangers of the media being misused to sow distrust and to destabilize our societies. In the 1999 Istanbul Summit Declaration, for instance, the participating States expressed their deep concern about the exploitation of media in areas of conflict, to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media.

It is in this light that I see my Mandate to protect and enhance media freedom in our region. When it is being used to further peace and security it deserves our full protection – not when it is being used to the contrary.

Today, we find ourselves at a crossroads. Will we allow independent pluralistic media to open pathways for information and communication that citizens and governments need to be able to act responsively and effectively?

CAN THERE BE SECURITY WITHOUT MEDIA FREEDOM?

Against this backdrop, last year on the occasion of the 25th anniversary of the Mandate of the Representative on Freedom of the Media, I invited nine eminent experts to analyse the media freedom situation and its interlinkage to security. I asked them: is media still conducive to our common peace and security, the way it was 25 years ago?

Very importantly, the experts concluded that media freedom remains an essential pillar for peaceful and secure societies, although facing many difficulties. The report, published as an output of these deliberations, looks at these overarching challenges and proposes a set of comprehensive recommendations in order to restore media's central role for security and democracy.

It might not come as a surprise that the challenges that the first Representative flagged in his very first report to the Permanent Council remain priorities for the institution even today, including the safety of journalists and the fight to end impunity for crimes committed against them. These problems have not gone away. Instead, they have compounded and changed with technological, political, and social developments.

Digitalization and the rise of social media platforms have changed the media landscape enormously and to some extent blurred the lines between public and private spheres of communication. Online platforms have become gatekeepers, shaping and arbitrating our online information spaces, including in ways that undermine public interest. Their business practices entail vast challenges concerning transparency and accountability. In an ever-evolving digital landscape, human-rights-based governance frameworks are oftentimes still missing.

Many recent examples have shown that when media is captured by commercial or political interests, it cannot report in the public interest and is unable to hold power to account. Such co-option, or capture of media and information, is a systemic problem that disrupts democracy and leads to poor decision-making and harmful outcomes for society. It erodes the rule of law and enables corruption and political instability, which is neither conducive to peace nor to security. This leads to the conclusion that security for just, peaceful and inclusive societies cannot thrive without functioning, independent and pluralistic media.

Having established this link between media freedom and security, the experts also made it clear that the Mandate of the Representative on Freedom of the Media (RFoM) is an indispensable one for a security organization like ours. They identified a range of thematic recommendations where the RFoM can and should play a key role. In their view, this institution is uniquely positioned to co-ordinate and consult with academia and civil society organizations defending media freedom across the OSCE region, and bridge the gap between government, academia and civil society to achieve effective multilateral solutions to a whole range of media freedom challenges.

NO SECURITY WITHOUT MEDIA FREEDOM

Let me now turn to providing you with a description of the main media freedom developments I have observed across the OSCE region in the past six months, since my last report to the Permanent Council.

Unfortunately, I continue to observe infringements on media freedom and freedom of expression across the OSCE region almost on a daily basis. The challenges mentioned above – safety of journalists, impunity for crimes against them, digital disruptions, the spread of propaganda and disinformation, media capture, increasing distrust in the media, growing authoritarianism and suppression of independent voices – remain regrettably relevant and prevalent in today's time.

NO SECURITY WITHOUT MEDIA FREEDOM: UKRAINE

More than one year since the full-scale invasion of Ukraine by the Russian Federation, the immense impact on the media environment in Ukraine is very tangible, with many journalists and media workers killed, attacked or injured, and broadcasting infrastructure destroyed.

Only last Tuesday, another journalist was tragically killed in a rocket attack on the outskirts of the town of Chasiv Yar near Bakhmut. Arman Soldin, a 32-year-old video coordinator for AFP, lost his life while reporting on the war. Like many of you, I am deeply saddened and shocked by this news. I extend my heartfelt condolences to Arman's family and colleagues during this difficult time.

I was equally shocked by a recent attack on media workers reporting for the Italian newspaper La Repubblica near Kherson, killing Bohdan Bitik and injuring Corrado Zunino. This brings the total number of killed media workers in Ukraine while on duty to ten. I express my sincere condolences to the families and friends of all journalists and media workers, who have lost their lives while reporting on this terrible war.

I deplore all attacks against journalists and media workers in the context of this terrible war and I recall the need to protect them and to allow them to report freely and without undue restrictions. Their courageous and critical reporting provides us with the necessary information to have a better understanding of the developments on the ground.

The war has devastating consequences for the entire Ukrainian society and severe effects on the media situation in the country. Apart from the dangers and risks that journalists reporting on the war face, the media has suffered immense losses over the past 15 months. It does not come as a surprise that many media outlets had to shut down or reduce their operations due to an almost complete breakdown of their financial revenues. It will be essential to provide support to the media sector via long-term institutional funding.

The situation for media actors in Crimea has also worsened over the course of the past months. The persecution of dissenting voices, particularly from the Crimean Tatar community, has continued. I have expressed my concerns about the harsh sentencing of citizen journalists in Crimea on several occasions and called for their immediate release.

NO SECURITY WITHOUT MEDIA FREEDOM: THE RUSSIAN FEDERATION AND BELARUS

All the while, the fierce and rigorous repression of free and independent media continues unabated in the Russian Federation and Belarus. This has led in both States to media and information spaces that are almost completely controlled by the governments. Dozens of independent media outlets were forced to shut down their operations, while an alarming number of journalists and media workers are imprisoned and face horrendous legal charges.

In the Russian Federation, Meduza, one of the most popular Russian-language news portals, was outlawed and declared as an “undesirable organization” in January 2023. Under Russian legislation, an ‘undesirable organization’ is effectively banned from operating on Russian territory under threat of criminal and administrative prosecution. The legislation also broadly extends to alleged affiliation with and providing support to such an organization. Earlier, the authorities similarly outlawed investigative media portals – Proekt, Istories, The Insider and Bellingcat – while continuing the mass designation of media outlets and journalists as “foreign agents”.

Spreading so-called “false information about the army” was among the main reasons for imprisoning journalists in the Russian Federation in the past months. In February this year, Journalist Alexander Nevzorov was sentenced to eight years of imprisonment, while RusNews journalist Maria Ponomarenko received a six years prison sentence; Telegram-channel author Dmitry Ivanov was sentenced to eight and a half years in prison and journalist Andrey Novashov to eight months in a correction facility.

In March, the Russian authorities introduced amendments to the Penal Code, which widen the existing provisions on spreading false information about the army and on discrediting the armed forces by adding protection for “voluntary formations, organizations or individuals, who contribute to the implementation of tasks assigned to the armed forces”. The amendments also increased some of the existing penalties.

In Belarus, the authorities detained former Belsat TV journalist Larysa Shchyrakova after searching her house in December 2022, without disclosing the reason for her detention. Journalist, Andrzej Poczobut was sentenced to eight years in prison in February this year. In March, Maryna Zolatava and Ludmila Chekina, Editor-in-chief and Director General of TUT.BY, the largest independent online news portal in Belarus, were sentenced to twelve years in prison. Journalist Hienadz Mažejka and former journalist Dzmitry Semchanka received a three years prison sentence. The leading media freedom organization in the country, the Belarusian Association of Journalists (BAJ), was designated as an “extremist formation” in March this year, with the aim to further undermine the organization's important work of protecting and advocating for the rights of journalists. All these

repressive measures are clear manifestations of the clampdown by the Belarusian authorities on media freedom in the country – actions that are in stark contradiction with relevant OSCE commitments.

The repression in the Russian Federation and Belarus has forced numerous journalists and media workers to leave their countries in order to escape harassment, attacks or the risk of detention. Journalists who had to move abroad continue their work in exile under uncertain and sometimes difficult conditions, including when they are denied entry on unclear grounds. Although they very often remain the only independent sources of information for their audiences back home, it is difficult for them to generate income and monetize their work, which leaves them highly dependent on external funding and support. I want to underline the essential role that journalists in exile continue to play, deserving our support and solidarity for their important mission.

NO SECURITY WITHOUT MEDIA FREEDOM: THE OSCE REGION

Also in other parts of the OSCE region I have observed with concern a regress in media freedom, linked partly to the overall regress in democracy that I have described in the introductory part of this report. This unfortunately includes participating States that used to be positive examples of upholding media freedom in the OSCE region.

Restrictions to media freedom

In a number of OSCE participating States, independent media outlets face increasing pressure, with some of them even being forced to stop their operations. Many independent broadcasters were penalized with hefty monetary fines and broadcasting bans for critical commentary expressed during discussion programs on issues of public interest. I have raised such issues in Bosnia and Herzegovina, Kyrgyzstan and Türkiye.

In many contexts, national security interests have been prioritized to the detriment of media freedom. Protecting the information space against disinformation or “foreign information manipulation” had further impacts on the media environment, leading to the growing concern that ensuring national security interests have taken precedence over media freedom.

I want to underline that although States have a legitimate right, and even obligation, to ensure security for their citizens, this must not be misused to stifle media freedom. It is a delicate balance that needs to be ensured, so that citizens have access to accurate information and pluralistic media and that democratic institutions remain strong and transparent.

My message has always been very clear and I want to repeat it again: There can be no security without media freedom. I intervened on cases of restrictions to media freedom linked to national security in Kyrgyzstan, Moldova and Türkiye.

Labeling the media as “foreign agents” is also a pattern that I continue to observe with great concern, as well as other legislative measures that can have potential negative repercussions on media freedom. It is, however, positive to observe that the Parliament of Georgia recently revoked the proposed law on “foreign influence”. I hope that Bosnia and Herzegovina will follow this example and refrain from adopting a similar legislation that was recently approved by the entity of Republika Srpska.

I want to reiterate that any legal measure that could potentially have a negative impact on media freedom and democracy should be carefully assessed in line with international human rights standards, democratic principles and OSCE commitments on media freedom, while being developed in an inclusive and transparent manner, following all necessary stages of a due process, including thorough consultations with media and other relevant stakeholders and public discussion. In that regard, it is positive to note that the Parliament of Mongolia has withdrawn the law on protecting human rights on social media and accompanying laws that would have had a detrimental impact on media freedom in the country.

The war by the Russian Federation against Ukraine has also aggravated an already growing tendency in our region, with increasing restrictions on cross-border journalism. In my 2021 communiqué “On the right of the media to freely collect, report and disseminate information, news and opinions, regardless of frontiers”, I described the harmful effects of this trend, underlining how it goes against the principles and the very spirit of our organization. I have therefore, on several occasions, called on all OSCE participating States to refrain from imposing onerous conditions for disseminating information, including across frontiers.

Now, obviously, this does not mean that the right to freely collect, report and disseminate information, news and opinions, regardless of frontiers, is an absolute one. Freedom of expression and media freedom can never serve as a blank cheque for those who want to misuse it for aggressive purposes, with the intent to undermine democracy and destabilize societies. On the contrary, defending the right to freedom of expression and media freedom necessitates a firm response to efforts to undermine it.

Such restrictions may, and in some occasions must, be imposed, but always have to be in accordance with international law, especially Article 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR). Any restriction must be provided for by law and applied only when it is necessary to protect other fundamental rights or public interest. Restrictions must pursue a legitimate aim, be necessary and proportional in scope, and there must always be a possibility to challenge such restrictions through an independent court system.

I have kept, and will continue to do so, a close eye on developments in this area and I react whenever I see that these principles are not being adhered to in decisions to restrict the free flow of information.

Safety of journalists and media workers

An essential requirement for media freedom is that journalists can do their work in a safe environment. Especially investigative journalism, bringing to light instances of power abuse, corruption or wrongdoing by those in power, is a critical mechanism of checks and balances in a democratic society. I am pleased to see that in some OSCE participating States measures have been taken to improve the protection of journalistic sources. For example in Spain, where an agreement has been reached between journalists' unions and the government to regulate professional secrecy and protect the identity of journalistic sources.

Violence against journalists, however, remains too prevalent in many OSCE participating States. The deadly attack on journalist Dylan Lyons and his colleague Jesse Walden in the United States of America, who were both victims in a shooting while reporting from a crime scene in the State of Florida, demonstrates shockingly how dangerous the profession of a journalist can be. I am saddened that Dylan Lyons lost his life during this fatal incident. I was also horrified by the recent gun attack on Top Channel TV in Albania, which claimed the life of the TV's security guard Pal Kola. I express my deep condolences to their family and friends.

Other instances of violence against media workers, especially female ones, involved online attacks and harassment, which remain in most cases unresolved and unpunished. Journalists receiving death threats, being stalked or trolled, suffer immense pressure and psychological harm. Such instances all too often further escalate and translate into the physical realm, where they can have an additional impact on the journalists' life and wellbeing. These incidents are deplorable and need to be addressed properly, including by taking into account its gendered and intersectional dimension. Online violence often leads to media workers leaving their profession, thereby silencing professional journalism and diminishing the pluralism of voices in the public sphere. This does not only have detrimental effects on the individual journalists, but on society and democracy as a whole.

Impunity remains a key issue, which needs to be addressed by effective responses from law enforcement and other relevant authorities, sending a strong signal that such acts will never be tolerated. It takes strong political commitment, as well as effective legislation and an independent judiciary to put an end to impunity for attacks on journalists.

It has been 24 years since the killing of Serbian journalist Slavko Ćuruvija. I expect that the verdict by the Belgrade Court of Appeal will soon be issued and that justice will finally be served.

While the three hitmen, who killed Slovak journalist Ján Kuciak and his fiancée Martina Kušnírová five years ago, have been condemned to long prison sentences, the alleged masterminds of the brutal murder are facing retrial. I expect that full justice will be served.

Greek journalist Giorgos Karavaiz was killed two years ago, and also here, the perpetrators have not yet been brought to justice.

On a more positive note, I was pleased to note that justice was served for the murder of journalist GÜngör Arslan in Türkiye in February last year, with the conviction of the perpetrators of this heinous crime.

I have intervened on cases of violence against journalists, including online violence, verbal attacks, including by public figures, as well as on the issue of impunity in Albania, Bosnia and Hercegovina, France, Germany, Italy, Kazakhstan, North Macedonia, Romania, Serbia, Sweden and Türkiye.

Arrest / detention of journalists and media workers

As mentioned above, last year, a new worldwide peak was recorded of journalists being imprisoned. If speaking truth to power leads to arrest and detention, it is crystal clear that our democracies are crumbling and shaking. When journalists have to fear reprisals for their investigations, and when laws are adopted that stifle critical journalism, it leads to an environment of self-censorship, negatively affecting media freedom.

During the reporting period, journalists and media workers were arrested or detained across the OSCE region, mostly on unfounded or trumped up charges. I already mentioned the dozens of cases of arbitrary arrest or detention observed in the Russian Federation and Belarus. The most recent case of Wall Street Journal reporter Evan Gershkovich, who was arrested by Russian authorities on allegations of espionage, is deeply troubling. I call for his immediate release and for all other journalists who are serving prison sentences or are being held in pre-trial detention for their journalistic work.

The safety of journalists also remain dire in Crimea, where in the reporting period the Russian authorities continued to persecute and hand over long prison sentences to citizen journalists, including Ruslan Suleymanov, Osman Arifmemetov, Rustem Sheikhaliev and Irina Danilovich.

In addition to the cases mentioned above, I raised cases of imprisonment, arbitrary arrest or detention of journalists and media workers in Tajikistan and Türkiye.

Legal harassment

The use of the law – be it criminal, administrative or civil – against journalists has increasingly become a tool for politicians, corporations and other powerful actors who want to intimidate or silence the media. Such legal procedures are time and cost intensive, making it difficult for journalists to pursue their work, and are used across the OSCE region to stifle critical reporting and to silence unwanted press. This happens oftentimes in the form of defamation allegations, but also under the pretence of fighting fake news and disinformation and in many other legal contexts.

As I have pointed out in my special report on “Legal Harassment and Abuse of the Judicial System against the Media”, participating States should recognise the chilling effect that legal harassment has on the right of the media to freely publish news as well as on the public’s right to receive information and ideas. I have recommended to State authorities several measures to counter this negative trend, measures that will also be addressed in the toolbox that I am preparing in the course of my Safety of Journalists project.

The issue of legal harassment is gaining importance and visibility with international partners and I welcome the attention paid to the challenges related to so-called Strategic Lawsuits Against Public Participation (SLAPPs) and its negative implications for media freedom by the Council of Europe and the European Union.

Since its creation more than 25 years ago, the consecutive RFoM’s have always advocated for the full decriminalisation of defamation and insult laws in the OSCE region, with an alternative of the fair consideration of such cases in dispute-resolution bodies or civil courts. This position still stands today, and I have observed therefore with great concern in Bosnia and Herzegovina’s entity Republika Srpska the recent decision of the entity Government to move forward with reinstating the criminal offence of defamation in the criminal code.

In addition, I have raised cases regarding legal action against journalists and the media in Croatia, Germany, Italy, Kyrgyzstan and Serbia.

Digital threats

Digital technologies have drastically transformed the way information is produced, disseminated, accessed and consumed, and there is no doubt that the way in which online information is curated and moderated has a direct and significant impact on global peace, stability and comprehensive security. Today’s online ecosystem widely builds on business practices that prioritize advertising and profit over accuracy, diversity and public interest – which affects the visibility and accessibility of content of public interest. Very often these business practices are opaque or even include deceptive design patterns (also known as ‘dark patterns’) that further risk manipulating or heavily influencing individuals’ behaviour online. When information spaces do not center around human rights or public interest, there is a risk of exposing individuals more frequently to deceptive or polarizing content that strengthens pre-existing views, deepening ‘echo chambers’ and lowering an individuals’ likelihood of exposure to independent, pluralistic, and diverse media content.

Powerful online platforms shape and arbitrate political and public discourse and are thus having a direct and significant impact on our information spaces. Yet, these new gatekeepers of information – and their business practices – have been developing mostly out of sight and at a rate that outpaces any legal or regulatory framework to prevent the misuse and causal harm of their incentive structure, and for safeguarding freedom of opinion and expression online. Their overall lack of transparency and accountability,

especially in relation to their content governance politics and practices, including automated processes, significantly impacts media freedom.

While regulating these practices has become a necessity, this need for regulation comes with the risk that some governments will attempt to wield it for their own purposes, as a pretext to further control and restrict information flows online.

I have developed general guidance for all OSCE participating States on platform governance and particularly to safeguard freedom of expression and media pluralism in automated content governance processes – as this is a topic that requires collective action, and therefore also particular attention at the multilateral level.

Access to information is crucial at all times, and becomes even more vital in times of crises. Unfortunately, we continue to witness restrictions to access online information in different parts of the OSCE region. The same technologies are also being developed and deployed in ways that manipulate public opinion, or to stifle freedom of expression online, up to the point of complete internet shutdowns.

The increasing use of surveillance technologies against journalists is alarming. Surveillance of journalists via spyware has a negative impact on the work of individual journalists and the overall media landscape. It does not only violate the privacy rights and professional integrity of each individual journalist targeted, it also endangers their sources who rely on their anonymity for their personal safety, and ultimately risks undermining the overall work of investigative reporting. The 2018 OSCE Ministerial Council Decision on the Safety of Journalists calls on the OSCE participating States to address the impact of unlawful and arbitrary surveillance of journalists and its undermining of their right to freedom of expression and their right to be free from unlawful and arbitrary interference of their privacy.

State authorities need to step up their efforts to ensure better protection of journalists and their sources, and address the surveillance-based digital infrastructure adversely affecting freedom of opinion and expression. The recent executive order signed by US President Joe Biden on the use of commercial spyware is a positive signal to address these challenges.

I intervened in Greece and Hungary on cases of spyware being used against journalists.

ACTIVITIES DURING THE REPORTING PERIOD

Events, conferences and high-level meetings

On 16 November, my Office organized the second roundtable in the framework of the Safety of Journalists project, which focused on safe working conditions for media workers.

On 22 November 2022, I participated in a joint conference by the Council of Europe and the European Federation of Journalists in Vilnius, hosted by the Parliament of Lithuania, entitled “Public Service Media for Democracy”. It was an important occasion to underline the key importance of independent and well-funded Public Service Media in providing impartial, balanced and accurate information, which is particularly essential in times of crises or conflict. I further emphasised that independent and pluralistic Public Service Media can be standard setters, ensuring cohesion in a fragmented and often polarized information space.

On 6 December, my Office hosted the first Media Freedom Literacy Roundtable that provided a multi-stakeholder platform for international exchange and policy learning in the area of media literacy. The event brought together about 80 participants who shared experiences from across the OSCE region, including representatives of governments, media regulators, civil society, academia and the journalistic community. The roundtable sought to create synergies among key international media literacy actors, identify existing gaps and showcase successful fact-checking and policy making initiatives and best practices. The discussions focused on how to develop meaningful responses to information disorders and to help people critically access and use information as well as participate in democratic debates. The event also examined the role of public service broadcasters in advancing media literacy, by delivering quality content to various segments in society, including marginalized voices.

On 12 December, I had the pleasure of co-hosting a joint event on countering hate speech with the Office for Democratic Institutions and Human Rights (ODIHR) and the High Commissioner on National Minorities (HCNM). Against the backdrop of evolving challenges regarding hate speech online and the radical increase in magnitude and outreach of hateful narratives due to digital transformations of the media landscape, the OSCE-wide event provided an opportunity to discuss possible mechanisms of countering hate speech in line with international standards and relevant OSCE commitments. In addition, the event offered the occasion to take stock of trends and challenges related to hate speech across the OSCE area and discuss existing and forthcoming regulatory practices as well as litigation in hate speech cases. It also presented initiatives by civil society and media actors aimed at countering this negative phenomenon.

On 15 and 16 December, I invited OSCE participating States, executive structures as well as representatives from civil society, academia and the media and tech industry to take part in our “SAIFE Expedition”. The event focused on discussing and contextualizing policy guidance, helping participants to better understand latest developments around digital technologies and freedom of expression. In the two main sessions of the event, the use of artificial intelligence in promoting newsworthy and public interest content online was explored and online content governance in times of crises was discussed. The event featured several parallel sessions co-organised by partner organizations, embracing innovative formats and multi-stakeholder engagement in panel discussions, interactive workshops, knowledge sharing presentations, and artistic exhibitions. The conference also included a screening of the RFoM co-produced interactive film experiment *Made to Measure*.

On 1 February, my Office organized the 3rd roundtable in the framework of the Safety of Journalists project, addressing the safety of media workers in conflict situations and in exile.

On 21 to 23 February, I attended the UNESCO global “Internet for Trust” conference in Paris, the first of its kind, bringing together over 4000 participants to discuss steps towards regulation of digital platforms for information as a public good.

On 13 and 14 March, together with the North Macedonian Chairpersonship and the ODIHR, we organized the first Supplementary Human Dimension Meeting of this year, focusing on media freedom as a central pillar of comprehensive security. The event underlined that free and independent media are one of the cornerstones of democratic societies, and that free media have never been more important to navigate the security challenges present in the OSCE region today.

On 15 March, my Office held the fourth roundtable in the framework of the Safety of Journalists project, which discussed intersectional perspectives of safety of media workers.

The following day, 16 March, we organized the first meeting for the National Focal Points regarding the Safety of Journalists, exchanging existing good practices and discussing challenges to the safety of journalists. It was an important occasion to discuss how to develop effective national instruments to protect journalists and how the OSCE RFoM can be of assistance to participating States in such a process. We collected ideas and inputs on a practical toolbox for the safety of journalists that will be developed.

On 21 March, I participated in a Council of Europe workshop with Belarusian journalists in exile. A second workshop was organized by the Council of Europe on 24-25 April with Russian journalists in exile, where my Office was also present.

On 30 March, I attended the Summit for Democracy in The Hague, hosted by the government of the Netherlands. The event focused on media freedom as a cornerstone of democracy, underlining that freedom and independence of media can never be taken for granted and require constant attention and commitment to uphold.

On 2 and 3 May, I took part in the celebrations of the 30th anniversary of World Press Freedom Day in New York. This year’s Joint Declaration focusing on media freedom and democracy was launched together with the other three international freedom of expression mandate holders. In addition, my Office organized several side events with partners. The first event was held together with UN Women, UNFPA and the Association for Progressive Communication (APC) and promoted freedom of expression and gender justice, based on the 2022 Joint Declaration. Another side event we organized together with UNESCO focused on how to build a healthier online information ecosystem to ensure access to public interest information. Finally, we organized a side event in partnership with the North Macedonian Chairpersonship in Office and Albania as elected member of

the UN Security Council, highlighting the interlinkages between media freedom and security.

Country visits

I conducted four official visits to participating States in the course of the past months. These visits offer a unique opportunity to engage in a direct, in-depth exchange with State officials, members of Parliament, civil society and the media, which is important to assess the media situation in a given country and identify possible joint actions to address persisting challenges or new developments. Let me underline that I see country visits as a collaborative instrument and that I greatly value the excellent collaboration with the delegations in Vienna for their preparation.

Malta

From 9 to 11 November 2022, I visited Malta, where I met with Prime Minister Robert Abela and other high-level State officials as well as with the Chairman and members of the Committee of Experts on Media. In the focus of our discussions were the ongoing legislative measures for the protection of the media and journalists in the country. I also met with representatives of the Daphne Caruana Galizia Foundation, the President of the Institute of Maltese Journalists and other representatives of civil society and the media to discuss the implementation status of the recommendations by the Board of Public Inquiry into the circumstances of Daphne Caruana Galizia's assassination in 2017. During my visit, I participated in an international conference dedicated to young people and disinformation.

Hungary

From 15 to 16 November 2022, I paid an official visit to Hungary, during which I met with several high-level State officials including the Minister for Culture and Innovation and the State Secretary for EU Affairs of the Ministry of Justice. I also met with the President of the State Office of Media and Communications, the Director of the Media Services and Support Trust Fund as well as with several journalists and representatives of civil society. Topics on the agenda included the regressing media freedom situation in the country. I raised specific concerns over the reported difficulties that independent media face accessing public information in a timely manner. Next, I pointed to shortcomings related to the independence of the public broadcaster, the governance of the media regulating bodies, the current practice regarding the granting of broadcasting licenses, and to the need to increase transparency around the distribution of state advertising funds. The issue of surveillance of journalists was also raised, including the fact that in some cases judicial oversight seems to be lacking.

Greece

From 25 to 26 January 2023, I made an official visit to Greece, where I met with State officials, members of Parliament, the President of the Journalists' Union of the Athens Daily Newspapers, journalists from the Hellenic Broadcasting Corporation ERT and other representatives of the media community. We discussed current challenges to media freedom in Greece, specifically the issue of surveillance of journalists through the use of

spyware. Related to safety of journalists, I stressed the need to make progress on investigating the murder of journalist Giorgos Karaivaz and to hold all those responsible to account. Recent steps to improve the media freedom situation in the country were presented, including the establishment of a task force and the launching of a training centre on the safety of journalists and a recent amendment of Article 191 of the Criminal Code regarding “false information”.

Moldova

From 27 February to 3 March, I visited Moldova, where I met with Deputy Prime Minister and Minister of Foreign Affairs and European Integration Nicu Popescu and other high level State officials. I also met with the Director General of the National Public Broadcaster “Teleradio-Moldova”, the Chair of the Audio-visual Council, as well as with prominent experts in the field of media freedom and human rights and representatives of media. It was encouraging to see that despite the current security risks, Moldova continues to undertake important steps towards democratic reforms and remains committed to the respect of freedom of expression and media freedom. I underlined the importance of complying with international standards and OSCE commitments and observing the requirements of due process when addressing national security concerns and countering disinformation. In the discussion on the ongoing reform of the legislation regarding access to information, I underlined the importance of strengthening the applicable regulation. I further discussed the audio-visual regulatory framework related to the independence of the public service broadcaster and the broadcast regulatory authority and shared the expert recommendations of the legal analysis commissioned by my Office. I reiterated that the functioning of both institutions must be provided in such a way that the legislation protects their independence, thus allowing for a plurality of voices and reliable information.

United States of America

I used the opportunity of traveling to New York for World Press Freedom Day to meet also with high-level officials from the U.S. Department of State in Washington on 4 May. While I was in Washington I met with Under Secretary for Civilian Security, Democracy and Human Rights Uzra Zeya, Acting Deputy Assistant Secretary Kami Winter, Acting Deputy Assistant Secretary Tom Selinger, and Deputy Assistant Secretary John M. Pommersheim. The discussions evolved around the current regressing media freedom situation in the OSCE region, the growing challenges regarding disinformation, the alarming developments regarding media freedom in the context of Russian Federation’s ongoing aggression against Ukraine, the safety of journalists and media workers and the situation of exiled journalists. I underlined the interlinkages between media freedom and security and discussed the recommendations developed with the Advisory Group of Eminent Experts on Freedom of the Media on the occasion of the 25th anniversary of the RFoM Mandate.

OUTLOOK

The next couple of months will be a very busy period for my Office. Two major regional conferences will be held in spring and early summer, starting with the South East Europe Media Conference on 16 and 17 May in Skopje, to be followed by the Central Asia Media Conference on 6 and 7 July in Bishkek. Both conferences will be held under the umbrella theme “At a crossroads: Safeguarding media freedom to protect democracy”.

These conferences will highlight our work and build on the report published on the occasion of the 25th anniversary of the RFoM. At the same time, both conferences will allow for a regional focus, including the work of the OSCE field operations in South East Europe and Central Asia, while taking into account the regional contexts, specificities, developments and expertise. The sessions held during the regional conferences will focus on supporting independent journalism, addressing challenges in the digital realm and improving the conditions for media freedom.

The thematic work of my Office will continue in full steam over the next couple of months, with some highlights coming up in autumn. We will continue with the roundtables on the safety of journalists and work on developing the toolbox, which we look forward to presenting to the OSCE participating States in November. In this context I want to congratulate Switzerland for launching last week its first National Action Plan for the safety of media professionals. A National Action Plan is a strong instrument to raise awareness on the challenges and safety risks that journalists face in their everyday work and to ensure better prevention, protection and support.

We are also continuing the implementation of the SAIFE project. Last year’s activities unveiled the need to further explore the complexities related to AI’s negative impact on the overall information and media landscape. We will thus continue to provide all participating States with tangible and concrete guidance and safeguards, including for specific contexts such as war and other crises, through efforts to build capacity to design and ensure such safeguards. In the coming months, the project will particularly focus on developing guidance on how best to promote access to reliable, diverse, and public interest information in the digital realm and specifically on identifying criteria for human rights-centred content governance in times of crisis. Moreover, we will soon launch an interactive online toolkit as a resource hub compiling all resources and recommendations developed throughout the project, and beyond.

The promotion of media literacy has been a key instrument for providing comprehensive responses to address disinformation. Strong inter-sectoral cooperation is a major enabler to address current information disorders through media literacy. Building on the research on the needs and gaps, we will continue to work on media freedom literacy issues, to provide policy guidelines and recommendations and to raise awareness of participating States on media freedom literacy as a tool to build resilience to mis- and disinformation.

In the frame of the Safety of Female Journalists Online (SOFJO) project, we have been working with renowned experts in the field to develop OSCE Guidelines for monitoring online violence against female journalists. The goal is to provide a more systematic monitoring and reporting system based on a gender-sensitive and gender-responsive approach. It is worrying to note that there is increasing evidence of a correlation, and even a causal relationship, between online threats against female journalists and offline attacks. This is why efforts must be enhanced to promote online safety and to respond effectively to online threats and harassment. Fourteen research-derived indicators for online violence escalation are guiding the monitoring and recording, which reflect the signals associated with early warning and rapid response systems designed to trigger interventions when female journalists are attacked online. The OSCE SOFJO Monitoring Guidelines are currently being finalized and will be published soon.

I would like to seize this opportunity to express my gratitude to those participating States that have supported our work 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, Finland, Germany, Italy, Luxemburg, the Netherlands, Norway, Portugal, Slovakia, Sweden, Switzerland and the United States of America.

CONCLUSION

Mister Chairperson,
Excellencies,
Ladies and Gentlemen,

In November, I will present to you the last report of my three year tenure as Representative on Freedom of the Media. I am very proud to fulfil this mandate, which is unique and invaluable.

In the Helsinki Final Act and over the following years, the OSCE participating States have developed and reconfirmed their commitment to free and independent media, recognizing the importance of the free flow of information as well as the public's access to information. In the 1999 Istanbul Document and other documents, the participating States committed themselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded trans-border and intra-State flow of information, which they considered to be an essential component of any democratic, free and open society.

The OSCE has developed a strong acquis, linking media freedom to the overarching goal of comprehensive security, acknowledging that the free flow of information is a crucial element of building resilient societies.

When they established the mandate of the RFoM – the world's only intergovernmental media freedom watchdog – more than 25 years ago, the OSCE participating States made

a prominent step forward in their endeavour to protect and further the essential role media freedom has in their comprehensive security approach.

By creating the mandate, the participating States entrusted the RFoM to advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and media freedom. They also agreed voluntarily to provide the institution with a rapid response mechanism regarding serious non-compliance with these principles and commitments.

Both of these key tasks are to be implemented in direct contacts with participating States. The RFoM's role is distinct in its direct access to and contacts with state authorities, which allows for a direct and frank interaction to address serious non-compliance with OSCE principles and commitments regarding media freedom and freedom of expression.

The Advisory Group of Eminent Experts on Freedom of the Media, appointed last year to evaluate the relevance and the role of the Representative on Freedom of the Media in today's context, comes to the conclusion that there is a significant role to play for the RFoM in safeguarding media freedom, in building bridges and connections that will allow for a collaborative and multi-layered approach that is so central for this endeavour.

Because it is so unique, it is the OSCE participating States' responsibility to ensure its continued functioning. This means nothing less and nothing more than valuing your own commitment to media freedom and freedom of expression, as well as to this institution that you created 25 years ago. It means nothing less and nothing more than working towards turning the tide on the backsliding of democracy, on the regression of media freedom and on the crumbling of our joint principles and commitments.

Annex

<p>44th week 04/11 – 06/11</p>	<p>Events of the week:</p> <ul style="list-style-type: none"> – 25th anniversary of the RFoM Mandate – UNESCO Conference “Safety of Journalists – Protecting media to protect democracy” <hr/> <p>Bilateral meetings: 2 Outgoing letters: 1 Incoming letters: 1 Press releases: 2 Social media: 6</p>	<p>Safety of journalists Legal developments Arrest/detention of media workers Free flow of information</p>
<p>45th week 07/11 – 13/11</p>	<p>Country visit: Malta</p> <hr/> <p>Bilateral meetings: 2 Outgoing letters: 1 Social media: 8</p>	<p>Arrest/detention of media workers Safety of journalists</p>
<p>46th week 14/11 – 20/11</p>	<p>Country visit: Hungary</p> <p>Events of the week:</p> <ul style="list-style-type: none"> – “Brave New Media Conference” – 2nd Roundtable on Safety of Journalists <hr/> <p>Bilateral meetings: 3 Outgoing letters: 2 Press releases: 2 Social media: 1</p>	<p>Legal developments Arrest/detention of media workers</p>
<p>47th week 21/11 – 27/11</p>	<p>Events of the week:</p> <ul style="list-style-type: none"> – Council of Europe/EBU Conference “Public Service Media For Democracy Conference” – OMIS/Serbia Conference “Society by design – Artificial Intelligence and Freedom of Expression” <hr/> <p>Bilateral meetings: 3 Outgoing letters: 3 Incoming letters: Social media: 8</p>	<p>Legal developments Safety of journalists Free flow of information Arrest/detention of media workers</p>
<p>48th week 28/11 – 04/12</p>	<p>Events of the week:</p> <ul style="list-style-type: none"> – OSCE Ministerial Council in Lodz – Internet Governance Forum (IGF) <hr/> <p>Bilateral meetings: 7 Outgoing letters: 2 Incoming letters: 2 Social media: 11</p>	<p>Free flow of information Legal developments Safety of journalists</p>

<p>49th week 05/12 – 11/12</p>	<p>Event of the week: – Media Literacy Roundtable</p> <hr/> <p>Bilateral meetings: 4 Outgoing letters: 3 Incoming letters: 2 Social media: 10</p>	<p>Legal developments Free flow of information Safety of journalists</p>
<p>50st week 12/12 – 18/12</p>	<p>Events of the week: – OSCE-wide Event on Countering Hate Speech – Screening of “Made to Measure” film – SAIFE Expedition</p> <hr/> <p>Bilateral meetings: 1 Outgoing letters: 1 Social media: 6</p>	<p>Legal developments Safety of journalists Arrest/detention of media workers</p>
<p>51st week 19/12 – 25/12</p>	<p>Outgoing letters: 5 Incoming letters: 3 Social media: 1</p>	<p>Legal developments Free flow of information Arrest/detention of media workers Safety of journalists</p>
<p>52nd week 26/12 – 01/01</p>	<p>Social media: 1</p>	<p>Arrest/Detention of media workers</p>
<p>1st week 02/01 – 08/01</p>	<p>Outgoing letters: 1</p>	<p>Legal developments</p>
<p>2nd week 09/01-15/01</p>	<p>Bilateral meetings: 2 Incoming letters: 1 Social media: 3</p>	<p>Legal developments Arrest/detention of media workers Safety of Journalists</p>
<p>3rd week 16/01 – 22/01</p>	<p>Bilateral meetings: 4 Outgoing letters: 2 Social media: 2</p>	<p>Legal developments Safety of journalists</p>
<p>4th week 23/01 – 29/01</p>	<p>Country visit: Greece</p> <hr/> <p>Bilateral meetings: 1 Outgoing letters: 3 Incoming letter: 1 Press releases: 1 Social media: 2</p>	<p>Free flow of information Legal developments Safety of journalists</p>

<p>5th week 30/01 – 05/02</p>	<p>Event of the week: – 3rd Roundtable on Safety of Journalists</p> <hr/> <p>Bilateral meetings: 3 Incoming letters: 3 Press releases: 1 Social media: 4</p>	<p>Safety of journalists Free flow of information Arrest/detention of media workers</p>
<p>6th week 06/02 – 12/02</p>	<p>Event of the week: – CiO Anti-Semitism Conference</p> <hr/> <p>Bilateral meetings: 5 Outgoing letters: 1 Incoming letters: 1 Social media: 1</p>	<p>Legal developments Arrest/detention of media workers</p>
<p>7th week 13/02 – 19/02</p>	<p>Bilateral meetings: 6 Outgoing letters: 2 Incoming letters: 1 Social media: 3</p>	<p>Legal developments Free flow of Information Safety of journalists Arrest/detention of media workers</p>
<p>8th week 20/02 – 26/02</p>	<p>Event of the week: – UNESCO Global Conference “Internet for Trust”</p> <hr/> <p>Bilateral meetings: 6 Outgoing letters: 1 Incoming letters: 1 Press release: 1 Social media: 8</p>	<p>Legal developments Free flow of information Safety of journalists</p>
<p>9th week 27/02 – 05/03</p>	<p>Country visit: Moldova</p> <hr/> <p>Bilateral meeting: 1 Incoming letters: 3 Social media: 7</p>	<p>Safety of journalists Free flow of information Legal developments</p>
<p>10th week 06/03 – 12/03</p>	<p>Event of the week: – DigitALL: Bridging the gender digital divide</p> <hr/> <p>Bilateral meetings: 2 Outgoing letters: 2 Incoming letters: 3 Press releases: 2 Social media: 5</p>	<p>Safety of journalists Legal developments Arrest/Detention of media workers Free flow of information</p>

<p>11th week 13/03 – 19/03</p>	<p>Events of the week:</p> <ul style="list-style-type: none"> – 1st Supplementary Human Dimension Meeting – 4th Roundtable on Safety of Journalists – Safety of Journalists National Focal Points meeting <hr/> <p>Bilateral meetings: 5 Outgoing letters: 2 Incoming letters: 1 Press release: 1 Social media: 9</p>	<p>Safety of journalists Legal developments Free flow of information Arrest/detention of media workers</p>
<p>12th week 20/03 – 26/03</p>	<p>Events of the week:</p> <ul style="list-style-type: none"> – Council of Europe workshop with Belarussian journalists in exile – RFoM during Moz://a festival 2023: Conference on AI regulation in the context of the war in Ukraine <hr/> <p>Bilateral meetings: 1 Outgoing letters: 1 Incoming letters: 1 Social media: 8</p>	<p>Safety of journalists Legal developments Arrest/detention of media workers</p>
<p>13th week 27/03 – 02/04</p>	<p>Event of the week:</p> <ul style="list-style-type: none"> – Summit for Democracy <hr/> <p>Bilateral meetings: 6 Outgoing letters: 2 Press releases: 1 Social media: 5</p>	<p>Safety of journalists Legal developments Arrest/detention of media workers Free flow of information</p>
<p>14th week 03/04 – 09/04</p>	<p>Outgoing letters: 1 Incoming letters: 1</p>	<p>Safety of Journalists Public Service Media</p>
<p>15th week 10/04 – 16/04</p>	<p>Bilateral meetings: 2 Incoming letters: 2 Social media: 4</p>	<p>Arrest/detention of media workers Legal developments Safety of journalists</p>
<p>16th week 17/04 – 23/04</p>	<p>Bilateral meetings: 4 Incoming letters: 1 Social media: 1</p>	<p>Legal developments Arrest/detention of media workers Safety of journalists</p>

<p>17th week 24/04 – 30/04</p>	<p>Event of the week:</p> <ul style="list-style-type: none"> – OHCHR: Expert seminar on legal and economic threats to the safety of journalists <hr/> <p>Bilateral meetings: 4 Incoming letters: 2 Social media: 5</p>	<p>Legal developments Safety of journalists</p>
<p>18th week 01/05 – 07/05</p>	<p>Country visit: United States of America</p> <p>Events of the week:</p> <ul style="list-style-type: none"> – RFoM Sessions at World Press Freedom Day 2023: <ul style="list-style-type: none"> ▪ Launch of the Joint Declaration on Media Freedom and Democracy ▪ Freedom of Expression and Gender Justice ▪ The role of media freedom for attaining and sustaining democracies ▪ How to build a healthier online information ecosystem to ensure access to public interest information ▪ Can there be Security without Media Freedom? – European Federation of Journalists: Final Conference on Safety of Journalists <hr/> <p>Bilateral meetings: 5 Outgoing letters: 3 Social media: 3</p>	<p>Free flow of information Arrest/detention of media workers</p>
<p>19th week 08/05 – 11/05</p>	<p>Social media: 4</p>	<p>Safety of journalists</p>