



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Regular Report to the Permanent Council

Mr. Chairman, Excellencies, Ladies and Gentlemen,

In a World Press Freedom Day statement, on 3 May, I summarized the concerns that underlie the interventions and project activities presented in this report.

I named two tasks as most important: curbing violence against journalists, and abolishing undue restrictions on free speech and reporting.

In the past year, we saw deterioration in two crucial dimensions of press freedom - the physical security of journalists, and the legal protection of critical speech.

Violence targeting journalists in several OSCE countries, mostly in revenge for critical coverage, was rising. Additionally, many such actions were conducted with impunity.

Violence against journalists is not 'crime as usual', because it is meant to undermine a basic institution of democracy - the free press. Those who contract murders of journalists (or, for that matter, who issue *fatwas* calling for the same) pursue the goal of silencing democracy's press by violence.

I also called on governments to protect the safety of journalists by effectively assisting them as they cover demonstrations, including unsanctioned ones.

Arbitrary, politically motivated restrictions on dissenting or offensive speech endanger media freedom as effectively as violence does. They range from labelling as 'extremist' the reporting, debates, or criticism on controversial issues to criminalization of historical or religious disputes. These tailor-made bans come in addition to the criminalization of 'defamation' and 'breach of secrecy', which still continues to harm professional journalism in many countries.

This is why I urged governments to abstain from arbitrary restrictions on discourse in society, and to grant broad protection to the right of discussing, dissenting, even deriding, all of which are crucial in democratic societies.

In this report, among other information, you will find:

- a summary of the issues that we have raised with participating States since my last report;

- an account of my visits to participating States;
- a summary of our latest publication on media self-regulation;
- an update on legal reviews that my Office has prepared for participating States.

Issues Raised with Participating States

Armenia

I welcome the **17 June** decision of the European Court of Human Rights (ECHR) in favour of the independent TV station *AI+*. The station was deprived of its license in 2002, and has been denied a new license ever since. According to the ECHR verdict, the repeated and unexplained denials of a broadcasting license to *AI+* violated Article 10 of the European Convention on Human Rights, and interfered with the fundamental right of freedom of expression and the right to impart information and ideas. In addition, the Armenian government was ordered to pay the station 20,000 euros (US\$31,000) in damages to the television station.

The verdict in Strasbourg does justice to a longstanding complaint. Until its deprivation of frequencies in 2002, *AI+* was Armenia's most-watched TV station with an indisputably independent line. It used to be and could have remained an important component of a pluralistic media landscape.

My 2006 assessment report on the state of media freedom in Armenia dealt in detail with the plight of *AI+*. At that time we recommended that for the sake of pluralism, the station should be given back its license that was taken away by repeated arbitrary decisions.

We also recommended reforming the faulty licensing process. One of our main observations in our report was that the composition of the body in charge of handing out licenses itself lacks pluralism as the majority of its members are practically appointed by the president. This major weakness of Armenia's media governance should be corrected by ways of legal reform

I hope that Armenia's new presidency will assign these tasks the importance they deserve.

Azerbaijan

Already in my March report, I expressed concern over the continuing persecution of independent journalists. Three of the most famous journalists of the country, among them two editors-in-chief, **Eynulla Fatullayev, Ganimat Zahidov and Sakit Zahidov still remain in prison**, serving multi-year sentences based on fictitious charges, such as menace with terrorism, tax evasion, drug possession or hooliganism.

Since March, I had to intervene on new cases of harassment of the few independent journalists and outlets.

On 11 April, while in Azerbaijan, and in correspondences with the authorities later, I raised the case of the young *Azadliq* reporter **Agil Khalil**. Mr Khalil, while investigating an illegal tree cutting in a public garden in Baku in February, was attacked by high-standing law-enforcement officers who have been identified since then. (In fact, the attack was captured on phone video by

passers-by, and can be viewed on *YouTube*.) After this incident he was followed and threatened. On 13 March he was stabbed when leaving the editorial office of *Azadliq*.

Instead of pursuing the connection between the beating and the stabbing of Agil Khalil, the investigation against the February perpetrators was closed, while the prosecution started a campaign to discredit the victim. A half-hour video was authorized by the Chief Prosecutor claiming that the stabbing of Khalil was related to an alleged homosexual relationship. It was broadcasted by almost all Azerbaijani TV channels on 7 April. Being in Baku at that time, I had the chance to watch these odd propaganda pieces.

On 7 May, Mr. Khalil suffered two new separate assaults. An attempt was made to push him under a train at a metro station, and unidentified assailants attacked him on the street.

On 24 June, I asked the authorities to investigate another physical attack, this time against **Emin Huseynov**, the head of the local media freedom watchdog organization *Institute for Reporter Freedom and Safety*. Mr. Huseynov was detained while monitoring a public event in a Baku cafe. He was threatened and insulted, struck on his head and neck, including with a handle of a gun. He lost consciousness, and is still recovering from a brain concussion.

The official media, in this case as well, was used as a tool to discredit the victim of the attack.

My Office is monitoring the trial of Sergey Strekalin, a demimonde who was presented by the prosecution as the one who had claimed responsibility for the March stabbing of Mr. Khalil.

The trial started by the court's denial of Mr. Khalil's right to travel abroad, as if he were the criminal, not the victim of the case.

In my correspondence with the authorities, I criticised the worrisome prosecutorial attitude of harassing and slandering the victimised journalists, instead of defending them.

I am afraid that the dubious case against Strekalin, designed to shield the February attackers from punishment, would inevitably become an immense setback for the international reputation of Azerbaijan. The court trial against the "self-confessed perpetrator" is especially regrettable in a democracy that has overcome the era when prosecutors staged cases against critically-minded citizens.

I again appeal to the Azerbaijani authorities to release all imprisoned journalists regardless of whether or not they have signed pardoning petitions. I ask them to ensure that the law-enforcement authorities, in compliance with OSCE commitments, protect media workers from violence, and refrain from campaigning against them.

(See also section on visits.)

Belarus

On 28 March, I criticised a clampdown on independent journalists and media outlets. According to reports, on 27 March, the homes of up to thirteen independent journalists were searched. The concerned journalists work, among others, with the media outlets *Euroradio*,

Radio Racia and the satellite TV channel *Belsat*. The premises of these outlets were also raided and searched.

The warrants for the actions were issued by the Deputy Prosecutor of Minsk, and some of them were linked to a 2005 criminal libel case involving cartoons depicting the Head of State.

My Office continues to cooperate with Belarus in the field of legal reforms.

On 26 March, in Minsk, my Office presented a legal review on the second draft law on “Information, Informatization and Protection of Information”.

On 27 June, I called on the upper chamber of Belarus's parliament not to adopt the draft Law on the Mass Media as it would further restrict media freedom in the country.

The draft further extends the government's right to warn, suspend and close down media outlets. A fuzzy requirement of 'compliance with reality' for media materials was also introduced. We found in the draft complicated, burdensome systems of media registration and journalist accreditation. The draft law does not offer sufficient measures to prevent monopolization of the media. It does not protect in practice journalists' confidential sources. It opens the possibility for restrictive future regulations on Internet-based media.

On 28 June, the draft was adopted by the Upper Chamber of the Parliament.

On 1 July, Mr. Yuri Kulakovsky, the Chairman of the Standing Committee for Human Rights, National Relations and Mass Media of the National Assembly, informed me that some of my recommendations were taken into account before the adoption of the law.

I was glad to hear this, as well as to see some minor improvements in the final version. Unfortunately, the law as a whole has remained restrictive.

I also propose that any upcoming media legislation is carried out with the involvement of non-governmental organizations and the journalistic community of Belarus.

(See also the section on legal reviews.)

Bosnia and Herzegovina

On 29 April, I asked the authorities of Bosnia and Herzegovina (BiH) for additional information regarding the incident of Sadik Bahtić. On 18 April, in Bihac, Mr. Bahtić, a Member of Parliament (MP), used physical force against *FTV* journalist and cameraman **Avdo Avdić** and **Refik Vejsilagić**, in order to prevent them from attending a press conference organized by the Party for Bosnia and Herzegovina (SBiH), one of the leading political parties in BiH.

I was glad to learn that his party took disciplinary measures against MP Bahtić.

Endangering the free flow of information is a breach of BiH's OSCE commitments. Moreover, public-service broadcasters have a special role in providing information in a democracy, and therefore governments should secure their safe working conditions.

On 8 May, I participated in a conference on media freedom held under the auspices of the OSCE Mission to Bosnia and Herzegovina. I voiced concern that the future of public broadcasting in Bosnia and Herzegovina is under threat and requires urgent action.
(See also section on visits.)

On 5 June in Vienna, I had the opportunity to discuss with High Representative and EU Special Representative in BiH Miroslav Lajcak media freedom issues pertaining BiH, such as the integration of public-service broadcasters, and the independence of the Communications Regulatory Agency (CRA).

On 10 June, the Constitutional Court of the entity of the Federation had issued judgement in a longstanding debate. The Court held that the 'Law on the Public Service Broadcaster of the Federation of BiH' did not violate the Bosnian Croats' legitimate national interests by not establishing a Croat-language independent television channel.

The lack of decision on that request has long barred the completion of the public-service broadcasting reform in Bosnia and Herzegovina. I hope that this verdict will now clear the way for the authorities of the Federation of BiH to adopt the law on the Federation's integrated public-service broadcaster.

In the meantime, the attempts to fragment public-service television into ethnicity-based units must be stopped. Nothing stands in the way of separate cultural programming, but it is urgent to establish a functioning joint news service where editorial decisions are taken by an inclusive, multi-ethnic team. In the absence of a unified public-service newsroom one can hardly claim that Bosnia and Herzegovina has complied with its commitments to OSCE and to the European Union to integrate its media system.

Bulgaria

On 14 April, I wrote to Foreign Minister Ivailo Kalfin, expressing my concern over the 8 April murder of **Georgi Stoev**, a best-selling author who had written on organized crime in Bulgaria. The writer was planning to testify in court against a mafia leader when he was shot.

I hope that the Government ensures the fast and thorough investigation of the case, and I look forward to receiving information on its course.

Croatia

On 15 April, I wrote to the Minister of Foreign Affairs and European integration, Gordan Jandroković, requesting additional information on the attempted murder of **Ivo Pukanic**, director or the weekly news magazine *Nacional*.

I look forward to receiving update from the authorities on the investigation.

Czech Republic

On 22 April, in a letter addressed to members of the Czech Parliament, I encouraged them to use the ongoing reform of the Criminal Code to decriminalize speech offences, and refer them to the realm of civil courts.

I believe that disallowing any criminal defamation provisions in a newly adopted criminal code is not only a matter of free speech, democracy, rule of law, but also of practicality. The reason is that the Strasbourg-based European Court of Human Rights consistently overrules imprisonment for press offences, regarding it as a disproportionate sanction that damages free discussion in society.

In light of these clear norms, the Czech Republic should not miss the opportunity to remove the old defamation regime, adopting the international standards. As I learned, this is what the civil professional associations of judges and of journalists have been requesting as well.

France

Following my letter dated 21 February 2008, I was pleased to learn that on 19 March President Sarkozy decided to withdraw a criminal case against the weekly magazine *Le Nouvel Observateur*, following a piece that made allegations about his marriage.

On 16-17 April, in Paris, I had the chance to meet with members of the French Broadcasting Regulatory Authority, the Commission for new public television, and the head of the Europe department at the Foreign Ministry. We discussed the ongoing French broadcasting reform. It consists of de-commercializing all public-service broadcasters and re-financing them from a part of the commercial channels' revenues. (See also section on visits.)

If implemented correctly, the planned model could play a pilot role for the new democracies of the OSCE. In many new democracies where both public-service and commercial broadcasting were established only recently, their co-existence has led to a deepening crisis of the public-service channels. The reason is that they are forced to compete with the commercial channels on the advertisement market in order to complement the taxpayer-paid fees. However, in these same countries, the fees are also difficult to collect, because of the low average family incomes.

On 25 June, the *Commission for new public television* proposed to the President to suppress advertisement on public-service channels in two steps. From 2009, there would be no evening advertisements, and after 2012 they would be fully eliminated. The re-financing would involve taxing Internet and mobile phone providers, radio-electronic frequencies, as well as the classic commercial television channels.

As the personnel at public-service channels protests the plans for fear of loss of jobs and revenue, careful negotiations with all stakeholders could enhance the chances for success of this important pioneering reform.

On 15 May 2008, the French National Assembly introduced new protections of journalists' sources, allowing media professionals not to reveal confidential sources in courts, with the exception of some rare cases, spelled out in the law. The new law also reinforces the protection concerning searches of journalists' homes. The debate of the bill in the Senate has started on 25

June. I hope that France will soon join those OSCE participating States which have adopted source protection provisions for the media.

Hungary

On 26 May, in Budapest, I met with Katalin Gönczöl, the Justice Ministry's State Secretary in charge of co-ordinating the ongoing reform of the Hungarian Criminal Code. The exchange of views focused on decriminalizing the journalism-related provisions in the code, especially the sanctions on speech offences and on publication of classified information.

I was encouraged to see openness to consider the abolishment of prison sentence for speech offences, and I look forward to continuing the dialogue on possibilities for further-stretching reforms.

(See also section on visits.)

Ireland

On 19 March, it was with great pleasure that I welcomed the decision of the then Irish Justice Minister, Brian Lenihan, to fully abolish criminal libel. During the on-going debate in the Seanad on the reform of the Penal Code of the country, Minister Lenihan proposed deleting the sections on criminal libel contained in a Bill, calling it 'a substantial intrusion on freedom of speech'.

Ireland is the first Western European country to initiate the complete abolition of these obsolete and impractical provisions. This development is of utmost importance not only for Ireland, but also for the entire OSCE community, which includes many countries where journalists are regularly put in jail as a result of the criminalization of defamation.

I congratulate the Minister and the unanimous support of his proposal by the Seanad. If the Seanad Bill gets approved by the Dáil chamber, libel and defamation will only be handled in civil courts.

I encourage Ireland to carry through this much-needed reform as soon as it is legally possible.

Kazakhstan

On 21 May, in a letter to Minister of Foreign Affairs Marat Tazhin, I addressed the reports that Internet users in Kazakhstan and other Central Asian republics have been barred from accessing the websites of *Radio Free Europe/Radio Liberty* since 11 April 2008. They appeared to be blocked by the state Internet service providers *Kaztelecom* and *Nursat*.

Radio Free Europe/Radio Liberty is an important public-service source of information for Kazakh citizens, as well as for viewers, listeners and Internet users throughout Central Asia and beyond. Its programmes reach audiences in 21 countries in 28 languages.

I was glad to hear that in early June the access was restored, complying with the OSCE Permanent Council Decision No. 633, whereby the participating States decided to "take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression".

Regarding Kazakhstan's much-anticipated media legislation reform, we did not register new developments during the reporting period. As you may recall, our Office had assisted Kazakhstan in amending its media legislation through de-monopolization, privatization, and decriminalization. We had provided legal reviews and sent an expert to Astana to discuss the next steps. As a result, a working group had been set up with the participation of the civil society representatives.

My Office is ready to further support Kazakhstan's media reform.

Kyrgyzstan

On 19 June I wrote to President Bakiev to express concern about recent developments that could turn into a trend of deterioration in the media freedom field.

I shared my disappointment with the President that he had promulgated the Law "On Television and Radio Broadcasting". In an earlier letter to him on **9 May**, I had already warned that in its current form, the bill could put an end to efforts to introduce an independent public-service broadcaster in Kyrgyzstan.

The law allows the Head of State to effectively control the broadcaster's management and editorial policy. It also gives the supervisory board the power to withdraw broadcasting licenses from private broadcasters, and thus control the private broadcasting sector as well.

I was informed that the President had tasked his government to review this law and to prepare appropriate proposals. I hope that the law will be improved, ensuring the proper functioning of the first public-service broadcaster in Central Asia.

In the same letter I expressed concern over the campaign against *De Facto* and *Alibi*, two of the few independent newspapers. In June, the offices of *De Facto* were searched in connection with a charge of "spreading false information". The police used the occasion to confiscate financial documentation and technical equipment, paralyzing the work of the newspaper. Shortly before this police action, both newspapers were ordered to pay an unusually heavy fine in a civil defamation law suit.

Moldova

On 19 and 20 May, during my stay in Chisinau on the occasion of the First European Union Black Sea Synergy Seminar on Freedom of Expression, my Office had very informative meetings with the whole spectrum of media actors in the country, including the Chairman of the Parliamentary Committee on Media, the President of the Coordination Council of the Television and Broadcasting, as well as journalists and media NGO's from Moldova and the Transdnistrian Region. (See also section on visits.)

We have learnt that some crucial recommendations from my assessment report from December 2004 were taken into consideration, and Moldova has adopted advanced and favourable media legislation. At the same time some problems mentioned in my 2004 report remain.

Among these, *Teleradio Moldova* has to be further transformed into a genuine public-service broadcaster; the activities of the *Coordinating Council on Audiovisual*, as well as the licensing process, have to be made more transparent; the privatisation of the state media and of the distribution services should be completed; broader access to governmental information should be granted.

My Office stands ready to assist the authorities in these endeavours.

Montenegro

On 6 March, I wrote to reappointed Prime Minister of Montenegro, Mr Milo Djukanovic, asking him to drop the one million Euros lawsuit, filed by him prior to his reappointment, against Zeljko Ivanovic, director of the daily *Vijesti*, as well as the publishing house.

The case arose from comments made by Mr. Ivanovic after he was beaten by a group of unknown assailants in September 2007 in Podgorica. He claimed that Mr. Djukanovic may have had a role in the incident.

I am not disputing the truth of Mr Djukanovic's suit, as the remarks by the severely abused journalist may well have been unfair or even unsubstantiated. However, international standards hold that the potential chilling effect of a pecuniary award on freedom of expression is always to be taken into account, and that pecuniary awards should never be disproportionate to the harm done.

Moreover, this demand was inconsistent with a public status, which, the mentioned standards tell us, obliges an elected high official to defend freedom of debate also by tolerating harsher criticism than average citizens.

On 19 May, an initial decision in the matter imposed a punishment of 20,000 Euros, an amount still disproportionate in light of average incomes in Montenegro. Mr Ivanovic has appealed the decision.

Poland

On 3 June, I asked the Polish Government to ensure that the ongoing reform of public-service broadcasting will not menace its independence. The proposed Senate amendment aimed to exempt from fee payment certain social categories facing financial hardship.

Unfortunately, this socially responsive move, voted for by the Senate on 5 June, failed to propose another forms of adequate funding to replace for the falling out revenues. This may undermine the guarantees of a truly independent public-service broadcaster.

The reform of Polish public-service broadcasting is unquestionably necessary, after years of being battled by competition from commercial channels, and on the eve of the arrival of a multitude of digital channels.

However, any further reform must be conducive to financial and editorial independence for public-service broadcasting. A well-planned debate on the provisions must involve all stakeholders, and be free of any political context.

Russian Federation

On 7 May, I congratulated Dmitry Medvedev on his assuming the Presidency of the Russian Federation, and assured him of the continuing readiness of our Office to assist the Government of the Russian Federation in maintaining and augmenting media freedoms.

I provided the new Presidency with a summary of outstanding concerns. They included, among others, the endangered safety of journalists; administrative discrimination of media outlets, especially in the countryside; legal deficiencies regarding de-monopolization, de-criminalization, and licensing of media; freedom of expression issues such as limitations contained in the ‘extremism’ package’.

On 27 March, I urged vigorous investigation into the murders of Dagestani journalists on 21 March, in Dagestan and in Moscow.

I was glad to hear that since then the cases have been resolved by investigators as separate and not interrelated ones, and not related to the victims’ journalistic activities. I hope the courts will soon close the cases.

On 30 April, I appealed to the heads of both houses of Russia's Parliament, as well as to Minister Sergey Lavrov, to halt the adoption of an amendment to the media law which would allow the Government to warn and then even close media outlets for alleged libel.

This new offence would have been added to the others listed in Article 4 of the Media Law, which already serve as grounds for government bodies to issue warnings to media outlets for ‘misuse of media freedom’. The list, arbitrary by nature, currently mainly consists of so-called extremism offences. Based on these warnings, the courts can be asked to close the outlets, as allowed for by Article 16 of the same law. The system of closures based on governmental warnings is unacceptable from the point of view of press freedom standards.

On 13 June, I was informed by the Russian authorities that newly elected President Medvedev negatively assessed the proposed defamation-based closures as they would create “obstacles to the normal functioning of the media”. I was glad to hear that soon after the Duma rejected the amendment.

On 27 May, the Constitutional Court of the Russian Federation annulled the provision under which a criminal case had been opened against Manana Aslamazian, the head of the media education foundation *Obrazovannye Media* (Educated Media). The court found it unconstitutional that the customs and law-enforcement authorities regarded the small amount of foreign currency carried by Aslamazian when returning to Russia in January 2007 as a crime of ‘smuggling’.

I was glad to hear that Ms. Aslamazian’s criminal case has also been annulled since. Unfortunately, the foundation that she used to lead, a successor of *Internews* Russia, had to stop operation as a result of the ill-founded criminal case. The foundation had provided professional training to hundreds of Russian journalists every year. Ms. Aslamazian escaped arrest by staying

outside Russia. I hope that she will be able to resume her activities in the service of Russian journalism.

On 18 June, the prosecution announced that three persons have now been charged with aiding and abetting the murder of Anna Politkovskaya. We will continue to monitor the proceedings. I hope that justice will go on from here, and both the actual killers and the persons who had ordered the crime will be arrested and brought to court.

Slovakia

On 10 April, the Slovak Parliament adopted the new Press Act, and a few days later the President signed the new law. **Since 1 June**, the law has been in force.

As expressed in my numerous interventions on this issue, Slovakia's new Press Act curbs editorial autonomy by granting politicians an unlimited right of reply even in cases where there are no claims of factual mistakes. The right of reply comes with punishment for editors who do not publish the answer in its entirety within three days, or publish a comment along with the reply.

In the first ten days of the law's existence, between 1 and 10 June, the Slovak press have granted corrections to two politicians at the highest level, Prime Minister Robert Fico and Vladimir Meciar, leader of the Movement for a Democratic Slovakia-the People's Party.

I have to stress again that, even if used with tact and caution, the new law inevitably induces self-censorship in editors. They know now that any report or opinion that could be unwelcome by the persons mentioned in them may provoke a reply that, by the vigour of the new law, will also be the last word in the debate. This is a substantial and undue limitation of freedom of the press.

My office continues to monitor the functioning of the new Press Act.

Turkey

In April, the infamous Article 301 of the penal code was reformed. The maximum prison sentence was reduced from three years to two, and the crime of 'insulting Turkishness' was changed to 'insulting the Turkish nation'. These changes are insignificant; what nevertheless may bring an actual decrease in the number of 301 indictments is that, in the future, all cases have to be referred to the Ministry of Justice which will decide if a case can go to court.

On 19 June, I protested the five-month prison sentence handed down to Turkish publisher Ragip Zarakolu for 'insulting the Turkish Republic' despite the fact that Article 301 of Turkey's Penal Code was recently reformed.

Mr Zarakolu had published a Turkish translation of "The Truth Will Set Us Free" by British author George Jerjian. The book covers the killings of Armenians in 1915.

The case was started in 2004 under Article 159 of the old penal code, and was handled under '301' after 2005, when '301' replaced Article 159. The judge decided not to refer the case to the Justice Minister, as prescribed in the reform of Article 301, claiming that he had the right to consider the case to be a '159' one.

A legal dispute over the decision of the judge is ongoing, and six cases were dropped by the Ministry of Justice, as outlined in a response letter by the Turkish Delegation on 30 June.

However, it is disappointing that publishing a book critical about a country's history could still be criminalized. I call upon the Turkish authorities to abolish Article 301 altogether.

Ukraine

On 17 March, three former police officers were charged with the murder of Georgy Gongadze, killed in 2000, and were given long prison sentences. While I welcome these developments, I urge the Ukrainian authorities to bring the investigation to an end and punish those responsible for ordering the murder of Gongadze.

I visited Ukraine on the occasion of the High Level Policy Meeting on media legislation reform. (See also section on visits.)

Here are some of the reforms in waiting, as they have emerged in the meeting: the state regulatory bodies tasked with creating a free and transparent media environment needed to be strengthened, and an independent public-service broadcaster needed to be created. The promotion of transparency in media ownership, better access to public information, and the denationalization of mass media are some of the other outstanding tasks.

Ukraine was one of the first among the OSCE participating States which decriminalized defamation. I hope that the country will continue to fulfil this pioneering role and carry out a comprehensive overhaul of its media governance.

My Office is ready to support Ukraine in this important process.

United Kingdom

On 5 March 2008, the House of Lords passed an amendment abolishing the laws that made it a crime to commit blasphemy against Christianity.

The measure will go to the House of Commons later this year, as part of a larger criminal justice bill. Although blasphemy laws have not been used for a long time in the United Kingdom and in other democracies, very similar “religious insult” laws are being enforced in some OSCE participating States.

I warmly welcome this important development. It was a result of a long and legitimate campaign not only by free speech lawyers but also by Muslim groups which rightly pointed to the practice of double standards.

On the one hand, any country wishing to uphold freedom of speech needs to lift all undue bans on content. On the other, the mere existence of blasphemy laws could be used to justify violent protests in the wake of publications deemed to be insulting to Islam, and could even lend undeserved moral cover for *fatwas* that offer public rewards for the killing of disrespectful journalists.

United States of America

On 20 March, I wrote to the U.S. authorities regarding the case of Toni Locy, a former *USA Today* journalist, who is being held in contempt of court for defying court orders to reveal the confidential sources that she used back in 2002. At that time, Locy published two articles alleging a scientist's involvement in the 2001 anthrax attacks. She was asked to testify in a civil case started by the scientist against the U.S. Justice Department under the Privacy Act.

On 29 February 2008, she was also ordered to pay escalating fines up to \$5,000 a day. The fines were imposed with an unprecedented condition: Ms. Locy was not allowed to receive financial support from anyone, including her family.

I was pleased to hear that on 11 March, a federal appeals court temporarily blocked the above ruling. However, it still has to decide on the contempt of court ruling of the U.S. District Court.

I am also glad that the presidential candidates of both major political parties have endorsed the shield law, also known as the 'Free Flow of Information Act'. The bill is already accepted by the House of Representatives, and is currently waiting to be adopted by the Senate.

This long-overdue piece of legislation will protect journalists from being forced to reveal their confidential sources when there is no compelling safety or security reason to do so.

Uzbekistan

On 17 June, I expressed concern about the detention of an independent journalist. In the week before, Solidzon Abdurakhmonov was detained on drug charges.

I also raised a campaign against *Radio Free Europe/Radio Liberty (RFE/RL)*. Since 9 June, the Uzbek state television has repeatedly broadcasted an hour-long program accusing reporters working for *RFE/RL* of carrying out anti-state activities.

I found these cases regrettable as Uzbek authorities, in meetings during my recent visit in Tashkent, communicated their readiness to start the much-needed reforms of the media governance in the country. (See also section on visits.)

This was my first visit to Uzbekistan, on the occasion of a seminar on media issues organised by the government.

In Tashkent, I welcomed the release from prison of human rights defender and independent journalist Mutabar Tajibayeva and asked for more releases. I also raised the lack of accreditation for *BBC*, *RFL/RL*, and *Deutsche Welle*, as well as other outstanding media governance issues.

I see my first visit in Uzbekistan, the meetings there with media professionals and the dialogue with the authorities, as a promising beginning of cooperation. I am hopeful it will be followed by actual legal reforms and the improvement of the situation of the media.

As a first step, I would be happy to welcome journalists from Uzbekistan joining us for our Annual Central Asian Media Conference. It will take place on 16 and 17 October in Almaty, Kazakhstan.

Visits and participation in external events

On 17 March in Kyiv, I participated at a high level policy planning meeting on media issues, organized by the OSCE Project Coordinator in Ukraine together with the Council of Europe and the European Commission.

Representatives of governmental institutions regulating media policy and responsible for media legislation reform in Ukraine, as well as representatives of the country's NGO sector participated in the meeting. It analyzed the progress made by Ukraine in bringing its legislation into line with European standards, and it also co-ordinated future efforts.

On 6 to 10 April, I visited **Baku** to present my Office's new publication – the *Media Self-Regulation Guidebook*. During my visit I also met high-level officials, including the Head of the Presidential Administration Ramiz Mehtiev, Foreign Minister Elmar Mammadyarov, and the General Prosecutor Zakir Qaralov.

I am thankful to the authorities for granting me access to all three currently imprisoned journalists, Eynulla Fatullayev, Ganimat Zahidov and Sakit Zahidov.

On 8 April in Vienna, my Office briefed a group of Jordanian media professionals on RFOM activities. The visit was part of a study tour organized by the Annenberg School for Communication (Pennsylvania, USA) and the Central European University (Budapest, Hungary).

On 16 April, in Paris, I met the French Broadcasting Regulatory Authority, the Commission for new public television, and the head of the Europe department at the Foreign Ministry. We discussed the ongoing reform that aims to de-commercialize public-service broadcasters, and re-finance them using a part of the commercial channels' revenues.

From 17 to 18 April, also in Paris, I participated as a keynote speaker at the Eurasia Media Development Regional Forum, which was organized by Ms. Manana Aslamazian, who is now heading *Internews Europe*. This was the official launching of our new publication *The Media Self-regulation Guidebook*. The event brought together some 130 representatives from inter-governmental and non-governmental organizations working on media development, mostly in CIS countries.

On 24 to 26 April, in London, I participated as a speaker in a conference on 'Creativity under Censorship'. The event was organized by the UK-based Czech, Hungarian and Polish Cultural institutes.

On 7-8 May, in Sarajevo for a conference on media freedom organised by the OSCE Mission in BiH, I met with Dr. Nikola Spiric, Chairman of the BiH Council of Ministers, representatives of the Ministry for Telecommunications and Electronic Media, the Communications Regulatory Agency, and of public-service broadcasters.

On 19 to 20 May, in Chisinau, on the invitation of the European Commission and the Government of Moldova, I spoke at the First EU Black Sea Synergy Seminar on Freedom of

Expression. Participants representing governments and media outlets of ten countries of the Black Sea region attended.

On 26 May, in Budapest, continuing my assistance to Hungary's legal reforms, I met with Katalin Gönczöl, the Justice Ministry's State Secretary in charge of co-ordinating the ongoing reform of the Hungarian Criminal Code. The exchange of views focused on decriminalizing the journalism-related provisions in the code, especially the sanctions on speech offences and on publication of classified information.

On 29 May, in Lodz, my Office participated in European Journalists' Association meeting on "A New Europe Facing Global and Local Challenges".

On 1 June, in Goteborg, I chaired two panels for the annual press freedom roundtable of the World Association of Newspapers (WAN).

On 6 June, my Office briefed a group of young diplomats from the OSCE **Mediterranean Partners for Co-operation** during their visit to the OSCE **Vienna** premises. The visit was made possible by **Greece's** Permanent Mission to the OSCE.

On 9-11 June, I visited **Uzbekistan** to address a seminar on media issues organised by the government of Uzbekistan. I also met the Press Secretary to the President, Mr. Beruni Alimov, and the Head of Department for UN and International Organisations at the Foreign Ministry, Mr. Durbek Amanov; organisations mandated to aid the media; and journalists from both state-owned and non-governmental outlets.

On 15 and 16 June, in Belgrade, my Office participated at the world congress of the International Press Institute (IPI).

On June 20, in Brussels, my Office participated in the regular informal consultations on EU enlargement organized by the European Commission for various international organizations on the topics of democracy, including freedom of the media.

On June 26, in Istanbul, my Office attended a high-level conference on 'Investigative Reporting and Law Enforcement in the areas of Terrorism, Organized Crime and Corruption', which was sponsored by the OSCE's Action Against Terrorism Unit.

Guidebook on media self-regulation

My Office has been advocating media self-regulation as a good practice to increase media quality and remedy mistakes committed by media professionals. These efforts were summarized in the publication of the *Media Self-Regulation Guidebook*.

The guidebook is a compilation of questions and answers on the topic of media self-regulation, with renowned international experts and practitioners contributing. Although media quality should never be a pre-requisite to media freedom, self-regulation is a proven method to foster ethical journalism. Quality journalism, however, can only develop in an atmosphere of guaranteed freedom. Self-regulation should therefore go in parallel with governmental self-restraint in handling of media.

The publication was presented on 17 April in Paris, during the Eurasia Regional Forum for Media Development. It has been financed by the Governments of France, Germany and Ireland.

The *Media Self-Regulation Guidebook* is available in English, French and Russian and is online at: www.osce.org/fom/publications.html .

On a related note, I welcome the approval of a code of conduct on reporting of asylum and migration issues by the Italian Council of Journalists' Association on 12 June. Known as the **Rome Charter**, it was drafted by the Journalists' Association and the Italian National Press Federation (FSNI), in collaboration with the UNHCR. It provides Italian journalists with guidelines to ensure that information on asylum seekers, refugees, migrants and victims of human trafficking is balanced and accurate.

The **Rome Charter** is a good example that self-regulation can improve media reporting on sensitive or contested issues.

Projects

Access to information

Albania

My office was glad to hear that most of the recommendations contained in the RFOM/Article 19 joint legal analysis on the Albanian *Law On the Right to Information on Official Document*, presented in September 2004, have been incorporated into a revised draft law. It is currently under discussion by the Media and Education Committee of the Albanian Parliament. Together with the Presence in Albania, I urge the committee to create an ombudsman for oversight functions, and to introduce 'whistle-blower' protections.

OSCE survey

I would like to remind the Delegations that the database of responses to my last year's 'Access to Information by Media' survey is updated; new information received by my Office is entered and can be consulted at <http://osce.org/item/24251.html> . A contribution from the Government of **Ireland** has recently been added to the database.

Decriminalization of defamation

Co-operation with the Council of Europe (CoE)

On 28 May in Vienna, at the regular meeting of the CoE's Steering Committee on the Media and New Communication Services (CDMC), I called upon the member States to make further efforts to decriminalize defamation. I pointed out to the country representatives that this would bring their legislation in line with the jurisprudence of the European Court of Human Rights, and would also send an important signal to transition countries.

On 13 June, I was pleased to learn that the Committee of Ministers of the CoE endorsed a recommendation by its Parliamentary Assembly (#1814 (2007), entitled "Towards decriminalisation of defamation"), and supported the Assembly's call on member States to "take

measures, with a view to removing all risks of abuse or unjustified prosecutions" stemming from criminal defamation provisions.

Internet

My Office has been contributing to the *OpenNet Initiative*'s study on 'Internet Blocking and Filtering' around the world. *OpenNet Initiative* is a partnership of four leading academic institutions (Universities of Toronto, Harvard, Cambridge, Oxford). Carrying analyses on internet filtering practices throughout the OSCE area, the publication will be issued later this year.

Legal Reviews

Armenia

My Office endorsed an ODIHR legal opinion on the '**Draft Law of the Republic of Armenia On Information, Information Technologies and Protection of Information**'. The Office complemented the legal opinion with two recommendations: to introduce an overriding public interest test, and to include types of information access which may not be limited, such as information on environment, corruption, health hazards, etc. I hope that these recommendations will help Armenia bring this law closer to meeting the OSCE media freedom commitments. The text of the legal opinion is available at:

<http://legislationline.org/upload/lawreviews/d5/74/488849f8c0f3d097b7e93f2c23e5.pdf>.

Belarus

I am glad to report that a legal review commissioned by my Office on **the second draft law of Belarus on "Information, Informatization and Protection of Information"** was the focus of a roundtable discussion in Minsk on 26 March. Held at the Chamber of Representatives, the event brought together parliamentarians of the relevant committees and experts of my office. The recommendations made in the legal review touched upon the possible overlap with other laws, the call for introducing the dimension of 'public interest' as a qualifying element for releasing or withholding information, and the suggestion to create an independent access to information body, with a clear appeals procedure.

The review was prepared by Andrei Richter, Director of the Media Law and Policy Institute in Moscow, a renowned international expert in the field of media legislation. The review of the law is available at www.osce.org/fom

On 18 June, we forwarded a review of the Belarusian draft Law on the Mass Media, commissioned by my Office, to the country's authorities before the second reading of the law in the National Assembly. The review offers concrete recommendations on how the draft can be improved in line with OSCE commitments.

On 25 June, the draft law passed the second reading in the lower chamber with only insignificant changes. **On 28 June**, it was adopted by the Council of the Republic, but not yet signed by the President.

The review can be found at http://www.osce.org/documents/rfm/2008/06/31899_en.pdf

My Office stands ready to further assist the Government of Belarus to improve its media legislation, including a round table on media legislation later this year.

Training activities

The office continued its joint training courses for journalists and press secretaries.

On 26 – 27 March, our Office held a training seminar in **Osh, Kyrgyzstan**. It was organized in close cooperation with the OSCE Osh Field Office. The event brought together around twenty participants from the Batken, Jalalabat, and Osh regions.

On 18 - 19 March, training seminar was held in **Tbilisi, Georgia**. The event, jointly organized with the OSCE Mission to Georgia, brought together twenty participants from Tbilisi and other regions of Georgia. It focused on the legal and ethical principles of interaction between state officials and journalists, as well as on global standards related to access to information.

The events in Osh and Tbilisi were sponsored by the Government of **Switzerland**.

On 19-20 June, a training seminar was held in **Khujand, Tajikistan**, for journalists and press officers of the Sogd region. The event, jointly organized with the OSCE Centre in Dushanbe, brought together over thirty participants from the Northern part of the country.

These events were part of a series of seminars held since 2005, to promote effective interaction between state officials and journalists in order to increase public access to official information.

Project activities confirmed for the next period

In mid-July, I will honour an invitation for an assessment visit to **Montenegro**, which was agreed upon with the Ministry of Culture, Sports and Media. The visit will be organized in close cooperation with the OSCE Mission to Montenegro.

For 29-30 July, a training to promote self-regulation mechanisms is planned to be held in **Odessa, Ukraine**.

On 16 -17 October, the 10th Central Asia Media Conference is scheduled to take place in **Almaty, Kazakhstan**.

On 13 and 14 November, the 5th South Caucasus Media Conference is scheduled to take place in **Tbilisi, Georgia**.

Both conferences will focus on new challenges in broadcasting, including public-service broadcasting and the digital switchover.

Allow me to use this opportunity to remind you of our **extra-budgetary fundraising efforts**. The regional media conferences in the South Caucasus and in Central Asia can only be carried out if our office benefits from sufficient funds. Currently, we have ensured around fifty percent

of the associated costs, and will warmly welcome further donor offers. **Let me again thank the donors who have generously contributed in 2007.**