



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Dunja Mijatović

29 March 2012

Regular Report to the Permanent Council

Introduction

The first topic of my report to you today is dedicated to Internet freedom. Rightly and timely, the Irish chairmanship this year puts this issue very high on its agenda. My Office is working closely with the participating States to promote and assist to ensure that the Internet remains free for all our citizens.

As you know, last year my Office commissioned the first OSCE region-wide study on Internet regulation. It was based on the results of a survey designed to reveal the methods used by governments to regulate the Internet. The findings, unfortunately, were eye opening and troubling.

This main concern, of course, is the attempt by some governments to fundamentally change the free nature of the Internet. The situation we are experiencing lately proves that the points and concerns raised in the study were legitimate. The disturbing trend we are experiencing is that participating States too often, through a labyrinth of laws and regulations, effectively limit access to and free use of the Internet. Governments justify these restrictions on several grounds: protection of public safety, morals, national security and protection of others' lawful rights, as in the case of copyright holders.

What we are now witnessing in many countries is the enactment of laws that seriously undermine the importance of free media. These measures – as well as the bureaucratic, military, intelligence and police apparatus that they create – are not necessarily temporary, proportional, necessary or in conformity with relevant legal standards. In such a context, human rights defenders, journalists and the media generally often find themselves in opposition to their governments. They decry the individual cases of rights violations and insist that effective and transparent oversight mechanisms be created to ensure that laws and systems integrate and respect human rights.

Human rights, including freedom of expression and freedom of the media, should not be seen as obstacles to effective intelligence, police and military action. Human rights principles always give way to emergency and security concerns in order to protect society, to preserve its institutions and to overcome those emergencies so that, in the long term, rights and freedoms are protected. Free expression and a free media play important roles in fostering a meaningful debate on security issues and can help us to effectively address new challenges. By pitting free speech concerns and security issues against each other we run the risk that both will be conquered. We may find ourselves with no security and no rights. Consequently, all measures that aim to increase security must be accompanied by meaningful

counterweights that protect human rights. In short, we must have effective and transparent mechanisms for civilian oversight of new security measures.

Human rights in which media freedom, freedom of expression and access to information and security are interdependent, intertwined and interrelated. We should be thinking of new ways to connect and bring closer human rights and security in the 21st century.

How OSCE governments respond to this issue will have a great affect on free media and free expression now and in the future.

I will repeat it here: This Office never questions the legitimate right of a public authority to fight child abuse, terrorism and other issues that are related to national threats to our societies. But one can't help but get the feeling that underneath it all, those in power are simply trying to stop unpopular, critical, satirical and provocative voices that now have the ability to be heard across their nation and around the world because of the Internet.

It is my strong opinion that assessing legislation based on fundamental principles should result in an Internet free from unwarranted restrictions that might destroy its very essence as a free forum for speech and expression.

What are these principles?

First, it is imperative that the fundamental rights to free expression and privacy be maintained. This is a balancing act, but one that must recognize the importance and benefits of the free exchange of information and ideas across countries and across borders.

Second, intermediaries and others who are the engines of Internet growth and development should not be put the position of being public prosecutors and judges of online traffic.

And last, blocking, filtering and denial of access of individuals to Internet resources must always be considered an extraordinary action that is justifiable only under limited circumstances and when approved by courts of competent jurisdiction. Cutting off access to whole populations or significant segments thereof never can be justified.

I have carried this message to the European Commission, the Council of Europe, UNESCO and throughout the OSCE region. I would appreciate your support on this important matter as your States examine the issue.

Now I need to turn our attention to the topics where each reporting period brings more distressing news – violence and intimidation against media.

Before I address the issues related to this topic, I would like to share with you some interesting information related to the recent discovery of an article written by Albert Camus in 1939. The article “Manifest of Censorship” was published two weeks ago in Le Monde. The text was discovered by Macha Sery at the National Archives in Aix-en-Provence. In the text Camus defines the four commandments of free journalist: lucidity, refusal, irony and obstinacy. His manifesto is a reflection on journalism in times of conflict and, more broadly, the choice of each, more than the community, to build a free man.

The text is even more relevant now. It can be accessed at http://www.lemonde.fr/afrique/article/2012/03/18/le-manifeste-censure-de-camus_1669778_3212.html

Since November of last year journalists, other members of the media, bloggers and social media activists in our region have been beaten, threatened, detained, intimidated, put in prison and at least one was murdered. Others had their offices bombed and equipment destroyed or seized. Some were deported; others not allowed to leave their own country.

Bloggers, social media activists, journalists are put behind bars. I am not talking about numbers; I am talking about real people. I have visited some of them in prison. Why are they there? On charges of hooliganism, terrorism and drug dealing, among others. If you scratch the laws, you scratch the reasons behind it. They are there because they were provocative, they were critical, they criticized the powerful, and they were touching upon wrongdoings in their societies.

In this latest period, many journalists were harassed and physically harmed just for covering public events. All of this is documented in the report I present to you today.

I am often told that I am meddling in internal affairs when I raise these issues. The way I see it is that it is a part of my mandate to remind all participating States that they should change the laws that restrict free speech.

We already live in a digital age, a time in which we can create truly democratic cultures with participation by all members of society and in only a few years from now this participation will virtually include most of the world's citizens.

There is some good news. In some participating States government and law-enforcement authorities have been moving quickly to apprehend the assailants.

Even then, however, not enough, if anything, is done to complete the investigations. And the attacks continue. The harassment continues. The jailing of journalists continues and the impunity and a chilling effect still affect our societies.

It is my responsibility to call these facts to your attention. It is my mandate to assist the participating States to address the issues and find solutions. The situation will not get notably better until each participating State assesses the situation in its own country and truly seeks to improve the climate in which the media and journalists operate.

My Office remains ready to assist all participating States to achieve this goal.

Issues Raised with the participating States

Albania

On **28 February** I wrote to the authorities asking about the status of the Parliament's move to end prison sentences for criminal defamation. On 1 March the authorities provided a copy of amendments to the Penal Code that were adopted by the lawmakers later that day.

On **12 March** in a letter to Deputy Prime Minister and Foreign Minister Edmond Haxhinasto, I welcomed Albania's significant move toward reforming its criminal and civil defamation laws. While I am very pleased that Albania has removed imprisonment as a penalty for defamation, I wished it would have gone further and decriminalize such offenses completely, since any criminal prosecution of political speech has a chilling effect that might limit debate on issues of public interest. I also noted that the law still allows for defamation of deceased persons. As the reputation of a person is inextricably linked to the personality of a living person it cannot be "inherited" by third persons. Such a provision carries a great risk of impeding historical debate and journalistic research.

Armenia

On **7 December** during the Ministerial Council in Vilnius I met with Deputy Foreign Minister Ashot Hovakimian and discussed the media freedom situation. Minister Hovakimian presented me with a letter from Foreign Minister Edward Nalbandian informing me that my 10 November letter and public statement expressing concern over the growing number of libel lawsuits filed against media was forwarded to the Minister of Justice and to the Chair of the Court of Cassation. In his letter Minister Nalbandian expressed hope that the established co-operation between the government and my Office would continue.

On 27 December Justice Minister Hrayr Tovmasyan provided me with a detailed analysis of a 15 November Constitutional Court ruling which instructs trial courts to be more cautious in handling civil libel lawsuits and avoid imposing hefty fines on media. In my November 2011 Report to the Permanent Council I welcomed this ruling as bringing Armenia's law closer to international standards. I hope that courts will apply these principles when considering defamation cases against the media.

Azerbaijan

On **6 December** while attending the Ministerial Council in Vilnius I had the opportunity to meet Foreign Minister Elmar Mammadyarov. We continued our constructive dialogue on media freedom in Azerbaijan. I once again raised concerns over the issue of two imprisoned bloggers, Bakhtiyar Hajiyev and Jabbar Savalan. I also offered my Office's full support to the government's move to decriminalize defamation. I hope Azerbaijan soon will take this important step.

On **27 December** I issued a public statement welcoming President Ilham Aliyev's decision to pardon Savalan as an encouraging step for freedom of expression in Azerbaijan. I remain hopeful that blogger Hajiyevev also will be released.

On **21 February** I wrote to Minister Mammadyarov to learn the status of Anar Bayramli, an Azerbaijani journalist employed by an Iranian media outlet. Bayramli was detained on 17 February in Baku and charged with illegal possession of narcotics. I will continue to follow developments in Bayramli's case.

On 1 March I received information from the authorities confirming that extortion charges were brought against Avaz Zeynalli, the chief editor of the Khural newspaper. I raised this case in a November 2011 letter to Foreign Minister Mammadyarov. I was informed that the preliminary investigation was ongoing. I will continue to follow this case.

On **2 March** I issued a public statement raising the cases of two reporters – Idrak Abbasov of the Institute for Reporters' Freedom and Safety and Rashad Vaqifoglu of Obyektiv TV – who were injured while covering demonstrations on 1 March in the town of Quba. Other journalists were reportedly sprayed with tear gas used by law enforcement agencies to disperse the protesters.

I issued a call to all participating States to take proactive measures to ensure the physical safety of journalists reporting at public events.

On 6 March my Office received from the authorities a list of project areas for co-operation. My Office is assessing the possibilities of some of the projects that we hope can be implemented this year.

On **22 March** I wrote to President Ilham Aliyev to express my concern over recent negative media freedom developments and to ask him to ensure a free and safe media environment in Azerbaijan. I called upon President Aliyev to ensure that those responsible for a recent blackmail campaign targeting Khadija Ismayilova, an investigative journalist with the Azeri language service of the U.S.-funded RFE/RL, be swiftly identified and prosecuted. I also voiced concern over the fate of four staffers of the Khayal regional television station, Zaur Quliyev, Vüqar Qonaqov, Zaur Mustafayev and Islam Aslanov, who were detained in connection with recent unrest in the northeastern city of Quba and transferred to Baku. I asked the President for his personal involvement to ensure Ismayilova's safety and to protect the rights of the Khayal journalists. I also expressed hope that the still-imprisoned blogger Bakhtiyar Hajiyevev would be released.

Subsequently, I was pleased to learn that two Khayal staffers, Mustafayev and Aslanov, have been released from custody. I remain concerned about Quliyev and Qonaqov, who have been remanded in custody and are not allowed to see their families. I will continue to follow the case.

Belarus

On **6 December** I met with Minister of Foreign Affairs Sergei Martynov while attending the Ministerial Council in Vilnius. Although our views about the media-freedom situation in Belarus continue to differ, we had an open and frank discussion. I expressed hope that the

spirit of co-operation between my Office and the authorities established during my last official visit to Belarus in September 2010 could be renewed and that I could visit Minsk in the near future.

On **11 January** I issued a public statement protesting the sentencing of Ales Barazhenka, an independent Belarusian cameraman, to 11 days in prison for “participating in an unsanctioned event” by recording a one-man picket at KGB headquarters. I called on the authorities to release Barazhenka, stop harassing him and other members of the media and, for the sake of society’s right to know, allow journalists to cover all political events, whether officially sanctioned or not, in line with international best practices.

I also once again expressed my concern about the constant harassment that independent media and journalists continue to suffer in Belarus.

On 13 January I received clarifications from the authorities about amendments to the Administrative Code and the Procedural Administrative Code that went into effect on 6 January. The explanations offered by the government, as well as the expert assessment of my Office, showed that these amendments would not further restrict freedom to use the Internet in the country.

On 1 February I received a response from the authorities to my 11 January letter which response included two “non-papers,” one on the administrative sentence against Barazhenka and another on the European Union visa ban against several members of state media. Regarding Barazhenka, the response stated that he was not accredited as a journalist, which equals a violation of the media statute. The case of Barazhenka, as well as similar cases in which foreign and Belarusian journalists are denied or stripped of accreditation on various grounds, shows the need for reform of the current accreditation system. My Office stands ready to work with the Belarusian authorities to reform this law.

On **19 March** in a letter to Minister Martynov, I asked for information about the recent decision of the authorities not to allow Zhanna Litvina, Chairperson of the Belarusian Association of Journalists, Andrey Dynko, Chief Editor of Nasha Niva newspaper, and Mikhas Yanchuk, a representative of Belsat TV channel in Minsk, to leave Belarus. On 14 March they all intended to cross the Belarusian state border at the international airport in Minsk or a railway crossing to Lithuania, but were informed by the border guards that they were “temporarily banned” from foreign travel. Their passports were stamped accordingly. I look forward to the reply of the authorities.

I continue to closely follow all developments in the media-freedom field and remain concerned about the fragile state of non-governmental media and the safety of journalists in Belarus.

Canada

I take note of a decision on 2 March by the Superior Court of Quebec upholding a Radio Canada reporter’s right to protect the confidentiality of his sources. The Court based its ruling in part on the fact that “protection of sources was clearly recognized by the Supreme Court in two recent judgments and because sources play an important role in investigative

journalism.” I am pleased that the court has recognized in case law the right of journalists to protect sources.

France

On **21 December** I wrote to Bernard Accoyer, the President of the National Assembly, calling upon the lower chamber of Parliament to reject a draft bill to criminalize public statements denying genocides. The bill was passed on 22 December. I issued a public statement the next day expressing regret at the decision and explaining the reasoning behind my plea. The bill sought to make those who deny or “outrageously minimize” genocides recognized by French legislation subject to a one-year jail term and a €45,000 fine. On 28 February the Constitutional Council struck down the bill, saying it represented an “unconstitutional infringement of the exercise of freedom of expression and communication.” This decision by the Constitutional Council should be welcomed as a positive step by France in the effort to protect free speech.

On **17 February** I issued a public statement condemning attacks on the Paris and Cologne offices of the Turkish-language daily newspaper, Zaman, and called for a thorough investigation. I said that these attacks not only create fear in those directly affected but they also damage media freedom by attempting to silence journalists for their reporting. On 15 February a masked group of alleged supporters of the Kurdistan Workers’ Party (PKK) entered the Paris offices of Zaman, breaking windows and equipment and threatening employees. On the same day in Cologne, alleged PKK supporters firebombed the newspaper’s offices. French and German authorities immediately launched investigations. I hope that the perpetrators will be soon brought to justice.

Germany

On **17 February** I issued a public statement condemning attacks on the Paris and Cologne offices of the Turkish-language daily newspaper, Zaman, and called for a thorough investigation. I said that these attacks not only create fear in those directly affected but they also damage media freedom by attempting to silence journalists for their reporting. On 15 February a masked group of alleged supporters of the Kurdistan Workers’ Party (PKK) entered the Paris offices of Zaman, breaking windows and equipment and threatening employees. On the same day in Cologne, alleged PKK supporters firebombed the newspaper’s offices. French and German authorities immediately launched investigations. I hope that the perpetrators will be soon brought to justice.

Greece

My Office is monitoring deliberations in lawsuits against Muslim minority newspapers Gudem and Millet in Thrace. Last year a lower court ruled in favour of Charikleia Nikopoulou, a teacher in a Muslim minority elementary school in Thrace, and ordered the newspapers to pay €150,000 and €120,000 respectively, for moral damages. The newspapers published articles that included statements about the teacher’s character and professional competence and claimed that she had insulted Islam by asking students to draw a picture of God. The teacher said these claims were false. (I wrote to the Permanent Representative of

Greece to the OSCE in March 2011 on this issue requesting further information, which I received in June 2011). Based on the law, if the judgment becomes final and the newspapers do not pay, the editors face prison terms of up to 10 months. On 24 February the Court of Appeal in Komotini was scheduled to review the case but the hearing was postponed.

The newspapers claim that paying the fines would lead to insolvency. As I emphasized earlier, in order to protect media pluralism the ceiling on damages should never be so high as to lead to the bankruptcy of a media outlet. I look forward to receiving information about the outcome of the appeal.

Hungary

On **21 December** I issued a public statement welcoming a Constitutional Court decision that declared unconstitutional several key provisions of Hungary's 2010 media legislation. These provisions, if implemented, could have negatively affected media pluralism. The ruling stated that parts of the media legislation banning certain content regarding print media are unconstitutional. It also ruled that the rights of the Press Complaint Commissioner, allowing him or her to interfere with editorial decisions of the press in case of complaints, were unconstitutional. These two aspects of the legislation must be changed by 31 May. The decision also immediately abolished the limitation on the protection of confidential sources of information serving the public interest, thus requiring court approval to force journalists disclose sources even in cases including matters of national security or crime prevention. The decision also annulled the right of the Media Authority to obtain editorial materials from media outlets without prior court approval.

In this regard, I asked again the authorities to comprehensively reform the laws as to bring them in line with all OSCE commitments on media freedom. I also urged them to reconsider other issues arising from the media law, including content restrictions based on vague definitions, the politically homogeneous composition of the Media Authority and the Media Council and the lack of independence of public service media. I offered my Office's continuing support and assistance with the reforms.

In the same statement I expressed concern about a December 2011 decision of the Media Council to reassign the frequency of Klubradio in Budapest. As a result, an independent and popular political talk radio station was to be taken off the air. The station, known for its critical political views, has a half million listeners daily.

On 28 February I was pleased to learn that a decision by a Budapest court gave Klubradio the right to broadcast on a frequency that the station won in a tender in spring 2010. The recent court decision stated that the National Radio and Television Committee or its legal successor, the National Media Authority, should have signed the contract with Klubradio. I hope that the Media Authority will rule based on the court's decision and that Klubradio can continue broadcasting.

On **26 January** I met in Vienna with Zoltan Kovacs, Minister of State for Government Communication, to discuss media reforms. I appreciate the lines of communication that we have established in the past year. The Minister said that the Government intends to reform media laws as necessary before the court-imposed deadline of 31 May. I offered the assistance of my Office in the task and noted that reforming the legislation provides a unique

opportunity for authorities to also fix other shortcomings in the media laws. Minister Kovacs and I agreed on regular exchanges during the drafting process. I am waiting to receive the new drafts. My Office stands ready to prepare recommendations which I hope legislators will take into account when finalizing the laws.

Kazakhstan

On **7 December** while attending the Ministerial Council in Vilnius I met with Foreign Minister Yerzhan Kazykhanov and discussed some aspects of the media-freedom situation and my possible visit to Kazakhstan this year.

On **9 December** I wrote to Minister Kazykhanov to raise a number of issues which could negatively impact media freedom. Among those issues were the blocking of the LiveJournal and LiveInternet blogging platforms, court rulings against the Stan TV independent broadcaster and its business partners, the questioning of Vremya newspaper correspondent Genaddy Benditsky and libel lawsuits brought against the Obshchestvennaya pozitsiya newspaper. I also expressed concerns over draft amendments to the Law on Television and Radio Broadcasting which, according to our assessment, violate the right of citizens to freely receive and impart information and undermine the principles of free competition and pluralism in broadcasting.

On **28 December** I issued a public statement expressing regret that the upper chamber of the Parliament adopted the Law on Television and Radio Broadcasting not taking into account the recommendations issued by my Office or the concerns expressed by civil society. I asked President Nursultan Nazarbayev to veto the bill. Unfortunately, the law went into effect on 18 January. I remain hopeful that the reform of broadcast legislation will continue and offer my Office's full support in this endeavour.

I was pleased to hear that Ramazan Yesergepov, the chief editor of the Alma-Ata Info newspaper, was released from custody on 6 January after serving a 3-year jail term on charges of divulging state secrets. I, however, regret that under the terms of his conviction he cannot resume his journalism activities for another 3 years.

On 25 January I received a detailed reply from the authorities with information on all cases mentioned in my 9 December letter, including the developments regarding Stan TV, Vremya newspaper correspondent Genaddy Benditsky and the Obshchestvennaya pozitsiya newspaper. The authorities assured me that blocking the LiveJournal and LiveInternet blogging platforms was started as part of general fight against religious extremism and is in line with national legislation. Using this opportunity let me once again state that my Office never has questioned the legitimate right of governments to ensure public safety or fight terrorism. But my view remains that this legitimate counteraction should not compromise or abort freedom of expression. This case once again underlines the need to follow our expert's recommendations and amend the media law to be better in line with OSCE media freedom commitments

Also on **25 January** I issued a public statement calling for the release of Igor Vinyavsky, the chief editor of Vzglyad independent newspaper, who was detained on 23 January on suspicion of calling for the overthrow of the government. On the same day officers of the National Security Committee searched Vzglyad's main editorial offices in Almaty, seizing

computers and financial records. As a result of the raid, publication of the periodical was delayed. I called the raid on Vzglyad part of a worrying trend against independent media outlets. I referred to the fact that in connection with the events in Zhanaozen, staff members of Stan TV were detained, summoned to law enforcement agencies and interrogated. I called on the authorities to allow Vzglyad and Stan TV to operate freely and without fear of intimidation. I hope that my call will be heard and that these and other independent media will continue their important work without facing further obstacles.

On **2 February** I wrote to Minister Kazykhanov to express concern over new regulations on Internet access services which, for the most part, are expected to go into effect later this year. Under these regulations, individuals wishing to use computers in public places that offer access to the Internet will have to produce valid identification. Also, business owners will have an obligation to keep an electronic log containing the full names of their clients, the time and duration of their visits, the identification numbers of the computers they use and all the addresses of the websites they browse. In addition, these logs will have to be kept for a period of no less than six months and will have to be made available to law enforcement agencies upon request. These regulations also prohibit the installation of software making it possible to access websites through proxy servers.

On **28 February** I wrote to the authorities to request additional information on the attack on Zharkynbek Seytinbet, a correspondent for the Adilet newspaper in the southern city of Shymkent. I expressed hope that the perpetrators will be found and brought to justice.

On 1 March I received “Information from the General Prosecutor’s Office of Kazakhstan on the investigation of mass disturbances in Zhanaosen.” This comprehensive document included, among other things, detailed information on the criminal proceedings initiated against Vinyavsky.

Vinyavsky was released from jail on **15 March** and I issued a public statement welcoming his release as a positive sign and, I hope, a turning point in the recent negative trend against Vzglyad and other independent media. I hope that the charges against him will be dropped and that the newspaper will be able to quickly retrieve its equipment and records.

I have received an invitation from the authorities and will participate in the Eurasian Media Forum. I look forward to my visit to Kazakhstan in April.

Kyrgyzstan

I was pleased that on 9 January President Almazbek Atambayev signed the law “On the Public Television and Radio Company” providing the national public service broadcaster (PSB) with a stable legal foundation. Although legal reviews commissioned by my Office have identified areas that could be improved in PSB regulations, including the financing and the composition of the Supervisory Board, the very fact the law was adopted is a positive development. Kyrgyzstan is the first country in Central Asia with a Public Service Broadcaster.

On **23 February** I wrote to Asylbek Jeenbekov, the speaker of the Parliament, to express concern that Internet service providers had blocked access to fergana.ru, a Russian-registered website that specializes in Central Asia affairs. This action stems from a June 2011 resolution by the Parliament which, citing fergana.ru’s coverage of the 2010 violence in the country’s

south, requested that the government takes steps to block access to the site. In my letter I pointed out that websites can be legitimately blocked only when their content constitutes a criminal offense recognized by law, the action is necessary in a democratic state and only after court review. I concluded by expressing hope that the Parliament would reverse its resolution and that Internet users would soon be free to access fergana.ru.

I raised this issue again in a **27 February** public statement in which I called for the immediate end to the blockage and called upon authorities to make sure that the Internet would remain free. Unfortunately, fergana.ru remains partially blocked. Some Internet service providers continue to restrict access or make access more complicated.

On **14 March** I wrote to Foreign Minister Ruslan Kazakbayev about criminal proceedings initiated against Vladimir Farafonov, a journalist who is charged with inciting national hatred in articles he contributed to Russian-language online periodicals. A court in Bishkek began hearing his case on 15 March. In my letter I expressed hope that Farafonov would be granted a fair trial and have the right to have his articles reviewed by an independent expert panel. I also said I hoped that, when considering a verdict, the court would take into account Kyrgyzstan's international commitments regarding freedom of expression. I will continue to closely monitor this case.

The former Yugoslav Republic of Macedonia

I keep following closely the media freedom situation in the country as well as the overall reform of media legislation, including the libel reform initiated by the government with the support of the Association of Journalists. I hope that a consolidated proposal will be published in the near future which would fully decriminalize libel and insult and establish effective safeguards for freedom of expression in civil defamation cases. I also hope that all the country will move forward on other media freedom issues discussed during my visit in October, one of them being the strengthening of the public service broadcaster. My Office stands ready to assist in bringing the country's media legislation in line with OSCE commitments and international standards.

Moldova

I continue monitoring several civil defamation cases, including the case of the Ziarul de Garda newspaper, described in a previous Report to the Permanent Council. The newspaper was ordered to pay €30,000 in August 2011 to two prosecutors for reporting about their alleged wrongdoings.

I regret that on 7 December the Appeals Court upheld the judgment in the case, although it reduced the amount of damages to be paid by the newspaper to a more reasonable amount of €1,250. The disturbing aspect of the case is that the courts seem to have ignored the Moldovan Law on Freedom of Expression which requires the public interest dimension of the reporting be considered. I hope that the Supreme Court will review this decision.

Montenegro

On **8 March** I issued a public statement condemning an attack on Olivera Lakić, a journalist with the daily Vijesti. On 7 March Lakić was attacked and brutally beaten by an unknown assailant in front of her apartment building. She suffered a concussion and was hospitalized. The Vijesti team and Lakić had been threatened previously for their reporting about alleged irregularities at the Tara tobacco plant. I stressed that assaults against journalists must be treated as attacks against society as a whole as they threaten the media's role in a democracy. I welcome the progress of the investigation. Police identified and arrested a suspect on 13 March. I hope that other attacks on media also will be investigated and that the authorities will work toward ensuring a safe working environment for journalists to perform their duties without fear.

Last summer Vijesti was the target of a series of attacks when vehicles belonging to the company were set on fire and a TV Vijesti crew was physically assaulted while working on an assignment in the town of Nikšić. No perpetrators of these attacks have been identified.

Netherlands

I am concerned that on 19 March another assault took place against an office of the newspaper Zaman. (see France and Germany) According to media reports, the Rotterdam offices of Zaman were attacked, causing material damage to the building. The authorities have begun an investigation. My Office is monitoring the case.

Romania

On **20 January** I wrote to Minister of Foreign Affairs Cristian Diaconescu to condemn attacks on several members of the press during public demonstrations in Bucharest. I asked the authorities to carry out thorough investigations. Journalists from various media outlets reportedly were assaulted on 15-16 January while covering anti-government protests that turned violent. Some of the journalists were attacked despite displaying press identification. I expressed particular concern that police officers reportedly also attacked journalists. In my letter and a public statement I stressed that journalists must be free to report on public events, including protests and demonstrations. I hope to receive information about the ongoing investigation soon.

Russian Federation

On **7 December** I met Deputy Foreign Minister Aleksandr Grushko while attending the Ministerial Council in Vilnius. We exchanged views on the current media freedom situation in Russia, including some recent legal developments and the progress made by the Investigative Committee on media-related criminal cases that were re-opened last year.

On **9 December** I issued a public statement calling upon authorities to protect journalists reporting at public protests from police harassment. My statement was prompted by the detention, a few days earlier, of approximately two dozen reporters covering post-election demonstrations in Moscow and Saint Petersburg. At least two of these journalists – Forbes.ru editor Aleksei Kamensky and FORUM.msk editor Anatoly Baranov – were charged with

refusing to comply with the lawful demands of policemen. Another, Kommersant newspaper correspondent Aleksandr Chernykh, was beaten by a police officer during his detention.

On **16 December** I issued a public statement condemning the murder, in the southern republic of Dagestan, of Khadzhimurad Kamalov, the chief editor of the Chernovik weekly newspaper, which is known for its investigative reporting. I welcomed the fact that the authorities immediately opened an investigation into this killing and I hope that the perpetrators will be brought to justice.

On **19 December** I wrote to Deputy Minister Grushko to reiterate my concerns over amendments to the statute on the mass media that went into effect in November. The licensing procedures set out by the amendments, as well as regulations governing websites, were among the main concerns I raised when the issue first emerged in March 2011. Unfortunately, legislators did not take the recommendations issued by the Public Chamber¹ and my Office into account.

On **13 January** I wrote to the authorities to ask for additional information on three prosecuted journalists: Igor Grishchenko, chief editor of the Moskovsky komsomolets v Yakutii newspaper; Aleftina Dongur-ool, a reporter with RISK, a newspaper based in the Republic of Tuva; and Aleksandr Tolmachev, editor-in-chief of the Novocherkasskie novosti newspaper and owner of another two print periodicals, Upolnomochen zayavit and Pro Rostov. On 15 February I received information on these cases from the authorities. My Office will continue to follow developments.

On **13 February** in a public statement and in a letter to Supreme Court Chairman Vyacheslav Lebedev, I welcomed the adoption by the court on 9 February of a media-friendly resolution on terrorism crimes. This resolution follows one on crimes of extremism, adopted on 28 June 2011, which says, in part, that “ideas and opinions based on facts pertaining to interethnic, interfaith and other social relations and expressed in scientific and political discussions and texts cannot be considered incitement to hatred or enmity.” I am convinced that, if implemented, these two resolutions will positively affect public debate and media freedom.

On 9 March I received a letter from Chairman Lebedev thanking me for my public assessment and appreciation of the above-mentioned resolutions. In his letter the Chairman once again, as during our meeting in Moscow last year, reiterated the Supreme Court’s adherence to the principles of media freedom as one of the main guarantors for the development of democracy in Russia. I am particularly thankful for his readiness to continue the co-operation with my Office on media-freedom issues. As next step in this direction, Chairman Lebedev invited me to participate in a seminar for judges on combating terrorism and extremism that is scheduled to take place in Maykop in May.

On **14 February** I wrote to Foreign Minister Sergei Lavrov to express concern over the decision to expel Anne Nivat, a French journalist and writer who was conducting research in Russia, and to annul her multiple-entry visa. I am pleased to learn that the decision was quickly reversed and that the authorities have allowed this journalist to return and continue her work.

¹ The Public Chamber of the Russian Federation was created by a federal law to facilitate interaction of citizens with the governmental bodies in order to take into account needs and interests of citizens as well as to protect their rights and freedom in the process of lawmaking.

I have been closely following discussions on the future public television broadcaster, the creation of which President Dmitry Medvedev advocated in his address to Parliament on 22 December. I hope that these discussions will eventually bear fruit and that Russia soon will have a financially and editorially independent public service broadcaster.

As agreed with Deputy Minister Grushko, I hope to visit Moscow later this year to continue constructive dialogue and co-operation between my Office and the authorities.

Slovakia

On **25 November** I wrote to Foreign Minister Mikuláš Dzurinda to express concern over the wiretapping of journalists and I asked the authorities to ensure a prompt and thorough investigation of this case. On 21 November daily newspapers Pravda and Nový Čas claimed that their reporters and the head of Slovakia's news television channel TA3 had been wiretapped by Military Defence Intelligence. I stressed that eavesdropping and surreptitious surveillance of journalists endangers media freedom and violates international standards and OSCE commitments.

I welcomed that the highest authorities have condemned these actions and ordered thorough investigations. I was pleased to read then Prime Minister Iveta Radičová's public statement that wiretapping of journalists is incompatible with basic principles of democracy and rule of law. I was pleased to learn from the Head of the Permanent Mission of Slovakia to International Organizations that my Office would be informed about the ongoing investigation. I hope to hear about the successful conclusion of the investigation in the near future.

Spain

On **21 February** I wrote to Soraya Sáenz de Santamaría, the Minister of the Presidency of Spain, and José Luis Ayllón Manso, the State Secretary for Relations with the Parliament, about the draft Law on Access to Information which is being debated. I commended the renewed efforts of the government to adopt a specific law guaranteeing the right of citizens to access government-held information. I brought to the attention of the authorities several elements that should be featured in the law. I look forward to working with the government on this subject and hope that a good law will be adopted in the near future.

Tajikistan

On **5 December** I wrote to Supreme Court Chairman Nusratullo Abdulloev to thank him for the opportunity to attend the trial of BBC correspondent Urunboi Usmonov during my visit to Dushanbe in late November. I also told him I regretted the Supreme Court decision on 30 November to uphold the guilty verdict against Usmonov. In October 2011 the journalist was sentenced to three years in jail on charges of ties to a banned religious group but immediately set free under an amnesty decree.

I welcome a 7 December decision by an appellate court in northern Sughd province to lift a €5,600 fine and a three-year ban on professional activity imposed on Nuri Zindagi newspaper correspondent Mahmadyusuf Ismoilov.

I remain hopeful that Ismoilov and Usmonov eventually will be cleared of criminal charges.

On **19 December** I wrote to Prosecutor General Sherkhon Salimzod expressing hope that Tajikistan would soon join the participating States that have decriminalized defamation. I take note that President Emomali Rahmon on 10 March said he had instructed the Justice Ministry to prepare draft amendments to the Criminal Code with a view to decriminalizing libel and insult. I look forward to assisting the authorities in this very important endeavour.

On **5 March** I wrote to Foreign Minister Hamrokhon Zarifi to request additional information on the blocking of the Facebook social media platform and four news websites specializing in social and political affairs: tjknews.com, centrasia.ru, maxala.org and zvezda.ru (Polyarnaya Zvezda). Internet service providers had, a few days earlier, reported being instructed by the Communications Service (a governmental agency) to block access to the sites “as a preventive technical measure.” I also expressed hope that the ban would be lifted soon. Since access to Facebook and the four websites remained blocked, on 7 March I issued a public statement calling upon authorities to reverse their decision.

I was pleased to learn from the authorities that access to Facebook was restored on 9 March. However, access to the other websites remains blocked. I will continue to monitor developments.

I welcome the resolution on defamation case law adopted on 23 December by the Supreme Court. The resolution specifies that when deliberating on claims for moral damages the courts should not award sums that may result in the closure of media outlets. It also provides a clarification of the difference between expression of facts and opinions.

Turkey

On **11-16 December** I visited Turkey upon invitation by Foreign Minister Ahmet Davutoğlu. The purpose of the visit was to discuss the media-freedom situation in the country, in particular imprisonment of journalists and Internet restrictions.

Minister Davutoğlu and I discussed media-freedom challenges that require immediate attention. I asked the government to improve the situation of imprisoned journalists, for example, through alternatives to pre-trial detention, such as release on bail or house arrest. I also asked for urgent reform of the criminal law, because it can be used to restrict media freedom, imprison journalists expressing critical views and block websites. Minister Davutoğlu assured me that the main political philosophy of the government is to promote freedom and eliminate restrictions. I hope that the good spirit of our meeting will be quickly translated into specific measures to improve the environment for media.

I also welcomed initiatives by the Justice Ministry to amend the Criminal Code, the Anti-Terror Law, the Internet Law and the Broadcasting Law in order to bring national legislation in line with international and OSCE commitments. I hope that, as I offered in my meetings

with the authorities, my Office will receive the draft laws and can prepare recommendations which would bring them in line with OSCE commitments and international good practices.

I am pleased that the Safe Internet Service filtering system is now voluntary, a development which is also in line with earlier recommendations of my Office. I trust that this filtering system never will be imposed on Internet users.

I also had meetings at the Justice Ministry; Transport, Maritime and Communications Ministry and the Directorate General of Press and Information of the Office of the Prime Minister. I was pleased to have the opportunity to meet with media professionals and human rights activists at Ankara University and Istanbul Bilgi University.

In co-operation with the authorities, I concluded the trip on 16 December with a visit to journalists Nedim Şener and Ahmet Şık in Silivri prison near Istanbul.

On **20 December** I issued a public statement objecting to the mass arrests of journalists that took place that day and called for a swift investigation into the matter. More than 30 journalists were taken into custody following police raids across the country. Office equipment was confiscated as evidence of their alleged involvement with the activities of the Kurdistan Communities Union (KCK). Among others, journalists from the daily newspapers Vatan and Birgün, the DIHA news agency and a photographer from Agence France Presse were arrested.

I emphasized the importance of knowing exactly why these media professionals were arrested. I also noted that although governments have an unquestioned right to fight terrorism, it should be carried out without silencing the press and curbing the public's right to be informed. This right includes reporting on sensitive issues such as terrorism.

On **19 January** on the occasion of the fifth anniversary of the murder of prominent journalist Hrant Dink, I made a public statement indicating that participating States must do more to protect journalists and punish their assailants. Dink, the editor-in-chief of the bilingual Armenian-Turkish language weekly Agos, was shot dead in 2007 in front of its Istanbul offices. Two days prior to this sad anniversary a criminal court in Istanbul sentenced one man for involvement but acquitted 18 other defendants of charges of acting on the orders of a terrorist organization. I repeated that impunity for perpetrators sends a chilling message to society that such crimes are tolerated. I noted the statements by the Turkish political leadership on this issue, including President Abdullah Gül and Deputy Prime Minister Bülent Arınç, who said that the decision was unsatisfactory to the people and that the ruling could be appealed.

On **12 March** I issued a press statement welcoming the release of four Turkish journalists from prison. The journalists, Sait Çakır, Coşkun Musluk, Nedim Şener and Ahmet Şık, were all detained on 3 March 2011 and accused of being members of the alleged Ergenekon organization. In December I had the chance to visit two of them in prison during my official visit to Turkey.

According to media reports, the court released the journalists because of the time already spent in jail and the likelihood that the severity of the charges against them would be changed.

I am pleased to learn that the court has used alternative measures to imprisonment and the four journalists can stand trial as free persons. I hope that the trial, which is scheduled to resume on 18 June, will be over soon and the charges will be dropped against these and the many other journalists currently in prison.

My Office is updating the research we carried out a year ago on imprisoned journalists in Turkey. The findings showing the current trend and the data base of imprisoned journalists will be made public in the coming weeks. My Office is ready to assist authorities in all media-related reforms.

Turkmenistan

On 19 March I was pleased to receive a letter from Rashid Meredov, Deputy Chairman of the Cabinet of Ministers and Minister of Foreign Affairs of Turkmenistan, expressing the willingness of Turkmenistan to host our 14th Central Asian Media Conference in July in Ashgabat. My Office looks forward to our first such conference in Turkmenistan and I am firmly convinced that this event will be an impetus for the media freedom in the whole of Central Asia.

My Office continues to actively co-operate with the OSCE Centre in Ashgabat to provide the authorities with assistance in the field of media law reform and media education. In April we will participate in expert consultations with members of the working group on the media law established by the Parliament in 2011. I commend the readiness of the authorities to modernize their media legislation and hope that, as a result of our co-operation, the country will soon adopt a modern media law that follows the highest international standards.

We also continue our co-operation with the Institute of Foreign Relations at the Ministry of Foreign Affairs. Following my lecture to students during my last visit to Turkmenistan in November, we are now facilitating an exchange between the Institute and MGIMO University in Moscow. The Dean of the School of International Journalism of MGIMO will visit Ashgabat in May for lectures and consultations.

Ukraine

On 23 January I received a letter from the authorities informing me about a new procedure for the executive bodies of Ukraine to seek international expert opinion on national draft legislative changes. I noted this and in my **26 January** letter to the authorities expressed hope that a long-awaited law on Public Service Broadcasting would be adopted in the near future and offered my Office's assistance. On 21 February the Parliament indefinitely postponed its deliberations on the draft PSB law submitted by opposition deputy and former head of the parliamentary media committee Andriy Shevchenko. In the latest development, the Administration of the President urged the Cabinet of Ministers to act quickly on the presidential draft PSB law. I understand that the draft law has been reviewed by a Council of Europe expert and I hope that a sound final draft will be submitted to Parliament soon.

In my **26 January** letter to the authorities I also raised the issues of the searches and arrests of Tviy Chas staffers on 17 January; the kidnapping and beating of Ivan Zheved, a Luhansk journalist, on 20 January; and the 23 January attacks and assaults against blogger Pavel

Kolesnik and two journalists of Ukrainski Tyzhden, Bohdan Butkevich and Andriy Lomakin, by Donetsk supermarket employees. I await further information from the government on the cases.

On 27 January the authorities informed me in a letter about the 2012 ranking of Ukraine in the annual press freedom index by Reporters Without Borders.

On **28 March** I received a letter on the status of cases raised in my 26 January letter. It indicates that the searches and arrests of the Tviy Chas staffers were not related to their media activities, that a criminal case related to kidnapping of blogger Ivan Zheved was dismissed and that a criminal investigation was launched in the matter of the assaults on Kolesnik, Butkevich and Lomakin.

Uzbekistan

On **5 January** I forwarded to the authorities legal analyses of the draft laws “On transparency of activities of bodies of state power and governance” and “On television and radio broadcasting” which were prepared by independent experts. I hope their recommendations will be considered by the authorities when adopting the two laws. (See Legal Reviews)

On **2 March** I wrote to the authorities to seek additional information on a recent incident involving Natalia Antelava, a BBC correspondent based in Almaty. On 29 February she was denied entry to Uzbekistan without explanation.

On a positive note, I am pleased that websites of several news agencies, including the BBC, the BBC Uzbek Service, Aljazeera, the Associated Press and Reuters are accessible again in Uzbekistan. I hope that this will be soon the case with Deutsche Welle, Radio Ozodlik, fergana.ru and LiveJournal.

I also took note of a decree signed by President Islam Karimov on 30 December “On granting additional tax exemptions and incentives for further development of the media” which provides media outlets with tax benefits and favourable conditions for their development as small businesses.

Projects and activities since the last report

Legal reviews

Uzbekistan

As agreed with H.E. Ulugbek Mukhammadiev, the Deputy Speaker of the Legislative Chamber of the Oliy Majlis, during my visit to Tashkent in November 2011, my Office commissioned legal analyses of the draft laws “On transparency of activities of bodies of state power and governance” (available in Russian at <http://www.osce.org/fom/87924>) and “On television and radio broadcasting.” (available at <http://www.osce.org/fom/87924>)

The following recommendations were made by the experts:

On the draft law “On transparency of activities of bodies of state power and governance:”

- Clear criteria for limiting access to information should be established;
- The legal sphere of this draft and all key issues related to the access to information should be clarified and information that cannot be provided should be specified;
- Information that is at disposal of and received by the state authorities should be available for disclosure;
- Heads of press services should not be personally responsible for information about the state body;
- Procedures related to requests for information, responses or rejections, and appeals should be specified;
- An independent agency to exercise control over state bodies that implement access to information laws should be established.

On the draft law “On television and radio broadcasting:”

- The procedure for the establishment of the independent regulatory agency should be specified;
- Policies mandating the regulatory agency to have transparent decision-making mechanism should be drafted;
- Founders of media outlets should be obliged to disclose their ownership structure online;
- Provisions founding a public broadcaster with editorial independence should be specified;
- Mandatory licensing provisions of television and radio broadcasters on the Internet should be removed;
- The license for television and radio broadcasters should be prolonged up to 10 years;
- Judicial review of broadcast license annulments should be required.

Internet freedom-related activities

The recent developments in the participating States related to attempts to streamline the protection of intellectual property rights on the Internet has been a cause for concern.

On **24 January** I called on governments to reassess their measures to enhance copyright protection against the paramount need to safeguard freedom of expression, in the context of the recent debate over the Stop Online Piracy Act (SOPA) and Protect Intellectual Property Act (PIPA) in the United States and the continuing discussion on the draft European Anti-Counterfeiting Trade Agreement (ACTA).

While noting the critical and crucial importance of the intellectual property right protection, I stressed that copyright laws should be limited in time and scope, encourage innovation and not hinder the free flow of information and freedom of speech. I warned the participating States that mandatory monitoring of Internet content for copyright infringement could have a chilling effect on political discourse.

I called on all OSCE participating States to devise new approaches to protect both fundamental freedoms and intellectual property rights. These should reflect the spirit and pace of the digital age and be mindful of global implication of each national measure.

I welcome the fact that the U.S. Congress took into account the concerns voiced by civil society and netizens and postponed deliberations on SOPA and PIPA.

On **14 February** I wrote to the President of the European Parliament, Martin Schulz, and issued a public statement in which I called on Members of the European Parliament to protect free expression when negotiating the draft of ACTA.

I raised a number of concerns and expressed my opinion that ACTA would authorize online service providers to disclose personal information of alleged copyright infringers to rights holders without a court order or the right to appeal, placing the decision on the legal status of content outside an established judicial framework. Furthermore, these provisions would not provide guarantees of the right to privacy or the free flow of information.

I welcome the fact that the European Commission referred the draft to the European Court of Justice for a legal opinion to clarify whether the treaty is compatible with the European Union's fundamental rights and freedoms.

Media Conferences

On **29-30 November** my Office held the 13th Central Asia Media Conference in **Dushanbe** focusing on media pluralism, Internet governance and the state of the media freedom in the region. Speakers included David Goldberg, an associate research fellow at the University of Oxford, Erik Albrecht of Deutsche Welle Akademie and Dainius Radzevičius, Chairman of Lithuanian Journalists Union.

The Director of the Office led a side event on digitalization of broadcasting and its implications for media freedom. Participants discussed the switch-over process in Europe and Central Asia, were provided with information on legislation, licensing, infrastructure, spectrum use and other issues related to digitalization, as well as benefits and pitfalls of digitalization for content pluralism. The conference declaration is available at <http://www.osce.org/fom/84371>

On **26-28 March** my Office, in co-operation with Albany Associates, an international consulting company specializing in the regulation of broadcasting and media, held the first master class on broadcast regulation in Istanbul for regulators from Central Asia and South Caucasus. Approximately 50 high-level representatives of broadcasting regulatory authorities, staff of government ministries associated with broadcasting and broadcast regulatory policy, parliamentarians involved in drafting of the laws regulating broadcasting, legal experts working in the field of broadcasting regulation and representatives of civil society took part in the training. The master class provided participants with comprehensive

knowledge on the issues related to broadcast regulation, best international practices of communications regulation, as well as the emerging issues of convergence, spectrum management, intellectual property rights and digital and new media regulation while preserving media pluralism. (Additional information on the class is available at <http://www.osce.org/fom/88783>. Information on Albany Associates is available at <http://www.albanyassociates.com>)

Publications

My Office published several topical leaflets and guides in late December and early January including “**Safety of Journalists, Why It Matters.**” The leaflet soon will be published in Russian.

Jointly, with the 2011 Chairman-in-Office, Lithuania, “**The Safety of Journalists Guidebook**” was published in English. The Guidebook is a catalogue of good practices and recommendations in the field of journalists’ safety. (available at <http://www.osce.org/fom/85777>)

My Office also produced a brochure on “**Internet Governance**” in English and Russian.

The first OSCE-wide study of Internet regulation, “**Freedom of Expression on the Internet: A study of the legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in the OSCE participating States**” was published in English with the summary section of the study also available in Russian.

The 2011 **Yearbook** of the Office of the Representative also was published earlier this week.

In addition, the Office has updated its publication setting forth OSCE commitments relating to freedom of expression, the free flow of information and freedom of the media from 1975 – 2011 in English and Russian.

Social Media

In January I established a Facebook page for my Office. Social media and social networks such as Facebook, Twitter and others make it easier than ever before to share information, impart and receive news and comment on and discuss ideas and developments.

Social media change the way news is generated and accessed. They serve journalism by being a tool to create content, distribute information and access information. Bloggers have widened the scope of classical journalism and added a new form of “citizen journalism” to the media landscape.

Our Facebook presence is intended to use these new channels to disseminate news from my Office, share relevant content on media freedom and link to other OSCE Institutions.

We already reach more than 5,000 people weekly through our Facebook page and we hope to increase this number.

The page can be accessed at www.facebook.com/osce.rfom. I am looking forward to stay in touch with you, your delegations and your capitals through this new means of communication.

Trainings

Training Project

On **29-30 November** my Office, jointly with the OSCE Mission to Moldova, conducted a two-day training seminar in Vadul-lui-Voda on managing professional and financially sustainable online media outlets. The event gathered 20 journalists working for online media from both sides of the Nistru/Dniestr River. I thank the 2011 Lithuanian Chairmanship and the Government of Norway for their generous financial support that made the seminar possible.

Visits and participation in events

On **24-25 November** I participated in a conference “Our Internet – Our Rights, Our Freedoms” discussing governments’ responsibilities in protecting human right on the Internet. The event was organized by the Council of Europe and the Austrian Federal Ministry for European and International Affairs. It was held at the Diplomatic Academy in **Vienna**.

On **29-30 November** my Office participated in the Eastern Partnership Civil Society Forum on the topic of “Methods of promoting media freedom in Eastern Partnership countries” in **Poznan, Poland**.

On **1-2 December** my Office delivered a report about defamation and media self-regulation in South Eastern Europe at a conference of regional press councils in **Pristina** organized by the OSCE Mission in Kosovo.

On **6 December** I participated in an event introducing a guidebook to journalists’ safety with the Chairman-in-Office at the 18th Ministerial Council in **Vilnius**.

On **December 6-7** during the Ministerial Council in **Vilnius** I had the opportunity to meet with Foreign Minister Elmar Mammadyarov of Azerbaijan, Foreign Minister Sergei Martynov of Belarus, Foreign Minister Sven Alkalaj of Bosnia and Herzegovina, Nickolay Mladenov, Foreign Minister of Bulgaria, Mario Nobile, State Secretary at the Ministry of Foreign Affairs and European Integration of Croatia, Foreign Minister Yerzan Kazykhanov of Kazakhstan, Nikola Poposki, Foreign Minister of the former Yugoslav Republic of Macedonia, Milan Roćen, Foreign Minister of Montenegro, Deputy Foreign Minister Aleksandr Grushko of Russia, Matej Marn, Political Director at the Foreign Ministry of Slovenia, the Rt. Hon. David Lidington, Minister for Europe of the United Kingdom and Michael Posner, U.S. Assistant Secretary of State for Democracy, Human Rights and Labor.

On **9 December** I participated in a high-level conference on the roles and responsibilities of governments in protecting human rights online in **The Hague** hosted by the Ministry of Foreign Affairs of the Netherlands. At the conference I met with Foreign Minister Uri Rosenthal of the Netherlands, Sweden Foreign Minister Carl Bildt and U.S. Secretary of State

Hillary Clinton. (Additional information on the conference is available at <http://www.osce.org/fom/85211>)

My Office contributed to the conference "Freedom Online: International Conference on Internet Self-Regulation" held on **December 14** in **Baku**. The conference was jointly organized by the Institute for Reporter Safety and Freedom and the OSCE Office in Baku. My Office supported the conference financially and an expert provided by my Office gave the keynote presentation on "The History of Internet Regulation and its Current Implementation in Western Countries".

On **11-16 December** I visited **Ankara and Istanbul** on an invitation by Foreign Minister Ahmet Davutoğlu to meet with high-level officials, media and civil society to discuss the media environment. This was the first official visit of an OSCE Representative on Freedom of the Media to Turkey.

On **23 December** the Director of the Office participated in a conference on media law developments in Russia in 2011 at **Moscow State University** faculty of journalism.

On **9 February** in **Brussels** I spoke about the media situation in Hungary at a hearing of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament. (Additional information is available at <http://www.osce.org/fom/87788>).

On **10 February** in **Brussels** I met with Neelie Kroes, Vice President of the European Commission responsible for the Digital Agenda for Europe. We discussed media freedom in European Union member states and candidate countries, and how to further enhance co-operation. I noted the role played by international organizations in awareness raising and in holding governments accountable to honour their international obligations.

On **23 February** I addressed members of the General Committee on Democracy, Human Rights and Humanitarian Questions during the winter meeting of the OSCE Parliamentary Assembly in **Vienna**. I spoke about the media freedom trends in the OSCE area and on the co-operation between OSCE PA and my Office.

On **15 March** my Office briefed staff members of the OSCE field operations and institutions about the Mandate and the activities of my Office at the Human Dimension Induction Course in **Warsaw** organized by ODIHR.

On **18-19 March** I spoke at the Cyber Dialogue Forum 2012 on "What is Stewardship in Cyberspace?" focussing on the limits of dissent in cyber space in **Toronto**. The event gathered experts from academia, government, the private sector, the military and civil society to discuss the role and duty as well as accountability of the different actors in Internet governance.

On **20 March** I spoke at The Harriman Institute at Columbia University in **New York City** at a conference "Is the Cold War Over? Russia and US Media from Perestroika to the 2012 Elections." My panel focused on "The Perils and Legacies of Investigative Journalism." The panellists were Nina Ognianova of the Committee to Protect Journalists, Luke Harding of The Guardian and Oleg Kashin of Kommersant. The panel was moderated by Bruce Shapiro of the Dart Center for Journalism & Trauma at Columbia University.

Later that day I also spoke at The Harriman Institute on the topic “Media Freedom in East Central Europe and the Balkans – Development or Regression?” I outlined the current state of media freedom and discussed the main directions of media development in these regions. The event was moderated by Tanya Domi, an adjunct professor of international and public affairs at Columbia University.

On **22-23 March** my Office participated in a UNESCO conference in **Paris** of the International Programme for the Development of Communication.

On **27-30 March** my Office participated in the first meeting of the Steering Committee on Media and Information Society of the Council of Europe in Strasbourg.

On **27 March** my Office participated in the Milton Wolf Seminar held at the Diplomatic Academy in **Vienna** on “Transitions Transformed: Ideas of Information and Democracy Post-2011” focusing on the topic of information rights and national sovereignty in the digital age.

On **28 March** my Office participated in the Legal Leaks Workshop in Croatia organized by our partner NGOs Access Info Europe, n-ost and Transparency International Hrvatska in **Zagreb**. The workshop offered practical tips to journalists on better access to government-held information and presented the Toolkit, a guidebook on this subject that was partially funded by my Office.

Planned activities for the next reporting period

Speaking engagements and visits

On **13 April** the Director of my Office will moderate a meeting of the working group of the Parliament of Turkmenistan in **Ashgabat** on the draft media law organized by the OSCE Centre in Ashgabat.

On **18-19 April** I will participate in the first Stockholm Internet Forum on “Internet Freedom for Global Development” organized by the Swedish Ministry for Foreign Affairs, the Internet Infrastructure Foundation and the Swedish International Development Cooperation Agency in **Stockholm**.

On **26-27 April** I will speak the Eurasian Media Forum – 2012 in **Astana**.

On **3-5 May** I will take part in the UNESCO conference "New Voices: Media Freedom Helping to Transform Societies", which will be held in **Tunis** on the occasion of World Press Freedom Day. I will address the conference, together with the three other international rapporteurs on media freedom, on the decriminalization of defamation in the OSCE region. I will also participate in a roundtable on "Freedom of Expression and Co-regulation of Media Space", organized by the Organisation internationale de la Francophonie.

On **10-11 May** I will give the keynote address at the OSCE Network in Sweden/Finland – Nordic Forum for Security Policy 2012 in **Vilnius**.

On **31 May-1 June** I will attend the European Platform of Regulatory Agencies annual meeting in **Portoroz**, Slovenia.

On **12 June** I will give a lecture on media freedom in the OSCE region at the Centre for Southeast European Studies at Graz University in **Graz**.

Publications

My Office will publish books containing the materials of the 2011 South Caucasus and Central Asia Media Conferences which covered the topics of Internet governance and media pluralism.

Media Conferences

The 14th Central Asia Media Conference is scheduled to take place in July in Ashgabat. The 9th South Caucasus Media Conference is scheduled for Baku in October. I thank the authorities of Turkmenistan and Azerbaijan for their readiness to host the conferences for the first time.

The conferences will focus on social and community media. We highly appreciate the fact that Azerbaijan has offered to host the South Caucasus Conference this year.

The 10th South Caucasus Media Conference is planned for Yerevan in 2013.

The 2nd South East Europe Media Conference is scheduled to take place in September in Belgrade. Together with the OSCE Mission to Serbia, my Office will bring together journalists and media from across South East Europe to discuss current challenges to media freedom in the region.

Extra-budgetary donors

My Office is preparing for this year's conferences. Additional funds are needed to hold the conferences.

I would like to thank the governments of Germany, the Netherlands, Norway and the United States for providing assistance to the 2011 Central Asia conference. I would like to thank Germany and Norway again for their support in 2012.

I also would like to thank Finland, Ireland, Luxemburg, Turkey and the United States for their contributions to the Master Class in Broadcast Regulation.

I would like to thank the Czech Republic for supporting a new project on social media.

I encourage all delegations to consider lending support to our conferences, which provide regional media with valuable opportunities to learn from international experts and meet with their local counterparts, creating a sense of community and shared experiences within the profession.