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The Representative on Freedom of the Media
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Regular Report to the Permanent Council

Introduction

I first would like to thank the Irish Chairmanship for holding media freedom high on its agenda during this year and also for organizing the Dublin Conference on Internet Freedom in June. Additionally, I want to thank the Chairmanship for all the support it has given to my Office and to me, personally.

My Office and I intend to work closely with the Ukrainian Chairmanship on media-freedom issues and its intent to keep media freedom as one of its priorities.

Exactly two years ago today I addressed the Permanent Council at the Reinforced Plenary Session of the 2010 Review Conference in Astana, fresh on the heels of the Astana Summit. I am sure many of you remember that time and its conclusion.

Rather than viewing human rights and media freedom as a distraction or a roadblock, I saw the Astana Commemorative Declaration as a reaffirmation of the basic purpose of OSCE values and institutions, including the Office of the Representative on Freedom of the Media, and vowed to redouble our efforts to assist all participating States to live up to their free media and free expression commitments.

Have these words turned into actions? Consider this.

UNESCO has reported that this year more journalists have been killed than ever before. We are fortunate that none have died within the OSCE region and that is a trend which I hope continues.

However, while no journalists have been murdered, I need to raise the issue of impunity again and point out that perpetrators and masterminds of assaults on journalists in the participating States still have not been brought to justice.

Since the Astana Commemorative Declaration was adopted, our statistics show that at least 250 members of the media have been detained or jailed by law-enforcement authorities in more than a dozen participating States. The reasons given for the detentions vary from participating State to State. Some reasons given, while straining credulity, can at least be considered creative. But, in reality, journalists are in jail across the region for reporting facts critical to rulers and the ruling class.

In the last two years at least 140 media members have been physically assaulted and hospitalized.

I suggested two years ago that participating States simply must eliminate violence against media and make the streets safe for reporters.

It's not happening.

Two year ago I wrote, "Only 11 of the 56 participating States have decriminalized defamation. Criminal statutes still are the most often used tool to punish and imprison journalists. Criminal libel must be abolished. Civil law provisions are sufficient to deal with cases where someone's reputation is damaged by media. My Office will continue to lend its support to all participating States working to make defamation a civil law matter."

However, in the last two years, criminal defamation charges have been filed against approximately 40 journalists. While an additional four states have decriminalized defamation, it still remains a threat to free journalism across the region, both east and west of Vienna, I note.

I said at the time, that a major challenge of our time is safeguarding and fostering media pluralism. And I said that the Internet, as the first truly global medium, embodies the commitment to free media. I called on the participating States to stop legislating Internet content and to keep it as a place where free expression can abound.

But across the region governments are considering new legislation that would stifle and close Internet sites for no good or defensible reasons.

The right to free expression and free media are fundamental rights where work is yet to be done.

May I suggest a simple solution?

There be no new laws which would have the effect of restraining free expression online.

Instead of attempting to enact legislation that fundamentally restricts the freedom we now experience, let's turn our sights on efforts to provide training to regulators and journalists and consumers alike.

There are now 1.25 billion people in our group of now 57 States and 800 million of them are wired. Let's work to explain what this new technology is all about, how it can be used, the vistas it can open and the benefits of becoming Internet literate.

The job of doing that is within my Mandate. I relish the opportunity to work with all the participating States to get the most out of what technology can offer.

Of course, there's good news to report, as there is each time I appear before you. I am especially encouraged by the number of participating States that have shown a willingness to engage in training and conference opportunities to raise the level of knowledge in media-related areas. I can point to the training in Moldova for journalists from that country along with Ukraine and Belarus.

Finally, I also want to thank all of the Heads of Mission and field Offices staff across the entire region that have given of themselves so tirelessly to help my Office and me to host conferences, official visits, training seminars and generally provide assistance that my Office finds invaluable.

With our focus on Internet freedom I want to call your attention to the fact that on 14-15 February my Office will host the first OSCE-wide Internet Freedom Conference in Vienna. The goal of the conference is to improve global Internet freedom policies and promote good practices in online media governance. The high-level conference is designed for key policy-makers in the OSCE area. All of you have been invited. I look forward to your active participation in the event, which will bring together approximately 250 representatives of the whole spectrum of the Internet scene. More information is available on our website at www.osce.org/event/internet2013

Issues raised with participating States

Albania

On **2 August** I wrote to Foreign Minister Edmond Panariti enquiring about an attack on Dashamir Biçaku, a journalist with the newspaper Shekulli, and also about the reason why the Prosecutor's Office decided to dismiss a criminal investigation against the alleged assailants.

Biçaku was treated for injuries suffered on 8 June when he was allegedly assaulted by bodyguards of the chief executive officer of the Fushë-Kruje cement factory.

On **8 October** in a letter to Minister Panariti, I expressed concern about a criminal defamation case against Lindita Cela, a journalist with Shekulli, and asked for further information on the case. This was the second time in a year that Cela was summoned to court, this time stemming from an investigative series exposing alleged wrongdoings in the purchasing practices of the Albanian military.

During my official visit to Albania in June, I addressed charges brought against these two journalists and raised the need to fully decriminalize defamation. I reiterated that criminal defamation lawsuits have a chilling effect on media and limit discussion on topics of public interest.

(See Regular Report to the Permanent Council of 21 June 2012).

On 28 November I received a letter from the authorities assuring me that my Office's recommendations to decriminalize defamation are being studied. The authorities also detailed the reasons for dismissing criminal investigation against the presumed attacker of Dashamir Biçaku. I was also told that the case against Lindita Cela has been postponed until 3 December. The authorities assured me that they would keep me informed of developments in the cases.

Azerbaijan

On **28 June** I wrote to Foreign Minister Elmar Mammadyarov to express concern over the arrest of Hilal Mammadov, editor-in-chief of the Talysh-language newspaper Tolishi Sado, who was charged with possession of illegal narcotics.

On 29 June the authorities responded to two cases I had raised previously, those of Idrak Abbasov and Mehman Huseynov.

(See Regular Report to the Permanent Council of 21 June 2012).

The letter indicated that an 18 April attack on Abbasov by employees of the SOCAR national oil company was being investigated. It also stated that Huseynov had been released from custody while a criminal investigation continued over an incident with police officers during a demonstration in May.

The letter also explained recent amendments to access to information legislation, saying they were consistent with Azerbaijan's national security interests. I was pleased to receive a short overview of the main objectives of the "State Concept on the support to media in the Republic of Azerbaijan" to support independence of media outlets, increase professionalism and to strengthen social protection of journalists. I was told that criminal defamation charges have not been filed against journalists since 2009.

On 5 July I received a letter from Ramir Mehdiyev, Head of the Presidential Administration, stating that on 4 June early release was granted to social-media activist Bakhtiyar Hajiyev.

(See Regular Report to the Permanent Council of 21 June 2012).

On **9 July** I wrote to Foreign Minister Mammadyarov to express concern over additional accusations of state treason and inciting interethnic, racial, social and religious hatred against editor Mammadov. I expressed hope that the charges brought against him would be dropped.

On 3 August I received a letter from the authorities detailing the charges brought against Mammadov and assuring me that his rights were fully respected.

On **24 August** I wrote to Foreign Minister Mammadyarov regarding the sentencing of journalist Faramaz Novruzoglu (Allahverdiyev) to four-and-a-half years in jail on charges of inciting public violence and illegally crossing the national border. I expressed hope that the judgment would be reversed on appeal. I welcomed a decision by a Baku appeals court to reduce the two-year prison sentence of Anar Bayramli, a correspondent for several Iranian media outlets. I also welcomed a decision to parole Ramin Bayramov, chief editor of the islamazeri.az website. The journalist was serving an 18-month jail sentence on drug and arms-possession charges.

On **14 September** I wrote to Ali Hasanov, the Head of the Presidential Administration's Public-Political Affairs Department, to draw his attention to the plight of the Azadliq newspaper. According to its chief editor, the paper is on the brink of bankruptcy because of payment demands by electricity and other utilities companies and state-owned printing houses. The newspaper's managers said they could not cover their debts unless they were paid €28,000 they said they were owed by QASID, the company that administers Baku's newsstands.

On **2 October** Ambassador Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights, and I wrote a letter to Foreign Minister Mammadyarov to express our concern over the arrest of social media activist Zaur Qurbanli. I am pleased to report that Qurbanli was released from police custody a few days later.

On **6-10 October** I visited Azerbaijan on the occasion of the 7th Internet Governance Forum. I appreciated the opportunity to also meet with Foreign Minister Mammadyarov, Interior Minister Ramil Usubov, the Head of the Presidential Administration's Public-Political Affairs Department, Ali Hasanov, and the Head of its International Relations Department, Novruz Mammadov.

The trust and co-operation established between my Office and the authorities allowed us to exchange views in an open and direct manner. During our meetings I expressed hope that all imprisoned journalists and bloggers would be released soon and I shared my concerns about all the cases I had previously raised, including the attack on independent journalist Abbasov, the intimidation campaign against Khadija Ismayilova and the fate of the opposition newspaper Azadliq. I also emphasized the urgent need for the authorities to ensure a safe and free environment for media because professional journalism can only thrive if journalists can perform their duties without fear. In the short term this would mean the murderers of Elmar Huseynov and Rafiq Taghi are finally brought to justice and every assault on journalists or attempt to harass or intimidate media is strongly condemned by the authorities and investigated swiftly. In the long term, changes are needed in legislation and in the media distribution and advertising systems. In this regard, I was pleased to hear that steps are being taken and that Azerbaijan would soon decriminalize defamation. I offered my Office's full support and assistance in this reform. I commended the authorities for hosting the Internet Governance Forum and restated how important it is that the Internet remains free in Azerbaijan.

I appreciated the fact that during my visit I was granted unlimited access to visit detained journalists Avaz Zeynalli, the chief editor of the newspaper Khural, independent journalist Faramaz Novruzoglu (Allahverdiyev), executive director of Khayal TV Vugar Qonaqov and chief editor of the newspaper Tolishi Sado, Hilal Mammadov.

Additionally, I opened two training seminars – one on the safety of journalists during public demonstrations and another on effective interaction between government press officers and journalists – together with Ali Hasanov, the Head of the Presidential Administration's Public-Political Affairs Department and Aflatun Amashov, Chairman of the Press Council of Azerbaijan. I was pleased that, for the first time, the authorities of an OSCE participating State funded a joint project with my Office in their own country thus demonstrating a willingness to work on improving the media environment.

(See Visits and participation in events)

Following reports that four journalists were beaten by police during an opposition rally in Baku, I wrote to Interior Minister Usubov on **19 November**, expressing the need for the perpetrators of this violence to be held accountable. All four journalists, Farahim Ilqaroglu of the Yeni Müsavat newspaper, Etimad Budaqov of the Turan news agency, Amid Süleymanov of the mediaforum.az website, and Rasim Aliyev of the Institute for the Freedom and Safety of Journalists attended the demonstration in their professional capacity and at least three of

them were wearing vests clearly identifying them as members of the press. Other reporters, too, were prevented from fulfilling their professional activities.

I was pleased to learn that, as a result of an investigation ordered personally by Minister of Internal Affairs Ramil Usubov, the police officers who attacked the journalist were identified. I also welcome the fact that the Ministry organized a meeting between the police officers and the journalists during which the officers apologized for their actions, explaining that the incidents happened due to their lack of professional experience.

My Office stands ready to co-operate with the authorities in the area of safety of journalists.

Belarus

On **22 June** I issued a public statement condemning the arrest and new criminal charges against Gazeta Wyborcza journalist Andrzej Poczobut. He was charged with libeling the president in online articles about death penalty verdicts against two men convicted in the 2011 bomb attack at a Minsk metro station. Poczobut was released after two weeks in jail. Charges are pending. In July 2011 in a closed trial, Poczobut was given a three-year suspended sentence by a Grodno court for insulting the president which verdict was upeld on appeal. I publicly criticized these decisions and have been in contact with the authorities, including President Aleksandr Lukashenko, appealing for Poczobut to be cleared of all charges.

On **28 June** I wrote to Foreign Minister Sergei Martynov expressing concern over the adoption on 27 June by the House of Representatives (the Parliament) in a first reading of the law "On amendments and addenda to some laws of the Republic of Belarus on fighting terrorism and counteracting extremism." I warned the authorities against adopting this vague legislation, stating that it would further limit freedom of expression. The vagueness and expansion of the definitions of "terrorism," "terrorist activities" and a new concept of "extremist materials" have the potential of criminalizing legitimate criticism by saying it ould destabilize the internal situation. I will follow the implementation of the legislation and hope that it will not limit media freedom.

I understand that the House of Representatives adopted this legislation in a second reading on 8 October. I hope to receive an update from the authorities to learn if it was promulgated and if the final text has been published.

On **29 June** I responded to earlier enquiries by the authorities seeking my opinion about EU sanctions against LLC Delovaya Set, a Belarusian communications provider. I told the authorities that no media outlets or journalistic providers were affected by the sanctions and, thus, I considered the matter to be outside of the scope of my Mandate. In a public statement on 26 March LLC Delovaya Set confirmed that the EU decision had not affected its business and continued to operate as usual.

On **8 August** I issued a public statement asking the authorities to drop charges against Anton Suryapin, who was facing seven years in prison on charges of an "organized illegal border crossing" and "complicity in a crime." Suryapin uploaded photos of teddy bears that had been released over Belarus by a small aircraft on 4 July. I raised Suryapin's case again in a **17 August** public statement which followed the verdict against the Pussy Riot punk band in Russia. I mentioned Suryapin in the context of the current trend of criminalizing certain types

of legitimate expression under bogus pretexts. The statement referred to other cases where journalists were briefly detained and fined for taking photos of teddy bears to express their support of Suryapin. He was released after several weeks in custody with charges still pending.

On **4 September** in a public statement I expressed concern over the detention and arrest of administrators of politically oriented social media groups in Belarus, which I considered a crackdown on online dissent. Law enforcement officers in Minsk and Vitebsk detained the administrators of opposition groups in the Russian vkontakte.ru social network. Among them were Pavel Yevtikhiyev, Andrey Tkachev, Roman Protasevich and Oleg Shramuk. Investigators also searched the apartment of Sergei Bespalov and confiscated his computer.

Yevtikhiyev and Tkachev were sentenced to five and seven days in jail, respectively, on petty hooliganism charges. Two additional activists were briefly detained and released.

On **20 September** I wrote to new Foreign Minister Vladimir Makey about a 19 September incident involving journalists covering a protest rally in Minsk. Reporters were physically assaulted and detained. The journalists were held for two hours without being charged and their digital images and video footage was erased. Among the journalists reportedly detained nd prevented from doing their jobs were Associated Press photographer Sergei Gritts, Reuters photojournalist Vasiliy Fedosenko, cameraman Dmitry Rudakov and reporter Aleksei Akulov of the German broadcaster ZDF, Tatyana Zenkovich, a photographer for the European Pressphoto Agency, Pavel Podobeda, reporter for the Minsk-based news agency BelaPan and independent journalist Aleksandr Borozenko of the Belarusian Association of Journalists.

In a separate incident, independent journalists Vyacheslav Peshko and Valentin Mikhaltsov were also detained, taken to a police station, fingerprinted and released after three hours. Police confiscated their camera.

In the letter to Minister Makey I offered to organize a training seminar for law-enforcement agencies to raise awareness of their role with the media during public demonstrations. The course also could educate journalists about their rights and responsibilities when reporting at demonstrations and scenes of public unrest.

Finally, I appreciate the co-operation of the Belarusian government in nominating representatives of state-owned media to participate in the first Eastern Europe joint training event on Internet media. The seminar was held in Chisinau on 23-24 October and the Belarusian participants made valuable contributions to the proceedings.

Bosnia and Herzegovina

On **2 July** I wrote to Foreign Minister Zlatko Lagumdžija, Minister of Communications and Transport, Damir Hadžić, members of the Parliament as well as Nerman Nikšić, Prime Minister of the Federation of Bosnia and Herzegovina, regarding a decision on 26 June of the House of Representatives to appoint three members to a “provisional Steering Board” of RTV. As the law on RTV does not include the concept of a provisional steering board, these appointments may be considered legally questionable.

I pointed out that in order to minimize the political control of the four-member Steering Board, the law clearly stipulates that only one board member may be appointed in a calendar year to ensure that it will take four years to replace the entire Steering Board.

The House of Representatives failed to appoint members to the Steering Board in 2010 and 2011. I called upon the authorities to speed up initiating the necessary measures, in accordance with existing legal provisions, to annul the decision of 26 June and to ensure full transparency and respect for rule-of-law principles.

After the upper house of Parliament on 3 July upheld the decision of the lower house, on **5 July** I issued a public statement urging the authorities to have the decision on the provisional Steering Board assessed by the Constitutional Court.

I was pleased to learn that on 28 August the Constitutional Court declared the 26 June session of the House of Representatives invalid on procedural reasons. Subsequently, all decisions made at the session, including the decision on the "provisional RTV FBiH steering board," were considered null and void.

I was pleased to learn that on 19 November, the committee for media of the lower house decided to issue a public call for nominations for one member to the Steering Board by the end of the year and to appoint the other two members in 2013 and 2014, respectively. I hope that the Parliament will uphold the decision of the Committee.

On **20 July** in a public statement I condemned the assault on Štefica Galić, editor-in-chief of the web portal tačno.net. Galić was attacked late at night on 18 July in Ljubuški, a small town in the south and required medical care. Galić and her late husband were known for their humanitarian work during the war when they helped hundreds of residents leave Ljubuški. The attack on Galić came after a documentary film on the couples' activities premiered in Ljubuški. The screening was met with angry protests. I called upon the authorities to swiftly investigate the case and to provide full protection for the editor and her family.

On **24 September** together with the Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Fletcher M. Burton, and the EUSR/Head of the EU Delegation in Bosnia and Herzegovina, Ambassador Peter Sørensen, I wrote to Damir Hadžić, Minister of Communications and Transport, and shared two legal reviews on media legislation commissioned by my Office. The reviews, prepared by lawyers from Article 19, were prompted by the stalled media reform process and the need to strengthen the independence of the public service broadcasting system and the broadcast regulator.

On **26 September** together with the Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Fletcher M. Burton, and the EUSR/Head of the EU Delegation in Bosnia and Herzegovina, Ambassador Peter Sørensen, and following the submission of the legal reviews, I issued a public statement calling for reforms to ensure the political and financial independence of the public service broadcasters and the broadcast regulator. We stressed that depoliticized and professional media are needed to prevent further fragmentation of the public service broadcasting system.

I hope that the reviews will help accelerate media reform and ensure the speedy implementation of existing legislation in line with OSCE commitments and international standards.

On 28 September I received a reply from Minister Hadžić expressing his commitment to improving media legislation and his appreciation for the recommendations outlined in the reviews.

(See Legal reviews)

On 9 October I learned that Siniša Vukelić, a journalist with ATV (Alternativna televizija), reportedly received death threats from Mile Radišić, owner of the company Grand Trade in Banja Luka. Vukelić called Radišić to get his statement on the decision of the Higher Court of Republika Srpska to annul his acquittal in a case on abuse of office and to return it to the Municipal Court in Banja Luka. Instead of commenting on the Higher Court decision, Radišić allegedly announced death threats against the journalist. I welcome the condemnation of the act by the speaker of the National Assembly of Republika Srpska, Igor Radojičić, and am pleased by the immediate reaction of the police to investigate the case and the swift reaction and statement from the BiH Journalists Association

On 22 October I learned that the cabinet of Milorad Dodik, president of Republika Srpska, denied accreditation to Ljiljana Kovačević, a journalist with the Serbian press agency Beta. The requirement for accreditation of journalists who cover the presidency was introduced in June after President Dodik allegedly insulted Kovačević during a press conference. Dodik later sued Kovačević for defamation.

On 19 November I learned that at a press conference on 16 November, President Dodik insulted journalists for enquiring about alleged investigations initiated against his son and him by a third country. This was another example in a series of public, verbal attacks on media by politicians. I noted the swift reaction by the BiH Journalists Association to protect the right of the public to know and to defend the rights of journalists to report free from intimidation.

It is important to emphasize that politicians should show a much higher level of tolerance toward criticism and scrutiny by journalists. It is likewise crucial that politicians and authorities create an atmosphere in which journalists and media can pose questions and report freely about issues of public interest no matter how controversial and sensitive those might be and without any undue restrictions, including administrative and arbitrary restrictions imposed by public institutions.

I will continue to closely follow all cases related to the safety of journalists in Bosnia and Herzegovina.

Georgia

On **16 July** I issued a public statement concerning violent incidents involving journalists with the Info-9 news agency, Metskhre Arkhi (TV9) and Trialeti television stations and the Shida Qartli Information Center. I called upon authorities to investigate these assaults and reverse a worrying trend of increased violence against media. I also indicated I hoped a court decision to sequester 10,000 satellite antennas imported by the Maestro television station would not affect the viewers' right to receive information. I am pleased to report that the court decision was recently reversed, thus enabling Maestro to retrieve its property.

On 20 July I received a letter in response to the public statement from the authorities in which they informed me that opposition activists were responsible for the attacks on journalists.

They also explained the seizure of the Maestro antennas saying they had been purchased on behalf of another company as part of a suspected vote-buying scheme.

On **31 July** I wrote to the authorities regarding attempts to intimidate Metskhre Arkhi television correspondent Nodar Chachua. The journalist said that on 14 August his apartment was ransacked as part of what he described as renewed intimidation attempts.

Greece

On **21 August** I wrote to the authorities asking for information on why Albanian journalist Marin Mema was prohibited from entering Greece on 19 August. Mema works for Albanian Top Channel Television.

On **29 October** I issued a public statement expressing concern about the arrest of journalist Kostas Vaxevanis. He was detained for several hours and charged with violating national privacy laws following publication in his weekly magazine, Hot Doc, the names of 2,000 Greek nationals who allegedly have Swiss bank accounts to evade taxes. I expressed hope that he would be tried in a transparent manner, considering the high public interest in the case.

On **2 November** I issued a public statement welcoming the acquittal of Vaxevanis and the fact that the ruling recognized the fundamental role of the media to discuss issues of public interest. Two weeks later I was alarmed to hear that the Athens Public Prosecutor's office has appealed the decision. The journalist, who will be tried again, could be jailed for two years or fined. I believe journalists who disclose information in the public interest must be allowed to work freely, even if the information is considered sensitive by some. My Office continues to monitor the case.

On **19 November** I wrote to the authorities concerning an assault on a journalist in Athens and asked for more information. On 4 November, Michael Tezari, reporter for Skai Television, was allegedly beaten by members of the Chrysi Avgi Party as he attempted to photograph a demonstration. He was reportedly hit on the head and his press card was stolen. Journalists present said police did not intervene during the attack. I indicated that journalists have the right to report about all issues of public importance and reiterated the role police have to provide safe working conditions.

Hungary

On **12 September** I issued a public statement warning that the lawsuit initiated by the Hungarian News Agency (MTI) against journalist Gyorgy Balavany could constrain media pluralism on the Internet.

Balavany, a blogger and a journalist for the political weekly HVG, posted two blogs on his personal website claiming that public-service media uses taxpayers' money to mislead the public. MTI said that its reputation and commercial interests were damaged and demanded 10 million Forints (approximately €36,000) in damages, a public apology and the removal of the blogs.

I emphasized that the media have a duty to draw attention to issues of public interest. I also noted that the Internet is the forum where pluralistic debates can still take place in Hungary and warned that a lawsuit seeking damages for expressing critical views can have a chilling effect on the media. My Office continues to monitor the case.

On **19 November** I wrote to the authorities about media reports indicating that proposed revisions to the Criminal Code could restrict Internet freedom. Media experts claim that the draft provisions would make it possible for the government to remove alleged illegal online content and block access to certain information without prior court approval. I asked for a copy of the proposed legislation.

I also wrote regarding criminal libel proceedings filed by Budapest district mayor Ferenc Papcsak against two people who posted online comments to an article published in the online edition of the daily newspaper Nepszava. Media NGOs claim that the comments were well within the boundaries of free expression. Police have allegedly called upon the newspaper to provide the personal data, e-mail addresses and IP addresses of the commenters. Nepszava has refused. The paper has reported that the case has led to significant self-censorship, as both commenters have declared that they would stop online postings. I look forward to receiving more details about this case, too.

Italy

On **16 July** I wrote to Giulio Terzi di Sant'Agata, Minister of Foreign Affairs, regarding reports of continuing harassment of journalists. According to the organization Ossigeno per l'Informazione, 94 cases of media-freedom violations involving 212 journalists took place from 1 January to 14 July 2012. The violations range from physical violence to death threats to damaged property and criminal defamation proceedings. I said that the cases deserve a close examination and a transparent investigation by the authorities.

On 27 July I received a reply from the Foreign Minister indicating that he has contacted the relevant authorities in order to obtain in-depth information about the cases.

On **26 July** I wrote to the authorities to convey my concern following the 20 June conviction of editor Orfeo Donatini and former director Tiziano Marson of the newspaper l'Alto Adige on criminal defamation charges and sentencing them to four months in prison and a €15,000 fine. They were sued by a provincial counsellor, Sven Knoll, for a story published in 2008 alleging Knoll's ties with the far right. I expressed hope that the judgment would be reversed and an appellate court would take into account European media-freedom standards which call for prohibiting prison as a punishment for defamation.

On 27 July I received a reply from the Delegation indicating that my letter had been forwarded to the capital.

On **27 September** I issued a public statement calling on the authorities to reform defamation laws following a high court ruling upholding the criminal conviction and 14-month prison sentence imposed on Alessandro Sallusti, former editor of the newspaper Libero. On 26 September the Court of Cassation, Italy's highest court, upheld a June 2011 ruling that found Sallusti guilty of criminal libel for publishing a reader's comments regarding a judge's decision to grant a 13-year-old girl the right to have an abortion. The court concluded that Sallusti should be held liable because the reader's identity was not revealed.

Sallusti's sentence was suspended in October but Milan prosecutors have asked that Sallusti be placed under a house arrest.

On 28 November I received a reply from the delegation indicating that my statement had been forwarded to the capital.

On **16 November** I issued a public statement and wrote to the Foreign Minister to ask for the government's help to reverse a bill which would retain imprisonment as a punishment for criminal libel. I said that such a decision would run against international standards and the overall trend to decriminalize speech offenses in the OSCE region. The text was approved by the Senate in a secret vote on 13 November and is now before the Chamber of Deputies. I asked the authorities to share with my Office the text of the bill and I also stressed the need to debate the matter transparently with all stakeholders, including journalists and civil society representatives.

On 28 November I received a reply from the delegation indicating that my statement had been forwarded to the capital.

On **28 November** I issued a public statement welcoming the rejection by the Italian Senate of the proposal to retain imprisonment for defamation in the Criminal Code. I urged the authorities to use the momentum to introduce new amendments that would completely decriminalize defamation.

Kazakhstan

On **26 July** I wrote to the authorities regarding a 20 July court decision ordering Lukpan Akhmedyarov, the founder and leading journalist of the Oral-based Uralskaya Nedelya newspaper, to pay an official of the administration of Western Kazakhstan Region €27,000 in moral damages for libel. I also asked about the investigation into a 19 April attack on Akhmedyarov.

(See Regular Report to the Permanent Council of 21 June 2012).

On **10 August** and **15 August** I wrote to the authorities again about attacks on journalists Ularbek Baitailaq, Andrey Tsukanov and Maksim Kartashov.

On 14 September the authorities provided me with comprehensive information from the Office of the Prosecutor General about the attacks on Baitailaq and Tsukanov. They also provided me with details about the Akhmedyarov case.

On **8 October** I wrote to the authorities about an appellate court ruling upholding the 20 July libel judgment against Akhmedyarov. On 9 November a district court in Oral ordered the journalist to pay another civil servant more than €7,800 in compensation for libel. Two more civil servants have filed separate lawsuits against this journalist, seeking more than €50,000 in damages.

On **14 November** I wrote to the authorities in connection with an arson attack on the editorial office of the Temirtau-based Zerkalo weekly newspaper. I trust this incident will be thoroughly investigated so that the perpetrators are identified and brought to justice. In April

Zerkalo correspondent Natalya Vernadskaya complained to the police after being threatened with death by unidentified individuals.

On the invitation of Foreign Minister Erlan Idrissov I made an official visit to Kazakhstan from 29 October to 2 November. I met with high-ranking government officials, civil society representatives and journalists to discuss the media-freedom situation in the country and offer my Office's assistance to support reforms. I appreciated the direct and fruitful interaction with the officials and the fact that we could exchange views on important media freedom issues, including the issues of the safety of journalists, legislative reforms and the digitalization of broadcasting. During my visit I asked authorities to pay special attention assaults on journalists and to continue the reform of the Criminal and Civil codes to completely decriminalize defamation and cap disproportionately high damage awards in defamation cases. I also urged the adoption of a law on access to information and discussed the continuing digitalization of broadcasting which I hope will result in more pluralism. I was pleased that my concerns were taken into account and that the authorities shared my understanding for the need for further steps to ensure, protect and promote freedom of expression and freedom of information. I welcomed a Code of Ethics adopted by the Kazakh Union of Journalists during my visit as an important step to strengthen the journalism profession and encouraged the media community to use it as a tool that could lead to the establishment of a self-regulatory body. In addition to Foreign Minister Idrissov, I met with Presidential Adviser Yermukhamet Yertysbayev, Deputy Culture and Information Minister Arman Kyrykbayev and Human Rights Commissioner Askar Shakirov.

(See Visits and participation in events and Legal reviews)

On **21** and **22 November** I wrote to Foreign Minister Idrissov and Presidential Adviser Yertysbayev to express concern over the fate of several media outlets.

ccording to the information received by my Office, on 21 November the Office of the Almaty Chief Prosecutor sent a petition to courts requesting that they ban several newspapers, television stations and websites on suspicion of "extremism." Among them are the Vzglyad, Respublika and Golos Respubliki newspapers, the K+ television station and the www.respublika-kz.info and www.stan.tv Internet portals.

I wrote that I do not question the legitimate right of governments and judiciary to fight extremism and other threats present in our societies, But alleging extremism alone is not a strong enough reason to justify the closing such a large number of media outlets. Such a draconian decision will be a serious setback not only to media freedom and pluralism in Kazakhstan, but also beyond.

I said it was of the utmost importance that these print and online information resources remain accessible and I expressed hope that courts will decide against closing them.

I will continue to follow closely these developments.

Kyrgyzstan

On **4 July** I issued a public statement regretting a court decision to fine journalist Vladimir Farafonov €850 on charges of inciting interethnic hatred in online articles. I had raised this

case with Foreign Minister Ruslan Kazakbayev in March. I count on an appeals court to overturn this decision.

(See Regular Report to the Permanent Council of 29 March 2012)

On **5 October** I wrote to the authorities following reports that security officers had physically harassed an NBT television crew that was filming demonstrations in central Bishkek.

Latvia

On **6 July** I wrote to Edgars Rinkēvičs, Minister of Foreign Affairs, regarding criminal proceedings initiated against newspaper columnist Aleksandrs Gilmans for "public glorification of genocide, crimes against humanity, crimes against peace or war crimes, or public denial or acquittal of implemented genocide, crimes against humanity, and crimes against peace or war crimes." The charges stemmed from a 14 June online article about Soviet-era mass deportations. I stressed that it was my firm belief that criminalization of public debates on history, however offensive they may be or seem, is not conducive to a higher level of understanding among people.
In his 5 October response Minister Rinkēvičs said that the investigation is continuing. He stated that Latvia was highly committed to the freedom of expression and would investigate this case in line with international standards.

On **8 August** I wrote to Minister Rinkēvičs again asking him for information about the decision to deny entry to two Russian nationals, Modest Kolerov, the former owner and chief editor of the REGNUM news agency, and Igor Pavlovski, the agency's deputy editor-in-chief. The minister declared them *persona non grata* in the country.

In a 13 September response Minister Rinkēvičs confirmed his 8 August decision, saying that it was based on the information "provided by the competent Latvian institution regarding covert activities of Kolerov and Pavlovsky in Latvia directed against the security interests of Latvia, including the territorial integrity and economic security of the country." The Minister assured me that the media activities of the pair were not considered when the decision was made.

Lithuania

On **2 July** I issued a public statement expressing concern about a Vilnius court decision fining Dainius Radzevičius, the Chair of the Lithuanian Union of Journalists, for defamation. Radzevičius was sued by Vitas Tomkus, a media owner, for his comments in a blog mentioning a newspaper owned by Tomkus. The lower court fined Radzevičius 2,800 litas (€750 euros) and awarded 10,000 litas (€2,900 euros) in damages to Tomkus. I noted that this case showed the urgent need to decriminalize defamation in Lithuania. I also referred to the statement made by Minister of Foreign Affairs, Audronius Ažubalis, on 3 May, World Press Freedom Day, calling on all nations to decriminalize defamation.

On **11 October** I addressed by video link a roundtable held in Vilnius to promote decriminalization of defamation. I urged the members of Parliament to support this important

reform. The event was jointly organized by the Human Rights Committee of the Lithuanian Parliament and five local NGOs.

In another public statement on **29 October** I welcomed a Vilnius appellate court decision dismissing the claims against Radzevičius. I asked the authorities to use this momentum and decriminalize defamation.

The former Yugoslav Republic of Macedonia

On **26 June** I wrote to Foreign Minister Nikola Poposki regarding a 13 June decision by the Broadcasting Council (BC) to revoke the license of the national satellite channel A2 TV.

A2 TV was found in breach of Article 63 of the Law on Broadcasting Activity, which prohibits a station from dedicating more than 65 percent of its airtime to entertainment programming. The BC determined that A2 TV exceeded this amount by 10 percent which constituted, "serious discrepancies of the A2 TV format." The station changed its programming to comply with the licence conditions after a warning.

I indicated to the authorities that revoking a license is a harsh measure that should only be applied as a last resort in cases of grave violations of license conditions and that the action needs to take into account the effect on media pluralism.

The move comes after A1 TV had its licence revoked on 30 July 2011 and after the composition of the BC had changed to include six new members, all appointed by agencies managed by the ruling majority. I had raised both developments with the authorities on numerous occasions in 2011. The A2 TV license revocation raises serious questions about independent decision making and the proportionality of measures.

I called upon the government to reform the Law of Broadcasting to allow for a review of the composition of the BC and increase its independence.

On 14 August I received a reply by the Foreign Minister emphasizing the country's commitment to enhance media freedom and foster freedom of expression and assuring me of the procedural correctness in the A2 TV case.

(See Regular Reports to the Permanent Council of 24 November 2011 and of 23 June 2011).

On **25 October** I wrote to Trajko Veljanoski, President of the Assembly and Nikola Poposki, Minister of Foreign Affairs, regarding a decision on 4 May by the Gostivar Basic Court sentencing Sveto Toevski, a correspondent with the newspaper Vest, to a three-month suspended prison term for an article he wrote about illegal wood cutting and the criminal charges against a suspect involved in it.

The verdict is disturbing because Toevski was found guilty of defamation based on Article 172 (1) of the Criminal Code despite the fact that this article does not provide for a prison sentence. The verdict comes at a time when Parliament is debating decriminalizing defamation. I hope that the case will be overturned on appeal.

I used the opportunity to indicate that the current draft law on civil liability for insult and defamation would profit from clearer language to avoid arbitrary interpretations. I also questioned a provision allowing for defamation suits to be brought by legal entities and the representatives of the deceased. In line with modern international standards, a legal entity, such as an organization or a company, groups of people and dead people do not have honour and dignity or feelings to be protected.

I further recommended including truth as a defence in defamation suits. I also urged the authorities to reverse the burden of proof to ensure that it rests with the plaintiff. In the current version of the draft law, the burden of proof is on the defendant. Only in cases where the plaintiff is a public official is the burden of proof on the plaintiff.

I also offered to commission a legal review of the draft.

On **14 November** I issued a public statement commending the government and Parliament for fully decriminalizing defamation. I see the act as a first step in a wider effort to strengthen media freedom in the country.

Malta

On **26 July** I wrote to the authorities about a recent court ruling against the English language newspaper Malta Today. On 24 July a court ruled that the newspaper must pay €18,000 in moral damages to lawyer Peter Fenech for defamation. In January 2006 the newspaper published three articles claiming that the lawyer did not pay rent on a property owned by the government, and the government had waived the debt. Fenech, who is the chairman of the government-owned Mediterranean Conference Center, denies the claims. The newspaper intends to appeal the ruling.

I emphasized the responsibility of the authorities in ensuring that the media can perform their job independently and indicated that public figures should endure a higher level of scrutiny and criticism than private parties. I also noted the need to place limits on damages so that they cannot lead to the bankruptcy of the media outlet and thus weaken media pluralism.

On **14 August** I wrote to the authorities expressing concern over a criminal libel case opened against the daily newspaper Times of Malta. The libel proceedings were initiated by Malta's Olympic Committee Chairman, Justice Lino Farrugia Sacco, after the newspaper reprinted allegations of his involvement in the illegal reselling of Olympic tickets. The case was initially reported in the UK's Sunday Times.

I said that journalists must be free to write critically about all issues of public interest and I suggested that the government uses this case as an opportunity to decriminalize defamation.

On 21 August I received a reply from the authorities, informing me that abolishing criminal libel proceedings is under consideration. The authorities also said that beginning in 2006, such proceedings would result in a maximum fine of €1,164 and would not carry a prison sentence.

My Office is following developments in these cases and stands ready to assist in any way deemed necessary by the authorities to carry out the important reform of decriminalizing speech offenses.

Moldova

On **11 July** I issued a public statement welcoming the ruling of the Supreme Court dismissing a defamation law suit against the Ziarul de Gardă newspaper. Ziarul de Gardă was ordered to pay €33,000 in August 2011 to two Glodeni prosecutors for reporting about their alleged wrongdoings. This judgment was upheld in December by the appeals court, although the amount of damages was reduced.

I noted that the ruling implemented the national law on freedom of expression which went into effect in 2010. I hope that all judges in Moldova will be guided by this precedent when applying the law and establish a balance between media freedom and protection of reputations.

On **26 July** I wrote to the authorities asking for more information on an incident on 19 July involving a crew from Prime TV in the village of Olişcani. The staffers were attacked by several unidentified individuals while trying to film footage about a Soviet-era military bunker.

On **2 August** I wrote to Iurie Leanca, Minister of Foreign Affairs and European Integration and Deputy Prime Minister, presenting a legal analysis of the government's programme on the transition from analogue terrestrial television to digital terrestrial television. The analysis offered the authorities support and expertise for the further development of the programme and contributed to public discussions on this important issue.

(See Legal reviews)

Montenegro

I was pleased to learn that on 20 July the assailant of Olivera Lakić, an investigative reporter with the newspaper Vijesti, was sentenced to 9 months in prison by a Podgorica court. Ivan Busković was found guilty of attacking Lakić on 7 March. I issued a public statement condemning the attack on 8 March and emphasized that the event was not an isolated case and the Vijesti team and Lakić had been threatened before for their reporting about the Tara tobacco plant.

I was also pleased to learn that on 23 July that the Podgorica District Court had given Miljan Mugoša, the son of Podgorica Mayor Miomir Mugoša, a 6-month suspended sentence, for his attack on Mihajlo Jovović, editor of Vijesti, in August 2009. Jovović was attacked on 5 August in the center of Podgorica by Miljan and Miomir Mugoša while performing his job.
My predecessor, Miklós Haraszti, as well as the OSCE Mission to Montenegro, had raised this case with the authorities.

On **8 October** I wrote to Nebojša Kaluđerović, Minister of Foreign Affairs and European Integration, expressing my concern about an assault on two journalists during an election campaign event. Goran Malidžan of Vijesti and Božidar Jelovac of the newspaper Dan were attacked on 4 October in the town of Pljevlja after covering a DPS campaign rally. Malidždan was attacked by a local official and a former police officer. The latter also reportedly issued death threats against the journalist, directly linking it to his work as a journalist. Jelovac, who witnessed

the attack, was verbally assaulted when attempting to take photographs. I reiterated that attacks against journalists affect society as a whole as they are direct attempts to undermine democracy.

On 30 October I received a reply from the Foreign Minister informing me about the chronology of the events on 4 October and indicating that he shared my opinion that free journalism is a guarantee for the democratic development. I was further told that police officers reacted in a timely fashion and effectively carried out all activities in the case.

Poland

On **7 September** I wrote to Radosław Sikorski, Minister of Foreign Affairs, regarding a criminal defamation case against Robert Frycz, an editor of the Antykomor.pl satirical website. Frycz was charged, among other things, with insulting the president. I reiterated my call to decriminalize defamation.

I issued a public statement on **17 September** criticizing his conviction and called on the authorities again to repeal criminal defamation laws. Frycz was found guilty in a closed trial and sentenced to 10 months of community service for publishing satirical materials about President Bronislaw Komorowski.

Earlier this year, I supported a civil society campaign against criminal defamation. I have repeatedly called on the authorities to review the relevant provisions of the Criminal Code.

On 25 September I received a response from Minister Sikorski commending the efforts of my Office to safeguard freedom of speech and media. He assured me that the trial against Frycz was held by an independent court in full compliance with domestic legislation. He also informed me that decriminalization of defamation is a subject of continuing discussion and analysis by members of parliament, government officials, academia and civil society.

I learned with satisfaction about the 18 September judgment of the European Court of Human Rights against Poland in a defamation case. In the case Isabella Lewandowska-Malec vs. Poland (39660/07) the university professor argued that she was illegally convicted for publishing a letter criticizing a town mayor. The Court ruled the conviction violated Article 10 of the European Convention on Human Rights. This is the third decision of the European Court of Human Rights against Poland in a defamation case.

I hope that defamation reform will begin soon.

Romania

On **27 November** I received a letter from the authorities replying to 1) my public statement of 18 May condemning an attack on investigative journalist Dan Bucura and 2) my letter of 25 May, regarding the frozen bank accounts of Public Television TVR and a law requiring telephone and Internet companies to store user data and hand it to government authorities upon request.

The authorities informed me that on 19 May a criminal investigation was started in the Bucura case.

The letter also informed me that the decision by the National Agency for Fiscal Administration to block TVR's accounts was suspended on 20 June for six months.

The authorities said they hoped a permanent financing solution for public television could be found. I emphasize the importance of financially and editorially independent public broadcasters and look forward to receiving further information from the authorities on this issue.

I also received a copy of the data-storage law.

Russian Federation

On 3 July I received a response from the authorities to my 10 May public statement in which I regretted the detention of journalists and cyber attacks on websites of independent media outlets during street protests in Moscow

(See Regular Report to the Permanent Council of 29 March 2012).

The response claimed that three of the detained journalists were unable to provide a valid press card at that time. The authorities also informed me that they were unable to confirm other cases mentioned in my statement.

On **9 July** I wrote to Foreign Minister Sergey Lavrov and State Duma Speaker Sergey Naryshkin and on **10 July** I issued a public statement voicing my concern over the possible effect on media freedom of the draft bill "On the Protection of Children from Information Harmful to their Health and Development." The bill, which was adopted by the State Duma on 11 July and signed into law by President Vladimir Putin on 29 July, creates a national registry of websites containing harmful content, such as, but not limited to, child pornography, and instructions on how to commit suicide and prepare narcotics.

On **12 July** I issued a public statement expressing my regret with the adoption of draft amendments recriminalizing libel, which were finally approved on 13 July. Under the new legislation, libe is again a crime punishable by fines of up to €123,000, or compulsory work sentences of up to 480 hours. I am pleased that prison sentences for libel were removed from the bill. However, I regret that just seven months after abolishing criminal defamation, it has returned.

I will continue to follow this issue and hope that this and future legislative initiatives will not have a negative impact on free media and free expression.

On **6 August** I wrote to the authorities following reports that two days earlier Ukrainian journalist Serhiy Shevchenko had been denied entry into Russia.

On that date the authorities responded to my 9 July letter. They assured me that the owners of websites deemed harmful to children will have the right to challenge their inclusion into the national registry in court. They also justified the adoption of the bill, by saying a number of OSCE participating States had, in recent years, strengthened legislation to protect minors from child pornography and other harmful content**.**

On **17 August** I issued a public statement regretting the conviction of three members of the Pussy Riot rock band in Moscow, which I said was part of a trend in several OSCE countries toward curbing freedom of expression.

On **1-4 October** I visited Moscow to participate in a roundtable discussion organized by the Russian Union of Journalists, the European Federation of Journalists and International Federation of Journalists. During my stay, I met Vice Speaker of the State Duma Sergey Zheleznyak, Deputy Foreign Minister Aleksandr Grushko, the Foreign Ministry's Representative on Human Rights, Democracy and the Rule of Law Konstantin Dolgov and Deputy Communications and Mass Communications Minister Aleksey Volin. I also met Mikhail Fedotov, presidential adviser and the Chair of the Presidential Council for the Advancement of Civil Society and Human Rights.

I value the readiness for dialogue demonstrated by the authorities and our frank and constructive exchange of views on the media freedom situation, existing challenges and ways to address them. During my meetings I once again raised the issues of the recently adopted law "On the Protection of Children from Information Harmful to their Health and Development" and the recriminalization of defamation.

The safety of journalists and impunity for their assailants also was discussed and I noted with satisfaction the 2011 amendment of the Criminal Code which make violence or threats of violence against journalists or their relatives punishable by corrective labour or imprisonment.
Internet freedom was also an important part of our discussions. I was pleased to receive assurances from the authorities that the Internet in Russia will remain a free and open forum, which I trust will be the case. I will continue to monitor the effect of the law on content on websites aimed at children.

I welcome the fact that during my talks with the Russian authorities, we agreed to increase our co-operative efforts, including working on and training in the area of the safety of journalists, online media and access to information.

On **7 November** I issued a public statement welcoming a Supreme Commercial Court resolution authorizing journalists to report freely from lower commercial courts sessions, including through social media and the Internet, without requiring special permission or notification to presiding judges and parties in court.

(See Visits and participation in events)

Serbia

On **2 August** I issued a public statement calling on President Tomislav Nikolić to pardon journalist Laszlo Sas following his imprisonment for criminal insult. On 24 April 2007 Sas published a reader's comment in the daily newspaper Magyar Szo criticizing Laszlo Toroczkai, the leader of the ultra-national 64 Counties Youth Movement in Hungary, whose goal is to return Hungary to its 1920 borders. He was found guilty of insult and ordered to pay a 150,000 dinar (approximately €1,300) fine, which resulted in a 150-day prison sentence after Sas was unable to pay the fine.

I urged the authorities to fully decriminalize speech offences in order to do away with the chilling effect of criminal defamation.

I welcome the fact that on 3 August President Nikolić granted amnesty to the journalist.

On **6 August** I wrote to Foreign Minister Ivan Mrkić enquiring about the possibility of paying an official visit to the country to receive first-hand information on the media freedom situation from high government officials and civil society and media representatives.

On **18-20 September** I visited Belgrade for meetings with governmental officials and media representatives including Prime Minister and Interior Minister Ivica Dačić, Speaker of Parliament Nebojša Stefanović, Foreign Minister Ivan Mrkić, First Deputy Prime Minister and Defence Minister Aleksandar Vučić, Deputy Prime Minister and Minister for Telecommunications Rasim Ljajić, Minister of Culture and Information Bratislav Petković, State Secretary of the Justice Ministry Danilo Nikolić, members of the Broadcasting Agency Council, the Director General of the Public Radio and Television, Aleksandar Tijanić and media and civil society representatives.

Legal reforms, the safety of journalists and independent reporting, the need to ensure a politically and financially independent broadcast regulator and public service broadcaster, as well as the need to shed light on unsolved murder cases of three journalists were among the topics discussed. I urged the authorities to accelerate media reforms, ensure the complete withdrawal of the state from the media market and to foster an environment conducive to free media and the safety of journalists. I welcome the government's readiness to co-operate on media freedom issues and value the constructive dialogue I enjoyed during my visit.

(See Visits and participation in events)

On **18 October** I issued a public statement condemning an attack on Damir Dragić, director of the daily newspaper Informer. On 16 October assailants threw a Molotov cocktail at Dragic's house in Belgrade, destroying his father's car. The journalist linked this attack to his newspaper's editorial policy.

I indicated that the government authorities assured me during my visit to step up efforts to create safer working conditions for journalists. This is particularly important because there are at least three journalists who require around-the-clock police protection to do their jobs. I welcomed the clear words of support to the newspaper coming from the highest officials in the country. I hope the attack will be swiftly investigated and the perpetrators brought to justice.

On **31 October** I wrote to Prime Minister and Minister of Interior Dačić and Minister of Finance and Economy Mlađan Dinkić regarding a draft law on fees for the use of public goods. If adopted in its current form, the legislation might negatively affect the financial independence of the public service broadcasters and telecommunications and broadcast regulators as it stipulates that commercial broadcasters would no longer pay license fees to the Republic Broadcasting Agency and operators would no longer pay fees to the Republic Agency for Electronic Communications. Instead, these fees would directly go into the state budget, leading the two regulatory agencies to lose their source of independent financing and making them de facto dependent on the state budget.

The draft law states that the broadcast fee, paid by citizens for public service broadcasting services, would be directly channelled into the state budget and no longer collected – through electricity bills – by public service broadcasters.

I warned that financing the public service broadcasting system directly from the state budget risks jeopardizing its financial and editorial independence because it creates the potential for direct political influence on editorial policies.

I urged the government to reconsider the draft law as its adoption in its present form may have a detrimental effect on media reforms and media freedom. I offered my Office's assistance by commissioning a legal review of the draft legislation.

On **31 October** I issued a public statement expressing concern over an attempted attack on Tanja Janković, a journalist with B92 radio. On 30 October an explosive device was placed near Janković's parents' home, but did not detonate. This was the second incident Janković and her family were involved in. On 22 September they were injured during festivities in Vranje.

I urged the authorities to investigate whether the two incidents are linked and related to the journalist's professional activities. I also asked for an investigation in to the recent attack on Damir Dragić.

On **21 November** I wrote to Foreign Minister Mrkić and Minister of Justice Nikola Selaković regarding Criminal Code reforms. The draft amendments to the Code still preserve criminal defamation, although journalists who act in "good faith" would be exempt from sanctions. I called upon the government to use the opportunity to fully decriminalize defamation to guarantee unimpeded public debate on subjects vital for a democratic society.

Slovenia

On **15 November** I wrote to the President of the National Assembly, Gregor Virant, and to Foreign Minister Karl Erjavec regarding the debate in Parliament to increase the value-added tax (VAT) on newspapers, magazines and other periodicals from 8.5 percent to 20 percent. While understanding the government need for fiscal consolidation, I expressed my concern about the very likely negative effect of this increase on media pluralism in Slovenia.

I said that in most European Union countries, print media is not subject to VAT or has a rate of less than 10 percent, recognizing the vital role of the press in democratic societies. I believe that democratic governments should set low rates to make news more financially accessible to readers.

Given the fragile economic condition of most newspapers, I urged the authorities to reconsider the proposal, which might put some print media out of business or reduce the quality of journalism.

I was pleased to learn on 29 November from the Slovenian Delegation that the VAT will not be increased.

Spain

On 19 June I received a detailed response from State Secretary Ayllón Manso regarding the legal review I commissioned in April on the modified draft law on transparency, access to information and good governance. Although the current draft is a significant step toward more government transparency and accountability, the analysis recommended further improvements to guarantee the law is in line with the OSCE commitments and international best practices.

The State Secretary also outlined the major changes in the draft law that had been included following public consultations and provided detailed clarifications about the scope of the law.

I await the adoption of a comprehensive and advanced law on access to information in Spain. My office commissioned legal reviews of earlier drafts and submitted them to the authorities so they could be used in public consultations. I am concerned to learn that the results of the public consultations have not been released by the government.

I have been following an appeals procedure by Access Info, an NGO based in Madrid. For reasons of the vital importance of access to public information, I amconcerned about a Supreme Court decision ordering Access Info Europe to pay€3,000 in court costs to the government when asking what it is doing to fight corruption. Access Info is appealing to the Constitutional Court, which I trust will establish the right of all persons to request any information from public bodies without having to explain the reasons for such requests. This principle is vital to allow for access to information laws to function properly and for investigative journalism.

In a letter from the Spanish Delegation to the OSCE on 28 November, I was informed that the Access Info appeals ruling touched upon the fact that the applicants were denied the right to seek explanations by the government. They were not denied the right to ask for information, per se, and the payment of the court procedure in the amount of 3000 Euro was a routine decision. I keep following these most recent developments and will stay in touch with the Spanish Delegation on the issue.

Tajikistan

On **19 July** I wrote to Foreign Minister Hamrokhon Zarifi following an announcement by the head of the Communications Service that an inspection commission would soon be set up to monitor the Internet with a view to tracking down “libelous and insulting” content. I asked for additional information. I hope the creation of this commission would not violate OSCE media-freedom commitments nor become a form of censorship.

On **24 July** I issued a public statement regarding the blocking of news.tj, the website of the independent Asia Plus news agency. I urged authorities to lift the ban on this and other Internet resources, including tjknews.com, zvezda.ru and maxala.org, which have been inaccessible since March.

I indicated that Internet should remain an open source of information and that security concerns, however legitimate, cannot be invoked to hinder the free flow of information.

People must be able to access information from diverse sources and media must be able to report on issues, even those as sensitive as security.

On **27 July** I issued a public statement asking authorities to lift the ban imposed the day before on the YouTube video sharing website. I also welcomed a decision to unblock access to news.tj. I emphasized that only courts should be allowed to decide whether websites can be blocked. Blocking is a restriction on free media which deprives citizens of their right to know, to receive and communicate information about developments in their own country. Authorities have the obligation to ensure the free flow of information and unhindered functioning of the media. I also said I believed media should uphold the highest professional standards when carrying out their duties. In this regard I welcomed the call on the media by several leading nongovernmental organizations to cover events in the country in an objective and unbiased manner.

On **20 September** I wrote again to Minister Zarifi, this time to express concern over reports suggesting that journalists working for the Tojnews news agency, the Ozodagon newspaper and the BBC's Tajik-language service were prevented from exercising their professional duties while covering a fire that destroyed the Korvon market in Dushanbe on 5 September.

I am pleased to report that access to YouTube and tojnews.org was unblocked on 10 October.

On a less positive note, I regret that on 25 November the Communications Service instructed Internet service providers and mobile telecommunications operators to block access to Facebook. I hope the decision will be reversed as soon as possible.

Turkey

On **6 July** I issued a public statement expressing concern over new charges brought against investigative journalist Ahmet Şik for threatening and insulting public officials. The new indictment carries a penalty of three to seven years in prison for comments he made upon being released in March.

On **10 September** I wrote to Minister of Foreign Affairs Ahmet Davutoğlu to raise attention to media-freedom developments.

I noted the smear campaign by the newspaper Yeni Akit and its website against four prominent journalists in reaction to their reports on Kurdish issues.

I also raised attention to the increase in the number of attacks against journalists in the previous two months. I welcomed the fact that the authorities had launched investigations in some of the cases and urged swift and transparent investigations in all similar incidents.

I reiterated my hope that in the trials of journalists – accused of membership in the Marxist-Leninist Communist Party, in the Union of Kurdistan Communities and in the so-called OdaTv trial, respectively – the courts would consider free expression as an indispensable element of democracies and of any fight against terrorism. My Office continues to monitor these trials. Currently approximately 70 journalists are in prison in Turkey. My Office continues to co-operate with the authorities in this and other media freedom issues, which I appreciate.

Turkmenistan

On **5-6 July** I visited Turkmenistan for my Office's 14th Central Asian Media Conference, which took place for the first time in Ashgabat. I discussed media-freedom issues and further co-operation with Deputy Prime Minister and Foreign Minister Rashid Meredov, Mejlis Speaker Akja Nurberdiyeva, Vladimir Gubanov, the chair of the Mejlis' Committee on Science, Education and Culture and Yazdursun Gurbannazarova, director of the Turkmen National Institute for Democracy and Human Rights.

I was pleased to have the opportunity to discuss media freedom issues, including freedom on the Internet. I offered my Office's full support for the continuing reform of the media law. The continuing and future co-operation between my Office and the authorities was also a subject of discussion.

(See Visits and participation in events)

Ukraine

On 17 July I received a letter from Daria Chepak, Press Secretary of the President of Ukraine and Head of the Interagency Working Group on freedom of speech and protection of journalists, presenting a report of the Working Group's activities since its establishment. I have supported the important work of the group which represents all stakeholders, including civil society, and is systematically reviewing cases of alleged media freedom violations and violence against journalists.

On **11 July** I wrote to Kostyantyn Gryshchenko, Minister for Foreign Affairs, to raise several cases of violence and threats against journalists in the Odessa region, including Anatoliy Tiora, a journalist of the IzbirKom newspaper and Oleksandr Horodilov, editor-in-chief of 048.ua website

On **18 July** I wrote to Minister Gryshchenko concerning the developments regarding the TVi television channel related to the 12 July tax inspection and a criminal investigation launched against its CEO, Mykola Knyazhytsky.

In a letter on **14 September** to Minister Gryshchenko and in a public statement on **19 September** I expressed my concern over legislative steps to recriminalize defamation. The draft law was adopted in a first reading by the Verkhovna Rada on 18 September.

On **2 October** I welcomed the decision of the Rada to reject the bill which would have recriminalized defamation.

On **4 October** I wrote to Minister Gryshchenko about several new cases of violence against journalists, including Mykola Ryabchenko, a reporter of the Mariupol-based 0629.com.ua website, Dmytro Volkov, a journalist for 1+1 television channel and Volodymyr Silyakov. I suggested that the Interagency Working Group on freedom of speech and protection of journalists would address these cases and that they would be swiftly investigated.

On 9 October I received a response from the authorities with information on the progress of investigations on the cases of Tiora and Horodilov. In this letter the authorities also updated me on the state of the investigations into the cases of Vasyl Klymentiev and Georgiy Gongadze. In the Klymentiev matter, a criminal case against a man called Kozar was initiated for intent to murder. Since Kozar has not been located in Ukaine, an international arrest warrant was issued. Regarding the Gongadze murder, the authorities said that three officials of the Interior Ministry were identified as the perpetrators and the criminal case against them was referred to court. In 2008 they were sentenced to various prison terms. In addition, on 31 March a criminal case against the former Head of the Main Department for Criminal Intelligence of the Ministry of Interior Pukach was referred to court. The case is still being considered by the Pechorsk District Court in Kyiv. I was assured that the authorities aim at a comprehensive and impartial investigation into the case.

I would like reiterate that it is of paramount importance that the authorities ensure full and transparent investigations and trials in the Klymentiev and Gongadze cases.

On **26 October** Chepak provided information on cases before the Working Group. The incidents that I mentioned were considered at the 11th meeting of the Group on 22 October as part of the "Open Dialogue" programme. The Head of the Working Group also said that as of 20 October, 33 appeals from journalists were received. Based on those claims, 11 criminal cases were launched and four of them were already referred to courts. Obstruction of journalism was confirmed in two cases.

It is commendable that the amended Criminal Procedure Code of Ukraine went into effect on 20 November, establishing the absolute right of journalists to protect confidential sources of information. This provision also establishes the right of journalists to refuse demands to produce records or documents that may be used by law-enforcement agencies to reveal anonymous sources.

On 28 October, in response to my 4 October letter, the authorities provided me with details of the cases I had raised. According to the General Prosecutor's Office of Ukraine, in the case of Mykola Ryabchenko, the Mariupil Prosecutor's Office examined his complaint of being assaulted while covering a public event. The prosecutors established that the journalist did not present any identification to confirm that he was a working journalist on duty and subsequently refused to hand over his videotape with some footage of the event to the authorities. Based on these facts, it was decided not to launch a criminal investigation.

In the case of Dmytro Volkov, a criminal investigation was launched.

In the case of Volodymyr Silyakov, the Mikolayiv Prosecutor's Office continues to investigate the matter.

United States

On **7 August** I wrote to the authorities regarding Robert Stolarik, a freelance photographer for The New York Times, who was arrested while covering police activity in the Bronx. Stolarik was charged with obstructing government administration and resisting arrest.

I indicated that my Office is concerned about journalists' safety while covering public events. I asked to be kept informed about developments in the case.

On **19 September** I issued a public statement expressing concern once again about police treatment of the media covering the Occupy Wall Street protests in New York City.

At least five members of the media were taken into custody, including photojournalist Julia Reinhold, who was wearing a press pass issued by the National Press Photographers Association.

I initially spoke out on law-enforcement treatment of the media in December 2011, when police arrested journalists reporting on the initial Occupy Wall Street demonstrations across the United States. I said indiscriminately rounding up media sends a disturbing signal about the police's respect for media freedom.

I note with interest the decision of the U.S. Supreme Court on 26 November to let stand a federal appellate court decision barring enforcement of an Illinois eavesdropping law that would have barred the recording of police officers opening engaged in their public duties.

Projects and activities since the last report

Legal reviews

Bosnia and Herzegovina

On **24 September** together with the Head of the OSCE Mission to Bosnia and Herzegovina, Ambassador Fletcher M. Burton, and the EUSR/Head of the EU Delegation in Bosnia and Herzegovina, Ambassador Peter Sørensen I forwarded to the authorities two legal reviews of eight laws pertaining to the communications and broadcasting regulator and to the public service broadcasting system, commissioned by my Office and carried out by lawyers from ARTICLE 19, London-based media-freedom advocacy nongovernmental organization. The eight laws reviewed were the Law on Public Broadcasting System of Bosnia and Herzegovina, the Law on Public Broadcasting Service of Bosnia and Herzegovina, the Law on the Radio Television of the Federation of Bosnia and Herzegovina, the Law on the Radio Televisions of Republika Srpska, the Law on Communications of Bosnia and Herzegovina, the Law on Ministries and Other Bodies of Administration, the Law on Financing the Institutions of Bosnia and Herzegovina, and the Law on Salaries and Compensations in the Institutions of Bosnia and Herzegovina.

The two areas of broadcast regulation and the public service broadcasting system were identified as being of particular concern in the legislative framework governing media freedom. The implementation of respective laws is a condition precedent to signing the EU Stabilisation and Association Agreement. The analyses are to be seen as part of a wider effort by the international community to improve the framework. Since 2010 the OSCE, as well as the EU, has regularly drawn attention to the stalled implementation of existing media legislation.

The following recommendations would serve as a mechanism to speed the process of reform, to ensure the correct implementation of existing legislation and to fully meet European standards.

Main Recommendations Pertaining to the Public Service Broadcasting System

- The legal framework of public service broadcasting should be harmonized. The Law on Public Broadcasting System should set out common elements of the three public service broadcasters such as their institutional structure, safeguards for institutional independence and editorial autonomy, content regulation and funding. The legal framework should also regulate the relations between the public service broadcasting system and the Communications Regulatory Agency.

- The laws should strengthen the institutional autonomy and editorial independence of public service broadcasters by prohibiting directors general and members of boards of governors and of management boards from receiving any instruction from anybody other than the one which appointed them and by including provisions relating to conflicts of interest. The Communications Regulatory Authority should be given powers to nominate candidates for the Board of Governors of the three public service broadcasters relying on a harmonized system of nomination. The state parliament and the parliaments of the two entities should not be able to reject the shortlist of candidates for the Board of Governors submitted by the CRA.

- The parliaments and governments at state and entity levels and the civil society in Bosnia and Herzegovina should urge the three public service broadcasters to end the deadlock and establish the Corporation according to the Law on Public Broadcasting System.
- The state parliament and the parliaments of both entities should ensure that public service broadcasters are provided with the necessary financial means to complete their mission and set out mechanisms for regular reviews of their needs and provision of publicly funds to enable them to operate in the new digital environment.
- The laws pertaining to the public service broadcasting system should promote public participation in public service governance by providing for public hearings in parliamentary commissions of the shortlisted candidates for boards of governors of public service broadcasters and allow the public to make representations concerning these candidates.

Main Recommendations Pertaining to the Communications Regulatory Agency

- The appointment process for the governance and management structures of the Agency should be free from any political and economic interference. The Law on Communications should explicitly prohibit the Council of Ministers from such interference when finalizing the CRA Council membership nominations.

- The legislation should stipulate the budgetary authority of the Agency in order to allow for independent financial operations.

- The Law on Communications should stipulate that the Director General is appointed by parliament and include provisions to prevent a situation whereby the government, Council of Ministers, can interfere with the selection by not acting on nominations.

- The provisions of the Law on Salaries and the Law on Ministries that undermine the financial autonomy of the Law on Communications should be abolished.

- The financial independence of the Agency should be provided for through a set of safeguards pertaining to the Agency's budget in order to shield it from interference by the Council of Ministers. Namely, the Law on Communications and the Law on Financing the Institutions of Bosnia and Herzegovina should provide that the government cannot limit the budget approved by the CRA Council below a certain limit or percentage.

The functioning of the communications and broadcasting regulator as well as the public service broadcasting system will remain a key focus. I hope that these two legal reviews will help Bosnia and Herzegovina to adjust its media legislation and ensure that it meets OSCE commitments and international standards on media freedom.

The legal reviews are available in English, Bosnian, Serbian and Croatian at http://www.osce.org/fom/94212

Kazakhstan

On **26 November** I presented to the authorities a legal analysis of the draft law "On the protection of children from information harmful to their health and development" under consideration by the Parliament. The analysis was commissioned by my Office and prepared by an independent legal expert.

The analysis welcomed provisions of the draft law that attempt to balance the right of children to be protected from harmful information with the right to freedom of expression, access to information and participation in public life.

It also finds positive the provisions that ensure the participation of professionals, experts, parents and others in the implementation of the law, as well as those sections that promote media literacy of parents and children.

However, the analysis noted that it was unfortunate that the draft law allows for mandatory governmental screening of websites designed for children to determine if the content is harmful. This can cause subjective and excessive control by governmental agencies over websites.

The following recommendations made by the expert:

- Remove the provision requiring mandatory governmental screening of websites and allow for sites to voluntarily submit to content screening;
- Ensure the participation of representatives of civil society and relevant media stake-holders during drafting and implementation stages of the law;
- Guarantee involvement of self-regulating and co-regulation bodies in the implementation of the law.

The legal review is available in Russian only at www.osce.org/fom/97555

Kyrgyzstan

On **23 November** I presented to the authorities a legal analysis of the draft law "On the protection of children from information harmful to their health or development" under consideration by the Parliament. The analysis was commissioned by my Office and prepared by an independent legal expert.

The analysis welcomed elements in the draft law that attempt to balance the right of children to freedom of expression with the right to protect children from harmful information.

It also states that is positive that a single government supervisory agency is mandated to protect children from harmful information, thus avoiding confusion and conflicting decisions.
However, it also noted certain shortcomings in the proposed law, including the lack of self-regulating or co-regulation bodies to be involved in determining content on websites and the requirement of mandatory labelling of information on sites. Although mandating one state body instead of many to review websites can be considered positive, a single state body concentrates power which can lead to a process that is bureaucratic and non-transparent and invests too much authority in a governmental body.

The following recommendations were made:

- Ensure the participation of representatives of the professionals, including media organizations, during the implementation stage of the law;
- Remove the provision requiring mandatory labeling of Internet media products;
- Introduce voluntary, transparent and independent procedures to assess website content.

The legal review is available in Russian only at www.osce.org/fom/97559

Moldova

In early August I presented to the authorities a legal analysis of the Government's Programme on the transition from analogue terrestrial television to digital terrestrial television.

The programme, which was prepared by the Ministry of Information Technologies and Communications, is an important positive step in the planning of the switchover to digital broadcasting.

The analysis was prepared by Dr. Katrin Nyman-Metcalf, a well-known international expert in communications law, who had previously analyzed several Moldovan laws regulating broadcasting.

The goal of the analysis was to offer the authorities support and expertise for the further development of the programme and to contribute to public discussions.

The analysis concludes with some specific recommendations on how to ensure a smooth switch-over, focusing on preserving pluralism and diversity of broadcast media in the digital age.

Some recommendations also mention the need to streamline decision-making regarding financial support to acquire decoders by households, consider financial aid to broadcasters for

creating digital multiplexes and ensure that the digital licensing regime will guarantee media pluralism.

The legal review is available at in English and Russian at http://www.osce.org/fom/92575

Russia

On **28 September** the Supreme Court of the Russian Federation requested the assistance of the Director of my Office to draft and provide advice on a draft Resolution of the Plenary Meeting of the Supreme Court "On Transparency of Justice and Access to Information on Activities of the Courts." On 7 and 19 November the Supreme Court was provided with recommendations. I welcome this initiative of the Supreme Court that would allow for more access by journalists to courts in the country.

Visits and participation in events

On **23-26 June** in Port of Spain, **Trinidad and Tobago**, I attended the International Press Institute World Congress and launched the 2012 Joint Declaration on crimes against freedom of expression, together with rapporteurs on media freedom from the United Nations, the African Commission for Human and People's Rights and the Organization of American States. I also participated in a roundtable with the rapporteurs at the conference on freedom of expression trends worldwide. The Declaration is available at http://www.osce.org/fom/91595?download=true

On **25 June** the Director of the Office participated in a roundtable discussion or responses to hate speech at Central European University in **Budapest**.

On **27 June** my Office participated at the Pan-European Forum on Media Pluralism & New Media held in **Brussels**.

On **5-6 July** I opened the 14th Central Asia Media Conference on the subject of the move from traditional to online media. The annual event was held in **Ashgabat** for the first time. During my visit to Ashgabat I met with Deputy Chairman of the Cabinet of Ministers and Foreign Minister Rashid Meredov, Mejlis Speaker Akja Nurberdiyeva and Chair of the Mejlis Committee on Science, Education and Culture Vladimir Gubanov, as well as Yazdursun Gurbannazarova, the Director of the Turkmen National Institute for Democracy and Human Rights, to discuss media freedom issues and future co-operation between my Office and Turkmenistan.

On **10-11 July** the Director of the Office participated in the Mapping Digital Media Advocacy Summit held by the Open Society Foundation in **Istanbul**.

On **24 July** the Director of the Office taught at the 8th International Media Law Summer School in **Kyiv** organized by the Kyiv Media Law Institute.

On **6-7 September** I spoke in **Nairobi** at the second conference of the Freedom Online Coalition organized by the Government of the Netherlands.

On **13-14 September** I spoke in **Berlin** on the topic "The Internet and Human Rights in Foreign Policy: Where do we stand and where are we going?" organized by Aarhus University and the German Federal Foreign Office.

On **18-20 September** I visited **Belgrade** to meet with governmental officials and media representatives.

On **20-21 September** I opened the Second South East Europe Media Conference which was held in **Belgrade** and jointly organized by my Office and the OSCE Mission to Serbia and other OSCE field presences in the region.

On **27 September** my Office contributed to the discussion of the switchover to digital terrestrial TV broadcast in Tajikistan by providing expert advice to the OSCE office in Tajikistan and recommending an expert to speak at the Social Partnership Club meeting in **Dushanbe** that gathered 80 members of the Public Council under the President.

On **1-4 October** I paid an official visit to **Moscow**. During my visit I met Deputy Chair of the State Duma Sergey Zheleznyak; Deputy Foreign Minister Alexander Grushko; the Russian Foreign Ministry's Representative on Human Rights, Democracy and the Rule of Law Konstantin Dolgov and Deputy Communications Minister Aleksey Volin. I also met with Mikhail Fedotov, presidential adviser and the Chair of the Presidential Council for the Advancement of Civil Society and Human Rights. During my visit I delivered a keynote speech at a conference on the safety of journalists and impunity organized with the Russian Union of Journalists, the European Federation of Journalists and the International Federation of Journalists. I also met the Head of the Russian Union of Journalists Vsevolod Bodganov, and delivered a lecture to journalism students at the Higher School of Economics. I visited the editorial offices of Novaya Gazeta and Russia Today and met their staff.

On **11-12 October** I opened the 9th South Caucasus Media Conference on the transition from traditional to online media held in **Tbilisi** and organized by my Office.

On **18-19 October** my Office participated at the annual meeting of the Alliance of International Press Councils in Europe held in **Antwerp**.

On **21-23 October** I participated in the panels "Media and Freedom" and the Women Leaders Panel in **Prague** at the 16th annual Forum 200 Conference which focused on the relationship between media and democracy organized by the Forum 2000 Foundation.

On **22-23 October** my Office lectured at a conference in **Budva** on police and media relations organized by the OSCE Mission in Montenegro.

On **29 October- 2 November** I visited Kazakhstan at the invitation of Foreign Minister Erlan Idrissov. I also met with Presidential Adviser Yermukhamet Yertysbayev, Vice Minister of Culture and Information, Arman Kyrykbayev and Human Rights Commissioner Askar Shakirov, media and civil society to discuss the media freedom situation in the country. I also spoke with the students of the Eurasian National University named after Gumilyov and the Academy of Public Administration.

On **31 October – 1 November** an expert from my Office spoke at a conference in **Kyiv** and **Lviv** on good practices in audiovisual media regulation and regulatory practices in

convergent media organized by the OSCE Project Co-ordinator in Ukraine and the National Television and Radio Broadcasting Council.

On **6 November** I addressed the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament by video on the topic of media freedom in the European Union countries. The video is available at http://www.youtube.com/watch?v=5ibSeCN_IUc.

On 6-10 November I visited Baku on the occasion of the Internet Governance forum, I took part at two panels at this event. During my stay in Baku, I met Foreign Minister Elmar Mammadyarov, Interior Minister Ramil Usubov, the Head of the Presidential Administration's Public-Political Affairs Department Ali Hasanov and the Head of the International Relations Department Novruz Mammadov. I was granted unlimited access to visit detained journalists Avaz Zeynalli, the chief editor of Khural newspaper, independent journalist Faramaz Novruzoglu (Allahverdiyev), executive director of Khayal TV Vugar Gonagov and chief editor of Tolishi Sado newspaper, Hilal Mammadov.

On **7 November** I met with the press in **Baku** along with Nils Muižnieks, Council of Europe Commissioner for Human Rights, and Neelie Kroes, a Vice President of the European Commission, to discuss the state of media in Azerbaijan. We issued a joint statement showing we are ready to support progress in Azerbaijan to secure online and offline media freedom.

On **7 November** the Director of the Office participated in a panel addressing media concentration in the digital age at the 20th anniversary meeting of the European Audiovisual Observatory in **Strasbourg**.

On **10 November** along with Ali Hasanov, Head of the Social and Political Department of the Presidential Administration, and Aflatun Amashov, Chair of the Azerbaijani Press Council I opened a training devoted to the safety of journalists covering public events.

On **15-16 November** the Director of the Office led a panel discussion and delivered a lecture on the digital switchover and media pluralism in CIS countries in **Moscow** at the Fourth International Media Reading Conference organized by Moscow State University.

On **16-17 November** my Office participated in a conference organized by the South East European Network for Professionalization of Media on the topic of Strengthening media freedom and ethical reporting in South East and Central Europe held in **Bucharest**.

On 22-23 November my Office participated in the 2nd UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity in **Vienna**. The event is organized by UNESCO, to discuss the related United Nations Implementation Strategy for 2013-2014. My Office also attended a related public event organized by the International Press Institute.

On **22-23 November** the Director of my Office spoke at the expert seminar "What Digital Future?" in **Vienna** organized by the University of Vienna.

On **24 November** I participated in a panel discussion in **Istanbul** with international and Turkish judges, lawyers and other media experts and journalists on the subject of freedom of expression and free media in Turkey. The event was organized by the Friedrich Ebert Foundation, the European Federation of Journalists, Bianet and the Umut Foundation.

On **27-28 November** my Office participated in the conference "Tackling Hate Speech – Living Together Online" in **Budapest** organized by the Council of Europe and the EEA and Norway Grants which addressed the nature and extent of hate speech in Europe today.

Internet-related activities

Internet Governance Forum

On November 5-9 my Office and I participated in the 7th UN Internet Governance Forum (IGF) in Baku.

I met the Secretary General of the International Telecommunications Union (ITU), Hamadoun Touré, to discuss civil society participation and exchanged views on the upcoming ITU World Congress on Information Technology (WCIT) in December. I shared with the Secretary General concerns expressed by civil society regarding the WCIT. I am pleased that Dr. Touré was available for this dialogue and I welcome his assurances that he will increase civil society participation in the WCIT process. It is important to hear opinions, including about human rights, from all sectors of society, as in our digital age, even purely technical regulation can have unintended consequences for the exercise of these rights.

At an event organized by the Azerbaijani Human Rights Association on the day before the official opening of the IGF, I gave a keynote speech on media freedom on the Internet, stressing that the safety of journalists, including online media actors, needs to be guaranteed also in the digital age.

In a session on 7 November on the safety of online media workers jointly organized by the Council of Europe, the European Broadcasting Union and several governments and NGOs, I stressed that online journalists and media workers face similar challenges to their colleagues working offline.

I also spoke at a panel on key challenges to freedom of expression organized by Freedom House on 8 November and emphasized the United Nations Human Rights Council Resolution on human rights on the Internet as a landmark document which stipulates that "the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice."

In close co-operation with all relevant stakeholders, I will continue to follow developments in Internet governance and regulation and raise issues as they arise.

The 2012 Joint Declaration on "Crimes against Freedom of Expression"

On 25 June in Port-of-Spain, Trinidad and Tobago, I, together with three international rapporteurs on freedom of opinion and expression from the UN, the OAS and the African Commission, launched our 2012 Joint Declaration on the topic "Crimes against Freedom of Expression."

This year's Declaration focused on universal solutions to this modern plague and encouraged all governments and other stakeholders to help counter the killings of journalists, as well as the physical attacks and psychological threats they systematically face.

In the Declaration we urged the governments to combat impunity for crimes against media freedom and single them out – in law and practice – as particularly serious. We called for independent, speedy and effective investigations of all incidents involving journalists and provide detailed recommendations on how to improve investigations. This includes strengthening governments' capacity and allowing the civil society to monitor and document such crimes to ensure the impartiality of legal procedures. We also stressed that victims of these crimes are entitled to redress.

The Declaration was facilitated by two nongovernmental organizations, London-based Article 19 and the Centre for Law and Democracy in Canada.

Joint Declarations of international freedom of expression by the special rapporteurs have been adopted annually since 1999, covering universal challenges to media freedom and freedom of expression are available at www.osce.org/fom/66176.

The 2012 Joint Declaration is available in English, Russian, French, Spanish and Arabic at http://www.osce.org/fom/91595.

Media Conferences

14th Central Asia Media Conference

On **5 July** I opened the 14th Central Asia Media Conference in Ashgabat together with Rashid Meredov, the Vice Chairman of the Cabinet of Ministers and Foreign Minister of Turkmenistan, and Ambassador Ivo Petrov, the Head of the OSCE Centre in Ashgabat, addressing more than 150 journalists, government officials and representatives of civil society and academia from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Afghanistan.

The two-day event focused on online and social media. At the conference, Albany Associates, an international communications firm that works with governments and broadcast regulatory agencies, led a master class on online and social media regulation.

Second South East Europe Media Conference

My Office, together with the OSCE Mission to Serbia and with the support of the OSCE Presence in Albania, OSCE Mission to Bosnia and Herzegovina, OSCE Mission in Kosovo, OSCE Mission to Montenegro and the OSCE Mission to Skopje, organized the second South East Europe Media Conference on **20-21 September** in **Belgrade**.

Approximately 200 international and local experts and media members from South East Europe attended the conference to discuss the latest media developments and challenges in the region. The conference, titled "Main challenges to media freedom in South East Europe: Shaping Policy for the Future" focused on the three major factors that impact press freedom: state policies and law; business and corporate interests, and fear of violence and self-censorship.

Speakers included Serbian Minister of Culture and Information Bratislav Petković, Ambassador Vincent Degert, the Head of EU Delegation in Serbia, Susan K. Fritz, Director of USAID/Serbia and Montenegro, Paula Thiede, Acting Head of OSCE Mission to Serbia, Veran Matic of B92 and other well-known media representatives from the region.

The participants adopted a final declaration highlighting major areas where specific action is needed to promote media freedom. The main recommendations concern the need for the state to withdraw from the media, the need to secure the financial and political independence of public service broadcasters and the need to speed up reform of media legislation in line with international standards and OSCE commitments on media freedom.

For the detailed agenda and conference declaration in the languages of South East Europe see www.osce.org/event/see_media2012

The declaration was forwarded to the Foreign Ministers of the participating States attending for consideration when drafting legislation related to the subject areas.

9th South Caucasus Media Conference

On **11-12 October** my Office held the 9th annual South Caucasus Media Conference "From traditional to online media: best practices and perspectives" in **Tbilisi**. More than 80 journalists, representatives of media and civil society, parliamentarians and academics from Armenia, Azerbaijan and Georgia, along with international experts, discussed evolving trends in online media, as well as general media developments in the South Caucasus. A master class facilitated by Albany Associates gave participants an opportunity to discuss regulatory practices in traditional and online media.

I highly appreciate the hospitality of Georgian authorities, as well as assistance and support provided during preparation of the event.

Training

Internet media

On **23 and 24 October** in **Chisinau**, my Office, jointly with the OSCE Mission to Moldova, held the first regional training seminar for online journalists from Belarus, Moldova and Ukraine entitled "Internet Media: Freedom, Professionalism and Responsibility." The seminar brought together approximately 30 journalists from the three countries. It contributed to raising their capacity to establish and manage sustainable Internet media. The event focused on legal regulations and methods of running profitable and sustainable Internet-based media.

The project also was designed to offer journalists practical skills required for preparing texts and processing data for modern Internet-based publications, managing users' comments, promoting online media and attracting new members to the audience.

Baku projects

1) The safety of journalists during public demonstrations and 2) Access to government-held information for government spokespersons

On **10 November** and **12-13 November** my Office, with the Press Council of Azerbaijan and in co-operation with the OSCE Office in Baku, conducted a training seminar on the safety of journalists during public demonstrations and a workshop on access to government-held information for government spokespersons
.
The training seminar on safety of journalists during public demonstrations was a one-day seminar for approximately 30 representatives of the law-enforcement agencies responsible for training police on security issues during public demonstrations and journalists. The project was designed to raise awareness among representatives of the law-enforcement agencies on their role during public demonstrations in relation to media, as well as explain to journalists the role of riot police and their rights and responsibilities while covering public demonstrations.

The workshop on access to government-held information brought together 25 journalists and spokespersons from national and local media outlets in Azerbaijan to help them to fulfil their roles in informing citizens of issues of public interest. It contributes to improving the inter-institutional and inter-personal relations between the representatives of the groups and provides clear references to the existing national laws and "best practices" in the OSCE region.

I am pleased that these events were initiated and financially supported by the authorities of Azerbaijan and hope similar initiatives will be replicated in other participating States.

Planned activities for the next reporting period

Speaking engagements and visits

On **November 30** the Director of the Office will speak at the Trans-regional conference Comparing Media Reforms organized by the Peace Institute in in **Ljubljana**.

On **5-6 December** I will attend the Dublin Ministerial Council.

On **6 December** as a member of the jury, my Office will take part in the ceremony organized by the Austrian chapter of Reporters without Borders to announce the winner of the 2012 Press Freedom Award.

On **9-10 December** I will give a keynote address and participate in a panel discussion on Human Rights and the Internet in **Tallinn** at the Annual Conference on Human Rights organized by the Estonian Institute of Human Rights.

On **11-12 December** the Director of the Office will take part in the International Commission of Jurists World Congress in **Geneva** dealing with the topic of "The Call for Stronger International Mechanisms to Remedy Human Rights Violations."

Publications

My Office intends to publish the 2nd edition of "Freedom of expression, Free flow of information and Freedom of Media, CSCE/OSCE Main Provisions 1975-2012 in English and in Russian;

Joint Declarations of the 4 Rapporteurs on Freedom of Expression: 1999-2012 in English and Russian;

The book of the 14th Central Asia Media Conference: From traditional to online media: Best practices and perspectives, in English and Russian;

The Online Media Self-Regulation Handbook, in English and Russian;

The Social Media Guidebook, in English and in Russian; and

The 2012 Yearbook of the Representative on Freedom of the Media.

Conferences

Online Media Regulation Conference

On **14-15 February** 2013 my Office will organize the first Internet Freedom Conference in **Vienna**. The conference would enhance global Internet freedom policies and promote good practices in online media governance. The high-level conference is designed for key policy-makers in the OSCE area. The two-day event will bring together approximately 250 participants, including representatives of the media, governments, academia, industry, civil society, as well as legislators and policymakers dealing with digital media policies and regulation who will discuss and analyze the most pressing challenges, best practices and laws and regulations relating to the Internet. More information is available at www.osce.org/event/internet2013

Central Asia and South Caucasus Media Conferences

The 2013 Central Asia and South Caucasus Media Conferences will celebrate the 15th and 10th anniversaries, respectively, of the events. The conferences will examine the changes in the media landscape that have taken place in the regions since the first conferences took place and reflect on OSCE media-freedom commitments.

Training

Online media regulation master class

An online media regulation master class is scheduled to take place on **11-13 December** in **Istanbul**. The three-day event will serve as a follow-up activity to the 14th Central Asia Media conference on social and online media. It will gather around 20 representatives of state regulatory authorities, staff of government ministries, as well as legislators and lawyers dealing with Internet policies and regulation to discuss best practices, regulatory challenges and laws surrounding the Internet and online media.

Online media regulation master class (South Caucasus)

An online media regulation master class for the South Caucasus region will take place in spring 2013. Similarly to the Online Media Regulation Master Class for Central Asia, the three-day event will gather representatives of state regulatory authorities, staff of government ministries, as well as legislators and lawyers dealing with Internet policies and regulation in South Caucasus to discuss best practices, regulatory challenges and laws surrounding the Internet and online media.

2012 Extra-budgetary donors

I would like to thank the governments of France, Germany, Lithuania, Norway, Switzerland, the United Kingdom and the United States for supporting the 2012 Central Asia and South Caucasus Media Conferences. I would also like to thank the Fund for state support to the development of media under the President of the Republic of Azerbaijan for financially supporting the two training events, the Workshop on access to government-held information for government spokespersons and journalists from Azerbaijan and the Training seminar on safety of journalists during public demonstrations.

I would like to thank the governments of Lithuania, Luxembourg, Turkey and Sweden for financially supporting the online media regulation master class to be held on 11-13 December in Istanbul.