



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

Vienna, 16 July 1998

Mr. Chairman, Ladies and Gentlemen,

I am pleased to report to you about our work over the past three months and I look forward to our ensuing discussion.

Let me start by emphasizing the full support which my Office received from the Parliamentary Assembly of the OSCE in Copenhagen last week. I was grateful that all 54 delegations agreed to the report by the Third Committee to support the work of my Office. I appreciate this unanimous expression of interest in our work by the representative members of parliaments of our organization.

Let me now briefly review our most recent activities:

Since April, we have paid particular attention to the media situation in Belarus. I took part in a seminar of the OSCE Advisory and Monitoring Group at the end of April in Minsk and met Foreign Minister Antonovitch. You are aware of the very detailed way in which he answered my enquiry raising specific concerns related to journalists and to freedom of media in Belarus. Therefore, I hope that there is a basis for future cooperation. On the other hand, the commitment to freedom of expression and free media and the implementation of these principles by the authorities continue to be deficient in practice. Re-establishing the "free debate without fear" in Belarus, as the OSCE Advisory and Monitoring Group rightly defined it, remains an essential need. President Lukaschenko himself had endorsed this objective earlier this year, but recently he introduced legal amendments, including criminal penalties for defamation of the President and increased fines for action directed against his dignity and honour.

I urge the Government to withdraw these amendments.

As to the Slovak Republic, I have been concerned, since March, about the media related issues of the amended electoral law. I recall that this law, as it is now, could deprive private electronic and local media of the right to cover the election campaign for the parliamentary elections in September. On this issue, the Director of the ODIHR and I submitted some suggestions to the Government in early May, which were not taken into account. Recently adopted recommendations by the Slovak Council for Radio and Television Broadcasting could be considered as a step towards further clarification of the role of the electronic media. Therefore, the Director of the ODIHR and I, addressed another letter to the Government, earlier this week, asking for a more specific definition of the status and of the key terms of these recommendations. We hope to receive a reply in the near future.

My recent visit to Croatia, where I participated in a seminar hosted by the OSCE Mission in Zagreb, gave me additional insight into a more complicated media environment. I have identified three major issues which we will, over time, concentrate on, all of which hamper, to some degree or another, the development of free and independent media. I refer here to a distribution system described as having close links to the Government side; to numerous legal suits filed by government officials and others against the media under criminal libel and defamation statutes; and, specifically, to the difficulty for Croatia's independent electronic media to compete with State-owned Croatian Radio and

Television. We will remain engaged with Croatia on an ongoing basis to deal with these and other issues restricting the development of free and independent media.

Let me finally refer to our visit to Turkey at the invitation of the Turkish Government. I met and spoke with a cross-section of Cabinet members and other Government officials, with NGOs, with journalists and parliamentarians, and I am grateful for the co-operation of the Turkish Government in facilitating all these sessions. Turkish officials noted during my talks that it is the intention of the Government to "broaden" the existing freedom of expression by a draft bill containing, inter alia, narrower definitions of what is not permitted under the Penal Code and the Anti-Terror law. I visited the human rights leader, Akim Birdal, then still in serious condition in the hospital after an assassination attempt. In Istanbul, I made it a point to visit the family of Metin Göktepe, a photographer killed by local policemen in 1996. Those policemen found guilty of this murder have been sentenced to prison. While recognizing the existence of independent and pluralistic media in Turkey, I am concerned about amendments to the Radio and Television Law of 1994 which would lift restrictions on cross-ownership by large media companies of public utilities and remove regulations preventing so far the monopolization of the media. Members of the Turkish Parliament have informed me that there is considerable opposition to let these amendments pass.

Mr. Chairman, Ladies and Gentlemen,

Let me draw at this stage some preliminary conclusions:

My visits thus far, have confirmed the validity of the concept we have developed of the "four constituencies": governments, parliaments, NGOs, and the media themselves.

This has given us a useful cross-section of views on media issues, and has provided the balance needed to effectively evaluate the media situation in a given country. In most of the countries visited there was public interest in my work, both in print media and in TV. I will look for ways to even increase the public interest in our work by arranging press conferences and appearances in the particular country I am visiting.

I continue to correspond with Foreign Ministers when problems of freedom of the media come to my attention. In general, this working method has proved to lead us on the right path of cooperation. We are satisfied with the fact that we receive very thorough and serious answers to our questions. Obviously, this is only one of the steps to achieve changes, if necessary, but the readiness of a government to cooperate with my Office shows the growing awareness of the positive role which the OSCE is able to assume in the central field of civility and democracy. In order to keep this Council informed, we occasionally circulate my letters and the responses, as has been the case recently with Albania, Belarus, and Azerbaijan.

Before the parliamentary elections in Ukraine in March, I also raised some concerns in writing to the Foreign Minister. Since then, these concerns have not diminished. I hope to receive a reply shortly.

While these exchanges of letters have been useful, and my visits have highlighted my concerns, I will consider sending an advisor to a given country to undertake information-gathering and assessment. This will be an additional and useful step when we believe that an on-the-ground evaluation would help us to take further action as warranted. This is consistent with the general understanding, emphasized by the Chairman-in-Office of the OSCE, Minister Geremek, that my Office, as well as the other OSCE institutions, has an early-warning function in heading off a situation before the media become increasingly threatened. Furthermore, such on-the-ground evaluations will also enable us to play a positive role in encouraging and assisting governments to secure free and independent media environments.

As to the Permanent Council, I shall not limit my interventions to quarterly reports like the one you are hearing right now, but also raise here specific concerns in accordance with the early warning function of my Office.

Let me add some remarks about the cooperation between our Office and the NGO's. In May, I had the pleasure to attend a conference sponsored by the Norwegian Delegation which gathered nearly fifteen NGOs. We are following up on some of the more productive suggestions resulting from this meeting. Generally, we intend to present our mandate and our work as widely as possible. I personally try to be present at major conferences of organizations such as the PEN association of writers in order to make this OSCE Office known also to the cultural world. So do my advisors.

Mr. Chairman, Ladies and Gentlemen,

I would like to address our future plans for this autumn. These plans include visits to Bosnia and Herzegovina and to Central Asia.

As to Bosnia and Herzegovina, where media issues have been dealt with in great detail by a number of institutions and agencies, I have agreed with the OSCE Mission to organize, after the elections, a round table discussion with agencies and other interested parties to assess recent achievements and shortcomings.

Another new field of action will be Central Asia, in accordance with the OSCE's priority given to this region this year in terms of preventive diplomacy and conflict prevention.

I am planning to visit the countries of the area after due preparation. We shall co-ordinate the timing with ODIHR and the OSCE Liaison Office. As I pointed out when we had our meeting here with the Mediterranean Partners for Cooperation, I intend to stress in Central Asia the challenge for democracy of the role of religion and the necessity of freedom.

As part of our ongoing and increasingly productive collaboration with NGOs, I am pleased that the International Press Institute, a major media NGO based here in Vienna, is preparing media seminars in Bulgaria and Romania during this autumn. Our Office will participate.

These are activities on which we are able to focus already now. I am sure that the review of activities at the end of this year will include additional ones which - due to the mere nature of our work and of our mandate - cannot be planned nor entirely predicted.

I shall conclude this report with some final observations:

As I have stated earlier on, I remain concerned by a form of censorship which I call the indirect structural repression against freedom of the media. I am referring to the efforts of certain governments to hinder the growth of independent and free media through political use of frequency allocation, for example, or excessive fees for licenses. It includes more subtle forms of leverage such as the ongoing government control of the distribution system, or the control of newsprint. It includes other disincentives, economic or otherwise, that make the development of independent and free media more difficult.

I have already mentioned here my concern with "censorship by killing," the ultimate act of taking the life of a person because of what he or she has written or was about to publish. While the overall number of killed journalists seems to decline according to reliable NGO sources, I keep on receiving information about such cases. "Killing the messenger," as the "Economist" called it, means often eliminating those "who are witnesses to violence and corruption in places where the law offers little or no protection. If these professional messengers quail, many other people will suffer." The least I can do at the moment is to appeal to the respective Governments to do their utmost to ensure legal persecution, but I shall go on to seek ways and means to address this issue. In the recent case of a brutal killing in Kalmykia, the Russian authorities took legal action against those suspected of the crime with admirable speed.

Mr. Chairman, Ladies and Gentlemen,

It has been a very challenging first five months. I believe we have accomplished some things, but much remains to be done. I look forward to working with this Council in the future in order to promote media freedom throughout the OSCE region.