



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

225/10

Vienna, 23 September 2010

To: All Heads of Delegation

Subject: RFoM project “Study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in the OSCE participating States”.

Excellencies,

As already announced to you in my last Report to the Permanent Council, my Office is currently conducting an in-depth survey of existing legislation and practices in the OSCE participating States, related to the free flow of information and freedom of expression on the Internet. The purpose of the study is twofold. First, we aim to prepare an overview of existing Internet regulation, including legislative provisions and governmental practices, across the OSCE area. Second, we want to assess the impact of these regulations and practices on media freedom and media pluralism on the Internet.

The study, kindly endorsed and supported by the Kazakh Chairmanship, will be the first comprehensive research base on freedom of expression legislation and practice applicable to the Internet.

It is the third comprehensive review of media legislation, after the *Matrix on criminal and civil defamation provisions and court practices in the OSCE area* (<http://www.osce.org/item/4361.html>) and the *Study on access to information by the media in the OSCE region* (http://www.osce.org/documents/rfm/2007/06/24251_en.pdf).

Both surveys were realised with the support of the Bulgarian, Slovenian and Belgian Chairmanships, and in co-operation with many OSCE participating States who were very co-operative in completing questionnaires and providing information.

Over the last few years many OSCE participating States have increasingly embarked on regulating online free expression and Internet based media. In addition, legislative provisions aimed at transnational threats, cyber crime and hate speech on the Internet have been passed or amended. Online journalists and online media are facing mounting

difficulties when performing their duty. Also the regulation of the multi-layered online medium has led to challenging restrictions to the free flow of information on the Internet. The survey will assess whether sufficient protection is granted to online journalists and online media. It will also assess the compliance of applicable Internet legislation with OSCE media freedom commitments, Article 10 of the European Convention on Human Rights (where applicable) and other relevant international standards.

Therefore, I kindly request the relevant ministries and departments of your Governments to complete the attached questionnaire as detailed as possible **by 15 November 2010**. As you will see, we are gathering information related to the regulation of specific content, as well as information related to general access provisions, including the role and liability of Internet service providers, blocking requirements and the regulation of public access to the Internet.

The database will serve as the first comparative tool of Internet legislation in regards to media freedom and the free flow of information online. It will also highlight best practices and serve my Office as a basis for the formulation of guidelines and recommendations regarding safeguarding the freedom of the Internet and the free flow of information. It will allow my Office to provide the participating States with tailor-made recommendations on ways how to best address challenges presented by new media in order to ensure the adherence of OSCE media commitments.

My Office plans to finalize and publish the study in January 2011. Additionally and depending on the timely feedback to our questionnaire, I plan to present in co-ordination with the OSCE Chairmanship a report outlining the preliminary findings at the OSCE Summit in Astana.

Availing myself of this opportunity, please accept, Excellencies, the assurances of my highest consideration.



Dunja Mijatović