Pluralism and Internet Governance

8th South Caucasus Media Conference
Tbilisi, Georgia 20-21 October 2011

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Foreword

Adilia Daminova[1] and Ana Karlsreiter[2]

Dear Readers,

The 8th South Caucasus Media Conference, which focused on pluralism and Internet regulation, took place in Tbilisi on 20-21 October 2011, marking yet another milestone for these annual conferences which address timely issues facing journalists throughout the region.

The story of the Internet is the story of our age. Its development and reach, across the region and worldwide, has changed the way we live, communicate and, perhaps, ultimately think about the biggest issues of the day. Today the South Caucasus is witnessing the ever increasing role of online media in lives of ordinary people, as well as its effects on society. New media brings with it the promise of trans-national understanding and civil society development at an unprecedented pace.

This conference addressed the promise and challenges facing the South Caucasus in its online development. It looked at the countries' development and their views toward freedom and regulation online.

Guest speakers and participants alike gave their views on the current status of freedom of expression online and an insight into what the future holds.

Participants had the opportunity to consider and discuss the extent of Internet regulation in the region by examining the findings of the first OSCE regionwide study of Internet regulation, which was commissioned by the Representative's Office.

The conference also addressed the critical issue of media pluralism, a necessary cornerstone for democratic development. And it looked at the role of the Internet in promoting pluralism.

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1 Daminova is a project officer for the Representative on Freedom of the Media.

2 Karlsreiter is a senior adviser to the Representative on Freedom of the Media.

Finally, participants looked at the role self-regulatory independent organizations play in fostering pluralism on the Internet.

This book contains papers from the international and regional experts who spoke at the conference, as well as additional matters, including the agenda and conference declaration.

Declaration

The 8th South Caucasus Media Conference was organized by the Office of the OSCE Representative on Freedom of the Media with the assistance of the OSCE Offices in Baku and Yerevan and held on 20-21 October 2011 in Tbilisi, Georgia. Throughout the years the South Caucasus Media Conference has become a unique forum to discuss media issues and co-operation among journalists of Armenia, Azerbaijan and Georgia.

The two-day conference hosted more than 70 government officials, parliamentarians, journalists, media experts and civil society representatives from Armenia, Azerbaijan, and Georgia.

The focus of the conference was Internet regulation and media pluralism. Participants discussed the role of the Internet in promoting pluralism in the OSCE region and South Caucasus in particular, analyzed international standards and practices in this field, assessed the opportunities provided by self-regulatory independent bodies in fostering pluralism on the Internet, exchanged experiences, as well as shared with the latest developments in the field of media freedom in South Caucasus.

The Conference:

1. Welcomes the fact that representatives of the media, civil society and government representatives from Armenia, Azerbaijan and Georgia took part in the conference, acknowledging the importance of regional co-operation in the field of media.

2. Acknowledges that citizen journalism on the Internet and blogging activity are civil activities.

3. Calls on governments to put in place all necessary legislative and technological parameters to facilitate the freer and wider dissemination of information, including through modern information and communication technologies.

4. Urges the governments to ensure that the Internet remains an open and public forum for freedom of expression and opinion in the countries of South

Caucasus, as guaranteed by OSCE commitments and enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil Political Rights and the European Convention on Human Rights.

5. Highlights that access to the Internet and access to online information should be recognized by national legislation and regarded as inherent to the right to free information and expression.

6. Emphasizes that the Internet offers unique opportunities to foster the free flow of information, which is a basic OSCE commitment.

7. Stresses that the right to freedom of expression applies not only to traditional means of communication, but also to new media, including the Internet. Any limitations or restrictions to this right can only be justified if in the public interest, necessary in a democratic society, prescribed by law and if proportionate.

8. Urges governments to avoid using blocking of Internet resources as a means of interference. Blocking can be justified only if conducted in accordance with international norms and standards, as well as only if necessary in a democratic society and if they are provided for by law, in pursuit of a legitimate aim.

9. Calls on the governments to avoid vague legal provisions when regulating speech and to ensure that implementation of laws and practices are transparent and open to appeal.

10. Urges all three governments to foster pluralism and refrain from harassment and monopolization of media.

11. Emphasizes that media pluralism is a key value and one of the most important conditions for the existence of a democratic society in which Internet plays a crucial role.

12. Calls on the governments to support the development of affordable and high-quality Internet connection and to create favourable conditions for healthy competition among Internet Service Providers (ISPs) in order to provide all citizens, including those living in rural and remote areas, with access to the Internet.

13. Stresses that ISPs should not be subjected to governmental procedures, except for those that are applicable to any other businesses. Furthermore, ISPs should not be liable for content generated by others, which is disseminated by their service as long as they do not intervene in that content or refuse to obey a court order to remove illegal content.

14. Emphasizes that network neutrality should be respected, so online information and traffic are treated equally regardless of the device, content, author, origin or destination of information.

15. Calls on the governments to ensure that Internet service providers respect the principle of network neutrality and make transparent their data traffic management policies.

16. Urges the governments to consult with and involve civil society in Internet governance policy development.

Tbilisi, 20-21 October 2011

Opening Statement

Dunja Mijatović[1]

Excellencies, Ladies and Gentlemen, Colleagues and Friends**,**

I am pleased to return to Georgia and greet you at our 8th South Caucasus Media Conference which has become a great tradition. Every year we have managed to choose a very timely and important topic. This year we will discuss pluralism and Internet governance.

It is with great honour that I welcome more than 70 journalists, representatives of non-governmental media organizations, parliamentarians, government officials and academics from Armenia, Azerbaijan and Georgia, as well as our international experts.

I would like to thank the Georgian government for generously hosting our conference, as well as the authorities of Armenia and Azerbaijan for the close co-operation with my Office in the preparations for the conference.

I should also pay tribute to the excellent work carried out by OSCE field Offices in Baku and Yerevan, as well as our international partners, because without their tremendous support and assistance this conference would not have been possible.

Last but not least, my thanks go to the governments of Austria, Germany, France, Norway and Switzerland, whose generous financial support to this conference cannot be overestimated and deserves a special mention and our gratitude.

For the eighth time the South Caucasus Media Conference will offer an unique forum for the exchange of professional experience, opinions and ideas and will bring together media representatives and experts and government officials to discuss recent successes and challenges in the area of media freedom.

As I said, this year the focus of the conference is pluralism and Internet regulation. The reasoning behind suggesting this topic is that in the current digital age, people can access and consume whatever media they want, wherever and

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1 Mijatović is the OSCE Representative on Freedom of the Media.

whenever through methods never before believed possible. The emergence of new media has completely changed the way people communicate and share and receive information. New media offers a promise of a truly democratic culture with more equal participation and interactivity and has not left the South Caucasus region untouched. Today the South Caucasus is witnessing the ever increasing role of online media in lives of ordinary people, as well as its effects on the society.

Media pluralism, which is the expression of a multitude of opinions, is a crucial component of and a prerequisite for media freedom. Governments must understand that providing their citizens with a variety of views can only strengthen their democracies. Well-informed people make well-informed decisions, which are the indispensable foundation that democracies can build upon.

However, to date, the level of media freedom and pluralism throughout the OSCE region are significantly different. Although it is true that today more information is available and more easily accessible, new laws and other restrictive measures in many countries hinder the opportunities that new media can offer.

Regarding the state of affairs in the South Caucasus, let me briefly note that as I have mentioned on numerous occasions, amendments to the Law on Radio and Television Broadcasting that were adopted last year in Armenia in anticipation of the digital switchover fail to promote media pluralism. In Azerbaijan, which is expected to switch to digital broadcasting as early as next year, a lot remains to be done to foster media pluralism, including decriminalization of defamation. In Georgia, despite significant improvements brought in the legislation in recent years, media pluralism is still not a reality, especially in the broadcast area.

As the recent conviction of Azerbaijani social media activists Jabbar Savalan and Bakhtiyar Hajiyev shows, bloggers and journalists continue to face harassment and intimidation.

Also, attempts to control the Internet are growing everywhere. We are witnessing more and more countries adopting laws aimed at regulating or controlling the web and we also see more and more governments trying to put the topic of web regulation on the international agenda.

Let me be clear here. Governments do have a role to play when it comes to Internet content and to protecting children, fighting racism, incitement to hatred and other cybercrimes. The question is not whether governments should or should not regulate the Internet. The questions are how, what and to what extent content should be regulated? And, perhaps most importantly, to what effect? Has governmental regulation proved to be efficient and, if not, are there alternative free speech-friendly methods that would be more efficient?

With new technologies radically reshaping the media landscape, traditional regulatory assumptions have been called into question and, in many cases, old rules have become counterproductive. These new challenges underline the need to discuss how new technologies necessitate new approaches to safeguarding OSCE commitments regarding media freedom.

Today, during the first day of the conference, renowned international and national experts will speak about their experiences in Internet governance issues.

They include Dr. Roland Bless, who will present the findings of a report by Yaman Akdeniz, a Professor of Law at Istanbul Bilgi University, on Freedom of Expression on the Internet, a study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in OSCE participating States.

Eve Salomon, a Chairwoman of Internet Watch Foundation in the U.K. will discuss the role of self-regulatory independent bodies in fostering pluralism on the Internet.

And last, but not least, Georgina Henry, the Head of the online platform of the London's daily Guardian, will share her paper's practical experience of transforming a traditional media outlet into the avant garde resource online.

You will have a great opportunity to learn about and discuss important aspects that constitute freedom of expression on the Internet, key indicators of pluralism on the Internet, as well as a comparison of established international practices of Internet governance in the OSCE region with practices in Armenia, Azerbaijan and Georgia.

On the second day, we will hear from local experts. They will focus on the aspects and features of Internet freedom and freedom of the media in their respective countries. They will discuss opportunities for and threats to the Internet, as well as problems and obstacles toward achieving a balanced regulatory environment for the media.

I hope that our deliberations will prove to be a valuable contribution to the important question of how new technologies necessitate new approaches to safeguarding OSCE commitments regarding media freedom.

I also hope that at the end of the conference we will adopt a declaration on this important subject which can be then used by all of us as a guide and reference in our every day work.

I wish you all an interesting and fruitful conference.

The role of the Internet in promoting pluralism: International standards and practices

The role of self-regulatory independent bodies in fostering pluralism on the Internet: The experience of the UK's Internet Watch Foundation

Eve Salomon[1]

Internet Regulation; two words that bring anger and fear into the hearts of people who treasure freedom of expression and those who embrace the Internet as the Wild Frontier that enables communication to a freer world. Yet at the most basic level, laws that apply off-line also apply on-line. The only difference is the ability to enforce them.

Before considering whether the Internet should be regulated, one should first consider whether laws which restrict content should be applied in any medium. Should defamation be permitted? Is breach of copyright permissible? Is it ok to make and share images of children being raped or tortured? If the answers to these questions are 'No', then the next question, surely, is not *whether* they should be allowed on the Internet, but *how* to enforce such laws on the Internet?

The simple answer may be that the police should seek to enforce criminal laws online and, given the global nature of the Internet, this just requires more co-operation between local police forces and international police forces. But the reality is that police forces simply do not have the resources to chase criminals all over the World Wide Web. Furthermore, in cases where the law is a civil rather than a criminal matter, only major international conglomerates have the resources to bring court action against infringers. I know for sure that if I were defamed on a site in Georgia, I would not have the resources to bring a court action here – or whichever country the site then chooses to move to.

As a result, there is an increasing trend, whereby pressure is being put on Internet service providers and hosting companies to take responsibility for unlawful content which is on their service. Case law has increasingly seen the weakening of the 'innocent disseminator' defence. If I am defamed on a site in Georgia my best course of action would be to raise my concern with Caucasus Online. Once they are notified of the defamatory material, if they do not remove it, they could

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1 Salomon is chairman of the Internet Watch Foundation.

become liable according to the law.

In the UK, increasingly, we are seeing pressure being placed on the Internet industry to take responsibility for the dissemination of material which breach copyright laws. In July this year, a judge in a case, brought by Hollywood movie companies, required one of the UK's major ISPs to block access to a pirate film site, Newzbin 2. In his judgment, Judge Arnold said he believed site-blocking was proportionate under the ECHR. He ruled that Article 1, which protects the property rights of creators, outweighs Article 10 which provides the right to free expression. He went on to say that the ISP could not rely on the 'mere conduit' defence as it had actual knowledge of copyright infringement. Progressively, what we are seeing is an increasing expectation, at least with regard to the civil law, that the Internet industry must take responsibility for certain content carried by its services. While many Internet companies are still resisting this legal challenge, others are taking the view that if they are required to take action; they would prefer to do so under their own terms, and their own control. In other words, they would prefer self-regulation as opposed to enforced regulation.

Today I will describe to you the work of the Internet Watch Foundation (the IWF), a UK charity which has been established by the online industry to deal with a very specific area of unlawful content: child sexual abuse content (CSAC), also known generally as child pornography. For clarification, our Foundation prefers not to use the phrase 'child pornography', as pornography is content which is generally legal, if restricted to adults. Content dealt with by the IWF is clearly criminal: it is content which shows children being severely sexually abused or tortured, therefore we prefer to call it what it is.

<u>History of the IWF</u>

The IWF was set up in 1996 by the Internet industry in the UK after discussions with police and government departments. The Internet was still relatively young then and police believed that Internet service providers might have been committing an offence by essentially carrying newsgroups that were posting indecent images of children. In the UK, possession of child sexual abuse content is a criminal offence; and 'Possession' includes viewing on the Internet. Therefore, back in 1996, internet service providers were concerned with ensuring neither they nor their innocent customers would be criminally liable had they carried or inadvertently viewed this content. Both government and police authorities supported the industry's endeavours to tackle this issue on a self-

regulatory basis, working in partnership with law enforcement agencies, but still independently.

Our relations with the government remain excellent – and this has been the case with both Labour and Conservative governments. We are seen as delivering an important public service, but at no expense to the public. From time to time, we are asked by Ministers if we can extend our brief to include other types of undesirable content, such as terrorism or pro-suicide sites. We have never agreed to do so as there is no other content which can be dealt with on an international level as I shall explain later.

The IWF was established as an independent body. I am the independent Chair and my board consists of 6 independent members and 3 industry members. We meet regularly to oversee the work of our excellent staff and set the strategic direction of the IWF. Our staff deals with the job of receiving, assessing and tracing complaints from the public about child sexual abuse content. Since its formation, the IWF has operated this Hotline service for the public to report potentially criminal content and, in partnership with the police, to provide a 'notice and takedown' service to advise Internet service providers on the removal of content.

In its first year, the IWF processed about 1,300 reports and had five founding members. In 2010, nearly 49,000 reports were processed and we have about 100 members. This exponential growth in reports arises not only from increased sophistication of criminals on the Internet, but also our improved ability to track them.

How we operate

Our first priority is to identify child sexual abuse content that is hosted in the UK and to get it taken down as fast as possible. We have been so successful over the years that the amount of UK hosted content has gone down from about 18% in 1996 to under 1% currently. Material found on UK hosts is averagely taken down in under 4 hours. This achievement is only possible because of our close partnership arrangements with the police and industry. All potentially criminal content is shared with the police who confirm our assessment and capture what they need for the purposes of any criminal investigation. Our industry then acts immediately to remove content.

In 2009, with the agreement of the industry, we also took on responsibility for identifying and issuing take-down notices for illegal extreme pornography, although in fact we have so far only dealt with a handful of such cases.

Along with our domestic Hotline service, we also produce a list of URLs – that is, specific web addresses – of child sexual abuse content hosted outside the UK. This list is distributed to service providers, search companies, hosting sites and filtering companies to use, in order to block or filter access to such content. Although most users of our list are UK-based, the list is increasingly being used in other countries as well. As part of the INHOPE consortium of 40 Hotlines around the world, our list is amalgamated with those of other Hotlines to form a universal list that can be used globally.

The use of our list for blocking is the most contentious element of our service, and the one which has raised most concerns about possible conflicts with the European Convention on Human Rights. I will discuss this in a minute, but first let me explain a bit on how it works. Our team of analysts process reports constantly and update our list of URLs twice daily. The list is dynamic and varies in size between about 300-600 URLs. In the UK, the list is applied by broadband providers covering 98% of the UK domestic market. In so doing, it prevents inadvertent access to child sexual abuse content. What it does not do is prevent a determined paedophile from finding technical means to overcome the blocking system. Blocking is not actually that effective, what it is good at doing, however, is setting up an extremely effective filter that you have to be determined to evade – and by finding the blocked content, you are deliberately committing a criminal offence.

In addition to running a Hotline and providing a list, we work with our INHOPE partner hotlines by following up reports of content hosted in their geographical region to ensure that it is removed. We firmly believe that removal at source is the most effective form of disruption. As I described, blocking is like a band-aid, a good safety procedure which serves to protect most of us from seeing what we do not want to see anyway. But it is only by taking down the material at source that we actually get rid of it. For this reason, we have been spending more of our energy doing what we can to encourage other countries to get content removed if it is hosted in their jurisdictions.

<u>Why self-regulation?</u>

Why might self-regulation work well on the Internet?

First, self-regulation requires the support of the bulk of the industry to work, and getting that support means that the industry will co-operate, rather than fight, the regulator. Because of the tremendous support we get, the IWF is able to operate with only 15 staff. We rely heavily on the technical and other expertise that lies within the Internet industry. If something needs to be done, the industry will do it for us.

Second, self-regulation ensures that the IWF model remains relevant as we are able to react to changes in the online environment much faster than we would if we were bound by statute.

Third, and I believe this is a particularly important factor, the industry tells us that we are far more trusted than the police. ISPs act on our advice immediately, on the other hand, if they were being directed by the police to remove content, they claim that they would not feel as comfortable doing so.

Fourth, self-regulation protects the industry's self-determination. We must not lose sight of the fact that the Internet industry is a commercial business. Internet companies are profit-oriented and need to steer a line between doing what their customers want and meeting the demands of government and other stakeholders. Through self-regulation, the industry can act as an arbiter between state objectives and user demands.

<u>Criticisms of our model:</u>

Freedom of Expression

Some commentators allege that by removing or blocking content we are breaching human rights, in particular Article 10 of the European Convention, "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of these freedoms… may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society."

In relation to child sexual abuse content, what "rights" are we referring to? Here it is necessary to be aware of the model used by criminals to put their content on the Internet. They 'hijack' legitimate sites, for example by posting photographs or videos hidden deep within a hosting provider whose business is providing web space for regular businesses and users. As well as breaking the criminal law, this breaches the contractual terms of the hosting sites and the ISPs. The arguments become far more complex than just looking at freedom of expression issues, and raise questions of commercial contracts as well. Nonetheless, we can ask the following, fundamental questions:

Do purveyors of child sexual abuse content have a 'right' to impart criminal images? No

Do paedophiles have a 'right' to receive images? No.

Do Internet providers have a 'right' to prevent the abuse of their services? Yes.

We also must not also lose sight of the children who have suffered abuse. Do they not also have rights to prevent the images of their abuse being spread across the Internet?

No judicial authority

Commentators have also questioned how we, as an NGO, can have the authority to identify and classify material as potentially criminal. They argue that this is a role that can only be performed by a judge or the police.

Of course, ultimately, it is only the courts that can determine the legality or otherwise of content. But one can imagine how the courts would react if they were asked to rule on 49,000 cases of potentially illegal child sexual abuse content a year. Our model is, I am happy to say, much faster. But we are not cavalier, neither amateurs.

For our notice and take down work, our staff undergoes rigorous training with police and continues to work closely with them. We report content to the UK and foreign law enforcement agencies and hotlines. Our work is regularly inspected by police, legal and child protection experts and we have explicit endorsement by both the UK government and the European Commission. Although we apply the UK's sentencing guidelines when assessing content, we set a higher threshold for

action. Therefore, the IWF does not take action on content which is borderline. It would only carry the lightest sentence if found criminal by a court.

Do we have legal authority to issue a list for blocking? Well, the UK government has strongly indicated it will legislate unless ISPs apply our list; but it is us that the government tasks with this work. Given government, industry and law enforcement preference for the IWF to compile and circulate the list, this is virtually legal authority.

For our international work, the use of our list outside the UK is completely voluntary. We do not assert any authority; many companies do however choose to apply our list. With the support of other Hotlines, we sometimes let companies outside the UK know that their service is hosting child sexual abuse content. Of course we only have advisory status in other countries, but our experience demonstrates that Internet companies are grateful to know they have been hijacked by criminals.

Incorrect assessment and over-blocking

You may have heard of what tends to be called "the Wikipedia incident" in 2008. In that case, we took advice 3 times from the police who confirmed the image in question, an illustration from a record sleeve, was illegal under UK law. We put the URL on our list, but the technical implementation to protect the security of their site coupled with the design of many filtering solutions led to the entire Wikipedia domain being locked to Editors. We have since reassessed our procedures so we are better able to look at overall context and predict when listing a URL may result in technical over-blocking by some ISPs who have less robust systems than others.

Lack of transparency

Another complaint about self-regulation – and us – is that we lack transparency. Now, I firmly believe that for self-regulation to work, it must be as transparent as possible. It is usually considerably more transparent than statutory regulation; but let us look at the IWF's position.

Clearly, we cannot publish our list, as not only would that make it easy for paedophiles to find material, but publication under UK law would in itself be illegal as it would constitute "advertising".

However, we publish the criteria our analysts use to identify child sexual abuse content. The IWF assesses child sexual abuse content according to the levels detailed in the official sentencing guidelines which are issued to the judiciary [Sentencing Guidelines Council's Definitive Guidelines of the Sexual Offences Act 2003]

In addition, we publish and operate an appeals process to cover any situation where someone considers a URL has been incorrectly assessed. [http://www.iwf. org.uk/accountability/complaints/content-assessment-appeal-process]

However, it is fair to say that unless you know that something has been blocked, it is rather difficult to appeal against the blocking. At the moment, if a user tries to access a blocked site, they may find a 'Splash Page', which makes clear that access is denied because the URL has been classified by the IWF as potentially criminal content. However, it is just as likely that they will get a bland notice, typically a "404 Notice" which just says the file has not been found. I would like to see a situation where anyone who tries to access a blocked site finds out why access is denied. However, at the moment, there are some genuine problems about the use of splash pages. Currently, some ISPs have technical difficulties identifying which URLs are blocked because they are on our list, as opposed to those that are blocked for other reasons (e.g. Spam and Phishing). They may have to find a solution soon, though, as a new EC Directive on combating sexual abuse, sexual exploitation of children and child pornography will require transparency on blocking.

Could it work for other areas of Internet content?

On an operational level, 'notice and take down' within a domestic market can work for any type of content, but of course it will have very limited effect as the Internet crosses national boundaries. Material can only be taken down in the country where it is hosted.

Network level blocking is far more contentious: Single Market, WTO and bona fide Freedom of Expression issues come into play. The blocking of child sexual abuse content on an international level works because of international consensus on what it is, and it is criminality. No other content is as easily identified and subject to similar thresholds of illegality.

Very few websites wish to publish illegal material criminally, and almost all Internet users are very happy to have it kept well away from their browsers. But in the case of other sorts of content, such as copyright material, cooperation may be less forthcoming. In fact, research conducted on behalf of the UK Government indicated that a significant minority of UK Internet users actively want to access copyright-infringing material and seem likely to work around blocking measures to get it. Doing so does not require technical expertise – a software download or update may be all that is needed.

Is it the start of greater State control?

The fact that we are self-regulatory (and a charity) helps protect against 'remit creep'. In fact, we have recently reduced our remit (removal of race hate) because of the lack of effective police or other law enforcement partnerships.

The specificities of child sexual abuse content, and its near-global identification as criminal, actually make it easier to draw a line in the sand. We can say that it is only due to international agreement and co-operation that Internet regulation can work – and there is no other content which attracts such a high degree of consensus.

However, there is certainly enormous pressure on the Internet industry right now by governments, especially relating to copyright piracy as I mentioned earlier.

ISPs and other Internet companies already have a significant role in mediating what we access: from regulating the flow of traffic to manage the pressure on networks, to removing spam and phishing, to – in the case of Google for example – applying default search filters and 'smart filters' to give us search results their algorithms predict we want, to removing content when informed it is defamatory. The companies do this as a response to both customer influence and government pressure – and as a way of increasing the appeal of their service and therefore their profitability.

The ultimate question is: do we, as consumers and citizens, prefer our Internet to be mediated by the State or by commercial enterprises? Is the mediation of content a matter solely for democratic decision-making or do we trust companies to make moral and editorial judgements on our behalf? Is this, ultimately, a question for us as citizens, or us as consumers – or can the two be combined?

Conclusions and Recommendations

In conclusion, specific regulation of the Internet is not an easy undertaking. The Internet is global and, even in countries with a limited number of ISPs, it is relatively easy to overcome gatekeeper controls such as mandatory filters and blocking solutions. However, one must consider that there is some content – criminal and illegal content such as child sexual abuse content – that by far the majority of people do not want to access at all. It is this content – and arguably *only* this content – which is suitable for the extreme measure of censorship in order to protect users from coming across it by accident.

Is any other content suitable for absolute censorship? I would argue, no, as no other content is subject to the same degree of international consensus about its definition and its criminality.

Is self-regulation the answer? It is in the UK, and arguably in many other democracies that wish to avoid any suggestion of state intervention in the free flow of information on the Internet. However, it requires cooperation between all Internet providers, in order to set up a body to undertake regulation on behalf of the industry. It also requires trust from both government and the police in the self-regulatory body.

When it comes to other, non-criminal content on the Internet, there are certainly additional self-regulatory steps that the industry could take. This includes providing free filter options to all households to enable parents to protect their children from unsuitable content, or educating users – especially children – about how to use the Internet safely, especially in dealing with bullying, child grooming, and invasions of privacy. We are seeing Internet companies take increasing responsibility in helping users navigate the, sometimes treacherous, pathways of the Internet. I would strongly recommend that civil society support all such efforts to improve media literacy. What we need to beware of is any move by the State to interfere with the communications revolution that is the single most significant achievement of our generation.

Offline or Off Track? The effect of the rise of online media on traditional media

Georgina Henry[1]

The Guardian is 190 years old this year. It was founded in 1821 by journalist and political campaigner John Edward Taylor. Taylor had been outraged by the Peterloo Massacre, a murderous crackdown by the government, at a rally urging parliamentary reform.

Taylor was a reformer and religious nonconformist; he wanted a paper committed to political change, but even more wedded to truthful reporting. His prospectus for the paper promised to "zealously enforce the principles of civil and religious liberty, warmly advocate the cause of reform, endeavour to assist in the diffusion of just principles of political economy, and support, without reference to the party from which they emanate, all serviceable measures".

A newspaper, wrote CP Scott on *the guardian*'s centenary, has a "moral as well as a material existence". The paper has essentially changed neither its ownership nor its character during its lengthy existence. It is still owned by the Scott Trust, set up to secure the financial and editorial independence of *the guardian* in perpetuity. As for its character, Taylor's eager embrace of political reform in 1832; Scott's early advocacy of Irish home rule and opposition to the British war against the Boers in South Africa; the attempt to warn the world of the threat posed by Hitler; the realisation in 1956 that Britain's rush to war with Egypt over the Suez canal was a catastrophe; the pursuit of sleazy British politicians in the 1990s; their partnership with WikiLeaks to draw back the curtain from the murky world of international diplomacy; the exposure of the News International phone hacking scandal; and their commitment to opening up journalism in the digital age; they are all much of a piece.

As *the guardian* editorial marking the anniversary this year said: "The Taylors and Scotts who dominated the first century of *the guardian*'s life would surely recognise the same ends now being pursued [by journalism], even if they might be a little surprised by its means."

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1 Henry is the Head of guardian.co.uk.

Fast forward almost 200 years from the first edition. Last month *the guardian*'s website was visited by 50 million users (as CP Scott would not have called them readers). More than half a million people have posted comments on the website; mobile traffic is growing every month, people are using an iphone, android, Kindle, Facebook and as of last month, the ipad. We have just launched *the guardian* in America and would now like to launch it in the Middle East - customised for its growing international audience. In spite of the huge emphasis on *the guardian*'s digital manifestation, it is also currently British newspaper of the year in the old world of print.

This is not to boast, nor to be complacent. *The guardian*, in common with many other newspapers, is still searching for the formula whereby journalistic success and commercial success go hand in hand. But the values of what began as a small regional newspaper (*the guardian* was based in Manchester and did not move to London until the 1970s) remain the guiding principles to its expansion on the web. The thread that links the past and the present underpins, in *the guardian*'s case, its transition from a print based news organization to a primarily digital one - or a Digital First news organisation as it announced it would be this year.

Put simply, *the guardian* tries to pursue journalistic aims that have stood the test of time - truthfulness, free thought, honest reporting, plurality of opinions, belief in fairness, justice and, most crucially, independence - and be open to, harness and exploit the technological developments that have revolutionised the way news is distributed.

Most people would argue that in the digital sphere it is always easier to be the insurgent than the incumbent – i.e. better to be the Huffington Post than the New York Times, in American context. In business terms this may be right. The many fixed costs associated with continuing to produce two large newspapers (*the guardian* on Mondays to Saturdays, and its sister paper the Observer on Sundays), against a background of falling print sales and advertising revenue, while at the same time developing and expanding in the digital space, has put most newspapers including *the guardian* under severe strain.

In editorial terms, however, if the incumbent is prepared to adapt and engage with all the possibilities of digitalisation, then you have an unbeatable combination: fine journalism collaborating with an informed, engaged, energetic - and loyal - readership.
In multiple ways, every day on *the guardian* website, you can see this approach

in action: in the live blogging of major news events like the Arab spring or the London riots, where our readers' experiences are an essential part of the coverage; the way *the guardian* covered the WikiLeaks cables, where our international audience was invited to scour the cables telling us what we missed; the way we try and open up the MPs expenses scandals, or corporate tax affairs, where informed readers pointed out to us hundreds of details that even professional reporters had missed.

You see it on Comment is free, with their "people's panel" in which readers offer their insights and experiences to illuminate the pressing issues of the day, and "you tell us/you told us" threads, which are full of readers comments, telling us, the writers, what they want us to write about, and who they want it to be written by. You see it on our datablog, which has won awards for its dogged belief in publishing facts and figures that underpin government action. Or on the new Reality Check Blog where a reporter investigates, entirely with the help of readers, the biggest stories of the day. Or on the banking blog, where our blogger uses anthropological techniques to understand high finance and what really goes on in the City of London. You see it on the culture sites, where professional reviewers and critics interact with theatre goers, music lovers and book readers. You see it with the interactives, like the one we built for the anniversary of 9/11, a wall of thousands and thousands of crowd-sourced memories of that day 10 years ago.

We call that process Open, and it is at the heart of *the guardian*'s approach to its digital development, and completely in tune with the founding ethos of the newspaper. In print, over many years, open (not that we used the term) meant plurality: being open to all points of view, open to argument, open to many voices. But while the concept was drummed into anyone who came to work for *the guardian*, its practical application was always limited by its format. On the web, however, the advent and rapid maturing of so-called social, or open, media has transformed that principle into something extremely powerful.

So what does it actually mean, and how do we try and do it?

The key to Open is collaboration: as Alan Rusbridger, the editor of *the guardian* put it in a recent speech, "It is about the fact that other people like doing what we journalists do. We like creating things - words, pictures, films, graphics - and publishing them. So, it turns out, does everyone else. For 500 years since Gutenberg, they couldn't; now they can. In fact, they can do much more than we ever could."

What are the principles of Open?

1. Don't do everything. Do what we do best and link to the rest. Harness, edit, curate, aggregate and link to the work of others.

2. Harness the eyes of the readers. Were you there? What did you see? Find them through social media. Twitter has become an indispensible tool in this process. Ask the readers to fill in the gaps in what we know or do not know. Use them as our ears and eyes when we cannot be there. And we cannot be everywhere. Take the death of Ian Tomlinson at the G20 protests over a year ago. Would our reporter, Paul Lewis, ever have been able to pick apart the truth without the help of the witnesses who saw and photographed what happened when the reporter was not there? Or the Arab spring, where we had one reporter in Tahrir square but thousands and thousands of witnesses pulled into our live blogs, through comments, through twitter, from bloggers, through our editors finding and linking to content, by translating into Arabic key pieces of news and comment.

3. Harness the expertise of our readers. Do you know? What do you know? What should we be looking for? Help us. For every specialist journalist who knows their subject inside out, we'll have hundreds or thousands of expert readers who can inform and assist those specialists in preparing stories. We have had readers trawling through thousands of pages of WikiLeaks looking for what we missed, through thousands of pages of tax data from the UK's 100 biggest firms and posting discoveries and comments of their own. Crowd source what is useful.

4. Concentrate on doing things journalists are trained to do that Google cannot. Analyse, verify, make sense of information. Take up what our readers have seen or found or discovered. Check it, analyse it, publish it and share it.

5. Be open about what and how we do things. If we demand transparency and accountability from others, we should do the same. Our methods of working. Our sources. How we clarify or correct our mistakes. Our business principles (and financial results). Our news lists (we now publish our domestic, international, and business news lists and invite readers to tell us what they would like more of, what we are not doing enough of.)

Our morning conferences. Our political decisions (like who we support at elections and why).

6. Be a platform as well as a publisher. We invite readers to meet and create content on our website, independent from us as editors. See Comment is free, the arts sites or our network of environmental and science bloggers, where we host outside bloggers and revenue share with them.

7. Be open about our digital business. The vision is to weave *the guardian* into the fabric of the web. In 2009 we launched Open Platform, a suite of services which enables partners to build applications with *the guardian*. It is structured to serve anyone who wants to use our content and tools in a way that is mutually beneficial.

8. Harness the best of us and the best of them. The best theatre critic combined with the most engaged theatre goers. The best columnists arguing with the most opinionated commentators. And so on.

9. Be open to different ways of telling stories: move beyond text by using video, audio, interactives, and social media. Use the possibilities of the medium, but integrate their live nature with reflective expertise.

10. Be international and be everywhere. We are a British liberal newspaper, and on the web we aspire to be the world's leading liberal voice. We are engaged with the world, through our reporting and through our linking and through our aggregation of other people's experiences.

The guardian has been in the digital business now for almost 15 years - we launched our website in 1999. It has been a hard slog to get to this point, and perhaps it is important to touch on some of the difficulties we have faced and the lessons we have learned from the digital journey we have been on.

The legacy of print is a very deep one. The way that we organise our journalistic lives, the pattern of our day, the way we use resources and how we do our journalism is still in many ways driven by the habits of bringing out a newspaper. We continue to wrestle with the day to day issues thrown up by publishing for an international audience 24/7.

We are now almost completely integrated across all departments, run by people

with cross-platform responsibilities. But, in no particular order, here are some of the difficulties we have had to overcome along the way. Many of them, as you will see, have a common theme: they are mostly about moving from print to a digital world, rather than about the web itself.

1. Digital skilling. Journalists who come from a print background, however brilliant they are at what they do, are only part of what you need in the digital sphere. We do not have enough experts with backgrounds in engineering, technical development, video, social media, data, SEO (search engine optimisation), and managing communities. We do not have experts who understand comment platforms or online identity. We need to re-skill and recruit. CP Scott, in his famous essay written to mark the first 100 years of *the guardian*, wrote of the relationship between the editorial and commercial side of the company that "it should be a happy marriage, and editor and business manager should march hand in hand, the first, be it well understood, just an inch or two in advance." The current joke among guardian journalists is that it is the new breed of brilliant technical folk we work with that are coming up fast on the inside lane.

2. Print content written for a UK newspaper audience does not always work for an international digital one. A self-evident point, perhaps, but complicated when you are trying to do both simultaneously. How can one be both, international but also British? If you are in New York, where we have just sent 12 of our most digital journalists to set up a bespoke US site, it is not useful, for instance, to put Nick Clegg (the junior partner in our current British coalition government) in the second paragraph of a story about the IMF and the global economy. This is difficult to get right. How can we ensure that we are completely relevant to an international audience, without losing the particular British based identity that has anchored us for so long?

3. Writing for print media is fundamentally different from writing for the web. Print is finite, with a beginning, middle and an end. On the web, the article is just the beginning of the conversation. Many times have I tried to explain to senior and brilliant columnists, that their beautifully polished 1200 word columns written for an audience that they cannot hear in print, will be wilfully misunderstood on the web unless that columnist is prepared to engage with their readers below the line. Engagement

almost always improves the experience for writers and readers, but many journalists from a print background still find the experience unpleasant and difficult.

4. Editing, as well, is different on the web. Print editing has always been a wonderful job at *the guardian*. You get to think up lots of good ideas and then get good journalists to write them up and good subs to make them look beautiful on the page. But the best digital editors are those who are the best curators: the strongest editorial response to an event is not always more content produced by journalists (see above in the Open section).

5. Resources. Print still largely controls the purse-strings. That is partly because print, in spite of shrinking sales and declining advertising rates, still makes most of our revenue. Print content often performs very, very well online - and why not, when it is written by very good (and well paid) journalists. But it is not necessarily the way you would have spent the money if you were ONLY thinking about digital. You might have decided the story was better told by video, or through an interactive, or even by the community. Alan Rusbridger, *the guardian*'s editor, has asked us to think around the concept of "80/20" i.e., 80 per cent of our time/effort should be spent on thinking about digital, 20 per cent on print. But we are a long way from making that a definition for how we allocate our resources.

6. Control. Underpinning the idea of Open is the recognition that journalists are not the only voices of authority, expertise and interest. By definition, we no longer have a couple of voices of authority on, say, the Middle East. We have hundreds, if not thousands, of readers with degrees of knowledge who are demanding the right to be heard. Increasingly, they want to be involved in not only what we write about but how we write it. They want to meet and discuss things with like-minded people on *the guardian* site, not necessarily always mediated by editors. We can never cede complete control. But editing (see above) is more so about the curation of others as it is about commissioning.

7. Mistakes. Real-time or live publishing is fraught and, for a big publisher of content it can be risky - particularly with British libel and contempt laws. Trust is hugely important and easily lost. We try to ensure that

everything we publish is sourced, and make clear what we have and have not been able to verify. Social media - and the internet generally - magnifies a thousand-fold minor (and not so minor) errors. The clamour for accountability is sometimes intimidating and deafening. There are whole websites set up by activists who do not wish us well, dedicated to monitoring, and attempting to expose guardian's journalism in controversial areas like in the Middle East. For 15 years we have had a Readers Editor in print that not only corrects and clarifies things brought to his attention by readers but represents their interests at the editors table. Extending that service and attention to detail on the Internet is challenging.

8. Active (as opposed to passive) readers. Once you have invited them in, they may not want to behave in the way you want. It was a huge shock to the system when we first opened comments on articles written by our journalists. Until that point, readers did not interact with writers - they were shoed off to talk boards where they would talk to each other and no journalist would visit. Since we set up Comment is free in 2006, we have gradually opened up more and more of our content to comment by readers and it has not always been a pleasant experience. We are much, much better now than 6 years ago at engaging with our audience (we now require all our journalists to read and engage with readers), but it has been a long and slow process.

9. Moderation and community. Managing the community that gathers round our journalism has (see above) been a difficult challenge. We now have a well-developed set of community guidelines for readers who want to comment or interact on our site. We have a team of moderators who apply them, working with community coordinators who are there to promote best practice round conversations, thinking of good ways to involve readers, keep discussions relevant and on track, divert trouble makers, and generally empower the best behaved members of the community to help us make *the guardian* comment threads a good place to be.

We have also spent a great deal of effort exploring other ways to engage readers above and beyond comment threads: reporters ask for ideas and feedback via twitter, we use open threads as forums for community debate. Almost all our sites have places for readers to post suggestions

about what we should cover and who (including members of the community) might write about it. We offer opportunities to review books and music, to upload photographs, to share travel tips, etc. But we still have a huge amount of work to do around our Discussion and Identity platforms - both of which are rather crude when set against best practice on the web. We need many more community specialists.

10. The sheer speed of change. Most of our journalists and editors are now familiar with what writing and editing for the website entails, even though not everyone is at the same level of expertise. But just as we began to discard the habits of print and embrace the norms of the desktop experience, smartphones came along. In the last year, the number of people consuming our journalism through mobile devices has rocketed. It now averages between 11-15 per cent of our digital traffic each day - with more at the weekend when people are out and about. It is growing rapidly, with predictions that it could reach 50 per cent in the year 2014/15. Yet we have a tiny mobile team, with only one mobile editor. We now ask hard-press editors and sub-editors to also "think mobile" (at the same time as thinking print, browser and tablet). We built our new mutualised music site without thinking about how the interactive pages could be seen on mobile (they can't). We forget that the live question and answer sessions are meaningless on mobile because comments cannot be seen. And so on.

So where do we go from here?

Like many other news organisations we are trying to do so many things simultaneously: continue to produce world class journalism that break important stories, cover the world in all its complexity and hold power to account; keep abreast of the march of technology; cut our costs and keep publishing a newspaper seven days a week. The decline in print circulation, and revenue, has been so fast and frightening, the cost of journalism keeps rising and we are in the middle of the deepest economic recession in 100 years. We, like everyone else, are under huge financial pressure. Our digital revenues are rising, but not fast enough. We need to keep trying new things, because who knows where and when the commercial opportunities will arise? You have to stay in the game to have a hope of winning.

But I do not want to end on a pessimistic note. We have tried to sum up where we are heading in this digital space and the principles are these:

Be Open.
Be Digital First.
Be International.
Be Everywhere.

Openness - being *of* the web, not just on the web - is the principle that informs all others. We believe and hope that the deepening engagement and loyalty we see growing month by month around our journalism, together with an open mind about where technology is leading us, and experimentation of new ways to promote and spread our journalism, is the best route to survival. It is also in tune with our journalistic mission, laid down all those years ago; it is work in progress. But the sheer possibilities that the digital sphere offers are, in truth, simply intoxicating for journalists and for anyone that believes in democracy and freedom of expression.

As CP Scott, our legendary editor, wrote about technological changes in when *the guardian* celebrated its first 100 years in 1921: "What a change for the world! What a chance for the newspaper!

Internet governance in the
South Caucasus

Internet Misgovernance as a Threat to the Silk Road 2.0

Giga Paitchadze[1]

In comparison to traditional media sources, social media is a much stronger and easier instrument for distributing and receiving information. Many recent examples from different countries prove this.

The use of the Internet and related technologies continues to grow rapidly in Georgia, as does the availability of better connections and services. Social-networking sites, particularly Facebook, have gained in popularity in recent years, reportedly eclipsing news sites and general web portals[2]. Facebook serves as an important platform for discussion and information exchange among the more liberal segments of the Georgian society. State bodies have also been stepping up their use of the Internet. For example, the National Agency of Public Registry (NAPR) allows citizens to register real estate through its website, and the tax inspection agency accepts online submission of tax declarations.

The Internet was first introduced in Georgia in 1996-1997 and, after a boom in new services like broadband at the beginning of 2004, connections became available for almost everyone with a telephone line in Tbilisi. Internet subscriptions have also proliferated in other large cities. Online news media are developing slowly, but a growing number of journals and newspapers are launching websites, and major newspapers and news agencies are sharing content through applications like Facebook, the Twitter microblogging service, and the video-sharing site YouTube. Nevertheless, many journalists working in traditional media lack knowledge about Internet technology and web tools. The other part of the social media society – the Georgian blogosphere is yet very compact and hard to partition into different characteristics. However, we can try and classify them into real bloggers, social writers and sharers.

Real bloggers are running a separate blog on a blogging platform (like Blogspot, Wordpress, etc.), are active at least once a week (several times a month) and write their own, unique content.

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1 Paitchadze is New Media Programme Manager for G-MEDIA

2 Alexa.com

Social writers are people, who aggressively use social networks (Facebook is on top here) and write their own content through Notes. The activity here can't be measured – it's one or two notes a month, plus a large amount of posts and pictures with opinion expressions.

Sharers use different tools – it can be blogs, social networks, twitter etc. – but the main part here is that they don't create content, they just distribute someone else's creations.

The main purpose of blogging is to bring socially active people to raise their voices, to express opinions on issues of the civil society life, to show expertise and share experience. It is well known that blogging practices reflect the political and social processes going inside the country.

But this is not the case among the Georgian society. People are overwhelmed with political discussions in their social circles, in the media (mostly on TV). Surveys show that the Internet audience is not interested in social-political issues - that's why there's not a single blog about political life.

Most of the bloggers write about their life, daily thoughts and sometimes it's just not intended to be of interest for the wide audience. However, there is a large number of people who run discussion groups and engage into communication on Facebook – they actively comment recent events, share links and information sources. Liberals, libertarians, political activists – this is the main core of this group.

Besides, there's the language barrier – although we have several English-speaking bloggers and even more Russian language blogs (Livejournal), the main part of the blogosphere is writing in Georgian – which means, the audience is artificially limited to the Georgian-speaking part of the world.

A recent study[3] shows around 3,000 existing Georgian blogs, however the information is questionable. The main core of the blogosphere and the connections between the blogs (linking, commenting) show that there are many bloggers who weren't active in the last several months and even more bloggers who have only one post published.

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3 The Structure of Georgian Blogosphere and Implications For Information Diffusion by Zakaria Babutsidze, published http://bit.ly/qzIAXu

As a comparison to the blogosphere, we see that the development of Facebook grows rapidly since 2009 – in the last 6 months of 2011 newly registered users hit 100 000 people. Right now it has 675,000[4] users from Georgia, which means that 15% of the country's population is registered there (and 50% of the whole online population is using it)[5]. Most active users are aged 18-34.

According to the Freedom on the Net 2011[6] report, the Internet penetration rate in Georgia currently reaches 30% - including mobile Internet subscribers. However, there is an obstacle to its growth which is the poor infrastructure and high costs – the rural areas are still not included in the online community.

All in all, it can be stated that currently the role of online media is still weak – 11% of the capital's population uses the Internet as a main source of information, according to CRRC Media Survey 2011[7].

There are some groups in the society who aren't restricted from Internet use but are represented online only through a small number of forums and blogs (Armenian, Azerbaijani minorities). Similarly, there is little representation of other vulnerable groups, such as internally displaced persons from conflict regions like South Ossetia. The society is, in general, still careful with the Internet usage – most still believe that the Internet is used for fun only.

Considering the upcoming parliamentary elections in 2012 and recent activities of the political parties and governmental institutions toward online marketing – it can be assumed that the role of the Internet and especially social media will grow and show its potential yet.

Many countries suffer from government restrictions of Internet content. Both journalists and bloggers are arrested and prosecuted because of their activities online, including expressions of free and independent opinion or criticism toward the authorities. Luckily, this is not the case in Georgia. There are no known cases of censorship or other restrictions of online content.

Government censorship is not a major hindrance to Internet freedom in Georgia. Users can freely visit any website around the world, upload or download any

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4 Facebook.com

5 Socialbakers.com

6 Freedomhouse.org

7 Crrc.org/oda

content and contact other users via forums, social-networking sites, and applications like instant messaging. In fact, content is so accessible that numerous sites offer illegal material such as pirated software, music, and movies and the government has not enacted appropriate legal measures to combat the problem. ISPs still own websites with a great deal of pirated material, but visits to such sites have decreased and given way to social-networking, video-sharing, blogging and news sites. Within some state institutions and private companies there is a small degree of censorship designed to improve worker productivity and limit Internet traffic, for example, by blocking access to Facebook and YouTube. At the same time, both governmental bodies and private employers are increasingly using social media for recruitment and public-relations purposes.

The only case of Internet traffic filtering happened in August 2008 when the government blocked access to all Russian addresses (those using the .ru country code). The move was also a response to attacks launched by hackers against Georgian government websites. The filtering ceased within days, and currently no such restrictions are in force.

There is no law that specifically regulates Internet censorship or bans inappropriate content, such as pornography or violent material. The Law of Georgia on the Protection of Minors from Harmful Influence addresses gambling and violence, but does not refer to online activities. Nevertheless, this legal ambiguity could be exploited to impose significant internet content restrictions in the future.

As already mentioned, YouTube, Facebook, and international blog-hosting services are freely available. Indeed, Facebook is now the most popular site on the Georgian Internet. An interesting crowd-sourcing example was when Facebook users identified a riot policeman beating up a woman – as a result he was fired.

Inadequate revenues in the online news business, combined with a lack of technological knowledge, have hampered the expansion of traditional media outlets to the Internet. The government's apparent interest in blogging and social media could help spur traditional outlets to establish a greater Internet presence, but this would also require more private investment in online advertising. In general, there is a tendency that media outlets (both traditional and online) are affected by low activity of advertising buyers.

Civil rights, including the right to access information and freedom of expression, are guaranteed by the Georgian constitution, and they are generally respected in practice. Article 20 of the Constitution and Article 8 of the Law of Georgia on Electronic Communications include privacy guarantees for users and their information, but they simultaneously allow privacy rights to be restricted by the courts or other legislation. The Law on Freedom of Speech and Expression "makes it clear that other 'generally accepted rights' related to freedom of expression are also protected even if they are not specifically mentioned." Nonetheless, Internet activities can be prosecuted under that law—mainly in cases of alleged defamation—or under any applicable criminal law.

Georgian legislation grants police and security services significant discretion in conducting surveillance. The main change in the legislation regarding the Internet is unfortunately the surveillance regulation: the Law on the Operative-Investigative Activity allows the enforcement officials to gain access to all kinds of personal information of user – Internet traffic, files, closed and open communications of users (e-mail and messages). The access can be conducted directly or over the air, even by installing special surveillance software and hardware. The latest amendment to the law ceases the necessity of a court approval in prior to action. This brings up serious concerns for the security and personal privacy of users, but there was almost no response or actions from the society about this issue. Although it has to be stated, there have been no known cases of internet surveillance along these lines.

Some of the latest amendments to the legal environment regarding Internet security have been the introduction of a dedicated entity under the Ministry of Justice, the Data Exchange Agency, which is working on the action plan on Cyber Security and has introduced a Computer Emergency Response Team, which will work on cyber and network security (initially, for the state bodies).

To summarize, the legal environment in Georgia is still underdeveloped. The government looks toward security, but as mentioned, the privacy and copyright issues still need to be developed. We hope that the development of the infrastructure, which will lead to increased user base, will be naturally followed by the awakening of the civil society on issues that need to gain attention of the wide audience.

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The Internet and Freedom of Expression: Armenia 2007-2011

Samvel Martirosyan[1]

The social media in Armenia are currently undergoing a period of tempestuous growth, which is evidenced against the background of a dynamic increase in the number of Internet and mobile communication users. It is obvious that the social media are playing an ever growing role both in Armenia's information sphere and in the country's socio-political life.

The growing role of the social media, citizen journalism, and network activism is also having an impact on the traditional media, which, owing to the boom in the information environment on the Internet, have acquired an opportunity to raise their own efficiency in Armenian society.

The Main Development Stages of the Social Media

In the past three years, the social media in Armenia have been playing and continue to play an important role in the development of the information sphere, reform of the traditional media, and emergence of a civil society. Whereas just a few years ago, this term meant absolutely nothing to the Armenian society, and even two or three years ago the social media had a rather limited and insignificant impact on the real life, today they are a viable element of Armenian reality with which political forces and civil society must reckon.

The emergence of social media in Armenia can be presented in several stages. Social networks did not become an important way to spread information and enhance online activism until the beginning of 2010. Before this, the greatest cyber activism was seen on Internet forums (which are now already undergoing an intense decline) and in the blogosphere. It is blogs and bloggers that have been largely conducive to making the social media a publically acceptable and significant element of Armenian life. It is bloggers who have become the first recognizable personalities among network activists.

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1 Martirosyan is an information security analyst and director of Badu.am mobile reporting portal.

Another important aspect of the development of citizen journalism in Armenia is the fact that the main stages associated with social media impulses are related to the political situation in the country and also to the extreme politicization of Armenian society as a whole.

It goes without saying that the parliamentary elections of 2007 played an important role in popularizing blogs and social networks. The presidential election of 2008 played an even greater role. The parliamentary elections to be held in Armenia in May 2012, as well as the presidential election in 2013, are already having a certain impact on the quantitative and qualitative development of the social media in the country.

There have been two main stages in the evolution of the social media in the country; the first encompasses the emergence of the blogosphere, which began in 2007 and ended in 2010, and the second designates the growing dominance of the social networks, which began in 2010 and is still dynamically continuing today.

Development Stages of the Social Media in Armenia

Development of forums and the blogosphere:

1. The parliamentary elections – first half of 2007

2. The presidential election – election campaign – second half of 2007

3. The presidential election – confrontation in the blogosphere – January-February 2008

4. March 1, 2008 – post-election clashes between the opposition and the defense and security agencies that entailed a loss of lives on both sides

5. State of emergency – March 2-20, 2008

6. President Serzh Sarkisyan creates his own blog – March10, 2008[2]

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2 http://serzhsargsyan.livejournal.com

7. Prime Minister Tigran Sarkisyan creates his own blog – November 25, 2009[3]

Development of social networks – spring 2010 – first groups of activists:

1. Group in favor of saving the Moscow Cinema's open-air hall in Yerevan[4]

2. Group against opening foreign-language schools[5]

3. Environmental groups – efforts to prevent the operation of the Teghut mine and save the local forests, to safeguard Yerevan's green zones, and to deal with toxic dust and health problems associated with the operation of the Deno Gold Mine in Kapan[6]

4. Group in support of the rights of pregnant women

Impact of the Election Processes

The year 2007 was a turning point in Armenia, marking the social media's advance as a major tool to secure freedom of expression and freedom of speech. The Internet first became a relatively wide public platform for information exchange at the beginning of 2007, right before the parliamentary elections. This was the first time, for example, that political parties began creating and using websites. However, there were less than 200,000 active Internet users in Armenia (with a population of 3.2 million) at that time, and an active Internet community was only just beginning to emerge. Moreover, this emergence was hindered by objective factors relating to the underdevelopment of the telecommunications infrastructure and very high fees for very low-quality Internet service. The population's lack of computer literacy was also a significant drawback during this period. Several large Armenian Internet forums, in which Armenians from the diaspora also participated, and the copious number of blogs were the main arenas of communication at that time, with Armenians from the diaspora being the main participants in the Armenian Internet community.

However, at the end of 2007, the situation began to undergo a qualitative change since. By the beginning of the presidential campaign social media had become a

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3 http://tigransargsyan.livejournal.com

4 https://www.facebook.com/group.php?gid=343138923439

5 https://www.facebook.com/groups/menkdemenk

6 For example, https://www.facebook.com/groups/119537174725392

real factor in raising civic and political activism. The opposition forces made their first attempts to use the social media not only as a platform for discussion, but also as a way to inform foreign users beyond Armenia's borders.

During the same period (the autumn of 2007 – winter of 2008), Armenian blogs underwent tempestuous development, which was also related to the domestic political tension. For the first time, bloggers were involved in a propaganda war among the political forces, which led to the formation of hostile clusters in the Armenian blogosphere (the activity of bloggers from the diaspora also promoted this clustering).

After the presidential election in February 2008, the situation in the country became so inflamed that on March 1 the opposition and the defense and security agencies met in a bloody confrontation that led to human losses. This resulted in a state of emergency being declared in the country on March 2, which lasted until March 20. At that time, the traditional press was either compelled to print only official information or quit working altogether under pressure of the official limitations placed on the media.

At the same time, the defense and security structures instructed all the Armenian service providers to block several of the opposition websites. However the powers did not limit themselves to restricting access. Several websites in the .am domain zone were deprived of their domain names – the A1+ TV company, as well as the websites of Radio Liberty and Internews (EChannel.am), for example. YouTube was also blocked for three days, since it was being actively used to spread video material on the March 1 clashes.

During the state of emergency, blogs became the most active and, it seems, the only uncensored platform for spreading information. It was during this period that the social media became a socially significant phenomenon not only for those actively involved in the Internet community, but also for broad strata of the population. Blog traffic at that time increased several-fold.

The sky-rocketing popularity of blogs (between March 2 and 20, 2008) as an essentially uncensored platform in which civically responsible individuals participate later led to social networks being used in the same way as platforms for promoting cyber activism.

The activity and leverage of the blogosphere had grown to such an extent by that time that on March 10, 2008, newly elected President Serzh Sarkisyan created his own blog where he communicated directly with the Internet community (this blog was subsequently frozen). Later, on November 25, 2009, Prime Minister Tigran Sarkisyan created his official blog.

However, since the beginning of 2010, the popularity of the blogosphere has been declining and users are engaging more actively in the social networks.

The Heyday of Social Networks

Despite the fact that the most popular social network in Armenia in terms of numbers is Russia's Odnoklassniki.ru (with around 600,000 visitors from Armenia daily), Facebook is the platform for citizen journalism, where there are already more than 210,000 active users (according to the data for mid-October 2011). At the beginning of 2010, Facebook became the platform for various groups of civic activists to gather.

Although there is quite a large number of popular social networks in Armenia, Facebook is the main driving force behind social journalism and cyber activism on the web. Today, several large groups that defend civil rights and fight for environmental protection and the preservation of architectural monuments, etc. are active in this social network. What is more, the representatives of nongovernmental organizations and the press are being drawn into social networks, which is a relatively new phenomenon for Armenia.

In the spring of 2010, the cyber activists succeeded in mobilizing several groups that managed, to one extent or another, to achieve the set tasks. For example, saving the Moscow Cinema's open-air hall in Yerevan, which is of architectural merit, was the first successful movement. However, the government was planning to build a church on this site (a church destroyed by the Soviet authorities used to stand in approximately the same place). Then a group appeared that tried to prevent amendments to the legislation that would have allowed foreign-language schools to open in Armenia. Even though these amendments to the law were adopted six months later, the group nevertheless succeeded in achieving significant changes in the documents that were ultimately adopted. Cyber activists also managed to successfully stop the adoption of amendments to a legislation that could have led to the infringement of the rights of pregnant women. Particular note should also be made of environmental movements

that have resolved and continue to resolve many issues relating both to the conservation of nature in Armenia and of the green zones in Armenia's cities.

Local social networks

At the same time, despite Facebook's obvious leadership, the presence of several other social networks should also be kept in mind, apart from the global ones, such as Twitter, which, however, is still not that popular in Armenia.

The Armenian Internet is also characterized by the presence of a relatively large number of medium-sized and small social networks, the target audience of which are Armenians from Armenia and the diaspora. The networks are positioning themselves precisely as strictly Armenian and, correspondingly, focus on local topics of discussion.

Hauland.am, a strictly Armenian social network, has the most traffic. According to the official data of the portal's administration, more than 135,000 users are registered on the site. According to the statistics of Circle.am, in October 2011, the portal had a stable daily traffic of around 10,000–11,000 visits, 52% of which were from Armenian territory.

According to Circle.am statistics, another social network, Druzja.am, has around 5,000 visits a day, 86% of which are from the Armenian territory. We can also mention Hayutyun.am, which, according to Alexa.com data, has around 1,000 visits a day.

In addition, some platforms combine the functions of forum and dating sites but position themselves as social networks. One such platform is Armenia-Online.Ru (according to Circle.am statistics, it has around 8,000 visits a day, 26% are from the territory of Armenia). The Viparmenia.com forum has been positioning itself as a social network (according to Circle.am, it has around 3,000 visits a day, 16% of which are from Armenian territory).

On the whole, trends are observed toward the emergence of strictly Armenian networks, as well as the migration of forums to more advanced platforms with the aim of socializing the existing user base. It is also worth noting that the local social websites are significantly stymied in their progress by having to compete with the world giants. Today, the Hayland.am project can be considered more or less successful.

The Impact of Social Media on Traditional Media

The press is making active use of the opportunities offered by social media today by involving Internet-communities in interactive communication. This has resulted in the traditional Armenian media acquiring elements of citizen journalism. The press uses content created by network activists and makes use of the social networks to attract readers to its own websites.

At the same time, the possibilities offered by the social media have recently led to an interest in Internet broadcasting in the country, thus helping to resolve the problem of television dependence in the country to a certain extent. Several Internet television companies are already operating in the country. Online publications are transferring to an additional video format, which is creating an alternative to traditional television, the most unfree media in Armenia.

The increasing influence of social media over the Armenian society has promoted a certain amount of media diversity in the country and is reducing the press's dependence on specific actors. The growing impact of alternative journalism has also helped to strengthen Armenia's civil society.

ICT as an engine of development of Azerbaijan

Bakhtiyar Mammadov[1]

Introduction

Over the past decade and particularly in the last few years, the influence of the Internet as a mean to spread information has steadily expanded. The Internet has revolutionized the way we communicate and has given to an increasing number of people across the world the ability to communicate and take part in the growing global community.

The information and communications technologies (ICT) have had an important impact in the social and economic life of the Republic of Azerbaijan in recent years. Some significant actions have been taken and a sustainable policy implemented in order to establish an information society in the country.

Azerbaijan's fast growing economy in the years 2004-2010 made a significant distribution in the development of the ICT sector during that same period. The revenues of the sector have indeed increased by 3.5 during those years.

In general, revenues generated by the ICT sector of Azerbaijan have always been on an increasing dynamic growth and considered as the main engine of the economy. This sector has seen a fast growth in the recent years and its average annual revenues'growth rate has been of 30%-35%. Currently, this sector almost takes the lead among all the spheres of the national economy due to its growth rate.

1. ICT as the next priority sector of economy

The goal of the Government of Azerbaijan is to increase the revenues from the ICT sector to the highest level, surpassing the revenues from the oil-and-gas sector. Azerbaijan is keen to implement this ambitious transformation under this slogan "Let's convert black gold into human gold", which has been announced by H.E. Ilham Aliyev, the President of the Republic of Azerbaijan in his speech at

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the WSIS in Geneva in 2003. Since then the ICT sector has been announced as the next priority sector for Azerbaijan's economy. One of the main directions of the Government of Azerbaijan is to build a knowledge economy in our country and a lot of work has been done in this direction.

The country also successfully concluded some actions to keep out the effects of the global economic crisis on the real sector. Accordingly, this led to a 32.1% increase of the real growth rate revenues of the ICT sector in 2010.

The expansion of the application of the latest technologies in all the fields, the rapid development of an information society benefiting from the opportunities created by the Internet have had an impact on the interest of individuals to possess a PC regardless of their age. In 2004 the number of computers per 100 people was 1.6; currently this number has reached 15, which is approximately 9.4 times more.

For the improvement of computer literacy, the MCIT within an alliance with HP, Microsoft and some other local companies initiated a project called the "National PC Project". The primary goal of the project is to provide teachers and students with favorable conditions to buy PCs and licensed software. Another goal of the project is to reduce the digital divide by introducing ICTs more widely in the regions and to support the activities of the Government of Azerbaijan aiming at developing an information society and e-government services. Since the project kicked off, about10, 000 teachers have been able to buy computers and licensed software at reduced rates. All equipments have been provided on lending terms of 12 months and at a 0% interest rate. The total cost of PCs and licensed software packages offered under the National PC Project is 25%-40% lower than the market prices. Those who buy the PCs under the National PC Project are provided with reference materials on PCs, the Internet and also relevant electronic teaching materials offered by the Ministry of Education.

These days we have around 4.5 million Internet users – 50% of the total population of the country. This can be explained by the decrease of Internet price rates and the increase of connecting opportunities such as WiMax, 3G, CDMA, Wi-Fi. The overall users of Internet in Azerbaijan are divided between household users (39%), Internet cafes visitors (15%), users from various workplaces (20%), libraries (0.5%) and other areas (17%).

As the population usage of Internet services increase, the volume of the international internet channel has increased greatly. We had 240 Mb/sec overall volume in 2004 and currently we have 40 Gb/sec – which is 42 times more than in 2004. The volume of internet channel for 100 inhabitants is about 460 Kb/sec. The Government of Azerbaijan has a clear vision and ambition for expanding the broadband Internet. We are working on the Broadband Development Strategy, the roadmap that will provide guidelines for the further sustainable prosperity of broadband communication in Azerbaijan.

All the accomplishments of the state ICT policy implemented in the country and the significant actions taken to further develop the sphere have been reflected in several assessments of international organizations. "The Global Information Technologies Report 2010-2011" published by the World Economic Forum for instance ranks Azerbaijan 70th among 138 countries of the world according to the Network Readiness Index. Under this ranking, Azerbaijan is the second highest country among CIS countries following Kazakhstan.

"The Global Competitiveness Report 2010-2011", another publication of the World Economic Forum, ranks Azerbaijan 57th among 139 participating countries and according to the Global Competitiveness Index. Azerbaijan leads the CIS countries in this report. Under the Technological Readiness Index, which is one of the sub-components in this index, our country has risen to the 70th spot, having advanced 5 spots from its previous position.

Azerbaijan was ranked among the first 10 countries where the communication costs have decreased rapidly. It became the 53rd country among 165 states in 2010 having advanced 46 steps from the 99th ranking where it was among 161 countries in 2009 according to the ICT Price Basket. The impact of the technological revolution brought by the ICT in the 21st century has opened unlimited opportunities for mutual interaction between the civil society and the state.

The Information society allows people to realize their potential. One of the main changes brought by the technological innovation is virtual social networks. Social networks include a number of elements, such as communication, sharing, and discussion, which are created by modern technologies. They have become particularly popular among most Internet users around the world. In some cases, they have even surpassed the media and the press.

As the number of Internet users grows and the volume of exchanged information increases every year, there is an increased demand for high-quality services to obtain information. In this regard, the technical infrastructure of networks is further developed and taken to the next level.

An effective tariff policy to expand the broadband services has been underway during the past 3 years. As a result, the costs of connecting to broadband internet services have decreased 6-7 times in 2009. It was further lowered around 50% in 2010.

The analyses prove the favorable business and competitive environment established for operations of internet providers. This has also allowed for about 30% increase of the internet users every month in the regions of the country.

2. Application of e-government and global initiatives

Among the Government's priorities regarding ICT policy is the implementation of innovative reforms in such fields as science, education, public health, taxes, finance, customs and registration.

The priorities of the ICT sector are reflected in several documents such as the "National Strategy on information and communication technologies for the development of the Republic of Azerbaijan" (2003-2012), signed by the national leader Heydar Aliyev on February 17, 2003. It is a long-term conceptual document defining the strategic goals to introduce modern information technologies in Azerbaijan. The strategic goals of the National Strategy include the correspondence of the information needs of citizens, the further enhancing the country's intellectual capacity and the strengthening the economic potential of the country by the application of information and communication technologies.

The "State Program for the development of communications and information technologies in the Republic of Azerbaijan in 2010-2012" (Electronic Azerbaijan) was approved by the Presidential Order No. 1056 dated August 11, 2010, in order to carry out the activities envisaged for the upcoming years in the National Strategy and as the logical continuation of the Electronic Azerbaijan (2005-2008).

The main goal foreseen in the State Program is to create information resources stipulating the effective activity of unified information exchange in public management systems.

Among the 20 basic e-services defined by the European Union for citizens and business sector, 8 of them are already performed in Azerbaijan (electronic submission of tax and customs declarations, submitting application for university entrance exams, etc.). The number of those services is gradually increasing.

One of the important aspects of improving the public management system is the "e- government initiative." E-government means using information and communications technologies in order to improve the effectiveness and responsiveness of the state agencies' functions, to facilitate and ease the connection with the people, business units, as well as among themselves.

The Action Program on the Development of the e-government has been elaborated in order to ensure the quick and high-quality access of the citizens and organizations to public services while widely introducing ICT to enhance the effectiveness of functions of public bodies, to ensure transparency, to create conditions for civic participation in public decision-making and to maintain the communication with governmental bodies though electronic means which are simpler and more accessible. The document, which initial implementation period covers the years 2010-2011, was approved by the Cabinet of Ministers of the Republic of Azerbaijan.

The activities highlighted in these documents complement each other. While the Action Program envisages the development of basic components of the e-government, the State Program envisages the elaboration of electronic solutions that can be applied based on these components and on the implementation of electronic services.

The implementation of this program will ensure the full transition to electronic services in the society. As a result of the program, searching a job, issuing a passport, a driver's license, a birth and death certificates and registering for marriage will have simplified procedure. Also, this program will allow online applications for car registration, for reference to residence address, for university entrance, construction permits and allocation of pensions. Eventually,

the issuing of invoices, registration and license types, social fees, tax and customs declarations for institutions and organizations will be completely simplified as a transition to an electronic platform will be provided.

The development of the e-government gateway under the E-government State Information System (EGSIS) Project has been introduced in order to ensure the information exchange among the existing information systems of state agencies.

This project serves to use more effectively the existing information in state agencies, to organize mutual use of it among various bodies, and to apply electronic services. The work has already started to install such equipment in several state agencies. An e-government portal, which will allow applying to electronic services based on the "one-shop" principle, has been developed under the Project. The National Certificate Services Center has been established in order to apply the e-signature, which is one of the important components of e-government, and the introduction of the e-signature has been started.

These actions taken by Azerbaijan to develop an information society, as well as to create an e-government, are successfully continuing. Thus, these successful activities include the establishment of a unified information exchange and management systems in public management processes, the development of the state registry of population, performing e-services for taxpayers, the registration of entrepreneurship units, the introduction of the "one-stop-shop" system for formalizing and monitoring customs, the expanding of the computerized system of migration services, electronic health card services, the establishment of education management information system, the acceptance of applications for university entrance exams via the Internet and the creation of a tracking system via web-cameras installed at polling stations.

MCIT has initiated following projects in the ICT field:

Trans-Eurasian Information Super Highway Project

Compared with developed societies in the world, most Eurasian countries have limited opportunities for people to enjoy high quality and efficient Internet services. Users have to pay excessive fees for joining and accessing Internet and the poor provision of international hubs for this region is a visible proof of the international "digital divide."

Azerbaijan, having recognized the necessity to improve this "digital divide," has introduced the "Trans-Eurasian Super Information Highway" initiative among the countries of the region.

The "Trans-Eurasian Super Information Highway" project will cover approximately 20 relatively poorly developed regions and create an information highway connecting the two giant neighboring regions having a highly developed ICT – Western Europe and the East Asia region located on the Pacific Ocean basin.

Currently, the joint work is under way with regional countries and international organizations in order to carry out the project and obtain international support.

The Government of Azerbaijan has presented the project at the General Assembly of the UN. In the 66th plenary meeting of the 64th session of the Assembly resolution number 64/186 dated 21.12.2009 "Building connectivity through the Trans-Eurasian Information Super Highway" was adopted unanimously in support of this project aiming at eliminating the "digital divide" in the Eurasian region as a whole.

Project for the Establishment of Regional Innovation Zones

In order to ensure the sustainable development of the information and communication technologies sector in Azerbaijan, create alternative income sources, increase attractiveness of local markets for foreign investments and to ascertain sustainable development of non-oil sector in the country, the concept of "Regional innovation zone" was developed. Other main goalsof the project include the promotion of the activities of local companies on ICT products, the establishment of new companies and the increase of the volume of local production and export. Taking into account the important role of innovation zones and technoparks in reaching these goals and benefiting from the favorable legal opportunities created by the Law of the Republic of Azerbaijan on "Special economic zones", specific actions have been taken in order to create Regional Innovation Zone (RIZ). In line with the existing legislation of the country, the documents requiring the establishment of a RIZ have been submitted to the government. Currently, the MCIT is holding joint discussions with relevant governmental bodies in order to implement this project.

The project will raise the importance of information and communication technologies in the economy of the country, attract potential foreign investors in the ICT market of the country, create new work places in the Republic for the production and exportation of electronic equipment and most importantly, increase the export potential of the country as a centre for ICT in the region.

3. Ensuring cyber security

Let me now turn to cyber security, This became a major area of concern highlighted at WSIS and it was interesting to note that in the past six years it has become an ever-increasing subject of importance. Hardly a day goes by without new reports of cyber attacks on governments, corporations and individuals. Co-operation in the area of cyber security has been an important primary step for many countries. We believe that numerous infrastructures today depend heavily on ICTs. The private sector, as much as the public sector, have placed much confidence in ICTs. Consequently, countries are placing high importance in cyber security and prioritizing its regulation. But no matter how much effort we make in isolation, we all know that cyberspace has no borders, and therefore, the establishment of fruitful channels of co-operation among all types of stakeholders and international partners is vital to our objectives.

Together, we must ensure the utmost protection of users' privacy and of the trust in the digital environment, mindful of the ever-changing and global nature of present and future Internet issues.

The Republic of Azerbaijan signed the Cybercrime Convention in June 30, 2008. The convention has been ratified in September 30, 2009, and went into effect on July 1, 2010. Azerbaijan has joined the Convention with reservations and statements to the Articles 6, 24, 27, 29, 35, 38 and 42.

According to Article 35 of the Convention, the Ministry of National Security is appointed as a point of contact available on 24 hour, 7 day a week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data or the collection of evidence in electronic forms of criminal offence.

The Convention laid down the stepping stones for measures covering substantive criminal law, procedural law, including investigation and

prosecution, jurisdiction and international cooperation. The Convention on Cybercrime is the first international treaty to address criminal law and procedural aspects in relation to cybercrime. The Convention covers a broad range of issues, from substantive computer crimes, government access to communication and computer data and trans-border co-operation.

Several important instruments have effectively been developed at regional levels, in countries using ICTs in their critical infrastructures such as energy, transport and government. Because of the global nature of ICTs and the Internet, it has become vital that a country protect its information highways from attacks not only internally, but also from external assaults. Today, the necessity of an international legal instrument is becoming increasingly important and urgent. More and more emerging economies, including Azerbaijan, are relying on the use of ICTs, especially the Internet, a powerful tool to advance economic and human development, using it as a communication medium of global reach and low cost. Ensuring cyber security is important in protecting the state and each citizen in the country.

According to the Criminal Code of the Republic of Azerbaijan, crimes which target computers or which are committed by using computers are considered to be computer crimes, which could be shortlisted as larceny of computer equipment, piracy, hacking, program viruses and computer fraud.

According to the Criminal Code, unauthorized access to legally protected online information or unauthorized erasing, blocking, copying, disturbing of protected online information and their systems or networks is considered a criminal offence.

Manufacturing software or introducing changes into software also are considered computer-related offences.

Azerbaijan is in process of creating a National CERT for protecting its critical infrastructure. For the purpose of ensuring a more effective security of online information and an immediate reaction to computer threats, the Ministry of Communications and Information Technologies has initiated the creation of the National Computer Emergency Respond Team (National CERT) under the auspices of the MCIT. The draft regulation of CERT states that it will coordinate activity of ISPs and other subjects of information systems and networks on information security. The draft also states that it will support the state and other

structures for timely revealing and preventing threats to information systems and resources, and will constantly inform them in this direction, for the purpose of protecting the existing information systems.

Azerbaijan closely co-operates with different international organizations such as the Council of Europe, the European Union, NATO, ITU, and IMPACT on cyber security matters.

We would be glad to cooperate in this field with all stakeholders in order to learn good practices in the field.

Developments in the field of media freedom in the South Caucasus

Legislative innovations and law enforcement practice for regulation of the mass media in Kazakhstan

Tamar Zurabishvili[1]

Mass Media – diverse, balanced, professional and pluralistic, based on ethical standards of professional journalism, which performs its watchdog function, is a necessary part of the democratic development in a country. However, such media can only exist in a democratic country. In many post-soviet countries - and Georgia is no exception - the tradition of fact-based journalism, free of political allegiance, has been alien for a long period of time. Since Georgia gained its independence in 1991, the country has tried developing a new democracy while Georgian Media have tried finding a place in this process.

During its first years of independence, various donor programs funded extensive journalism training to facilitate the switch from opinion-based journalism towards a fact-based reporting in Georgia. Though many positive changes have been achieved during that period, the financial sustainability of media outlets, one of the main problems in the region, has been difficult if not impossible to reach. Even today, many media outlets are still only functioning thanks to donor supports. This is one of the reasons why freedom of speech in Georgia is such a fragile and disputable topic. Popular perceptions clash with results provided by well-established media freedom watchdog organizations.

To present a broad picture of the situation of freedom of speech in Georgia, this paper will discuss four main issues: (1) the legal aspects of the freedom of speech; (2) the international assessments of freedom of speech in Georgia; (3) the popular perceptions of freedom of speech among the Georgian population, and (4) the public information request for Statistics.

Legal Aspects

In Georgia, freedom of information is an integral part of the right to freedom of expression and opinions. Freedom of information presupposes the right to seek,

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receive and impart information and ideas (Georgian Constitution, art. 19, 24 and 41).

Access to Public Information is discussed in the General Administrative Code, Chapter III. Public institution is defined as an administrative institution, or a private legal entity funded by the state from a local budget (article 27, General Administrative Code). As defined in Article 28, public information is open, except in cases defined by law that guard private, commercial and state confidential information.

In May 2011 the Parliament of Georgia amended the broadcasting law. One of the changes requests all owners of broadcast media to make public all information about shareholders and license-holders, regardless to where they are registered by 1 January, 2012. These amendments received a positive assessment from the donor community, media professionals and the civil society, and are considered to be a step forward toward freedom of the media[2].

Freedom of the Speech: international assessments

Findings of reports published in 2011 by Freedom House and IREX (Media Sustainability Index) indicated that Georgia had slightly improved its standing with regard to free speech and media freedom compared to the previous year[3].

Graph 1.

Media Independence Index / Freedom House[4]

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Indpendent Media	3.50	3.75	4.00	4.00	4.25	4.25	4.00	4.25	4.25	4.25

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2 http://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=1316256
   See also: http://gyla.ge/index.php?option=com_content&view=article&id=910%3A2011-05-12-11-29-32&catid=1%3Alatest-news&Itemid=177&lang=ka

3 Freedom in the World 2011: The Authoritarian Challenge to Democracy. Freedom House. p. 6, 13, 18.
   http://www.freedomhouse.org/images/File/fiw/FIW_2011_Booklet.pdf IREX Sustainability Index 2011, IREX, p.144.
   http://www.irex.org/sites/default/files/MSI_2011_EE_Full.pdf

4 David Aphrasidze, 2010, Nations in Transit: Georgia, http://www.freedomhouse.eu/images/Reports/NIT-2010-Georgia-final.pdf. P. 222.

The section on Georgia in the *Nations in Transit* of the Freedom House publication reads: *'Media independence overall is challenged by an insufficient level of professionalism and editorial independence. The lack of information and transparency about those holding shares in television stations and the frequent rotation of ownership leave room for doubt about their independence'.*[5] Changes in the legislation that were mentioned above specifically tackle this problem and, hopefully, will decrease the doubts regarding the independence of media outlets by making ownership more transparent.

The above-mentioned reports use a methodology that is mostly based on expert assessments and on the analysis of legislative changes in respective countries. However, they do not study the perceptions of the media consumers. While expert assessments have their own value, perceptions of the population should also be taken into account. Regular studies of the populations' attitudes, as well as of the journalist corporations may provide a more comprehensive analysis of the situation.

Freedom of Expression in Georgia: Popular assessments[6]

When we look at concepts or ideas that the Georgian population associates with the word 'democracy', one can see that freedom of speech comes first, followed by liberty, and equality before the law (Graph 2).
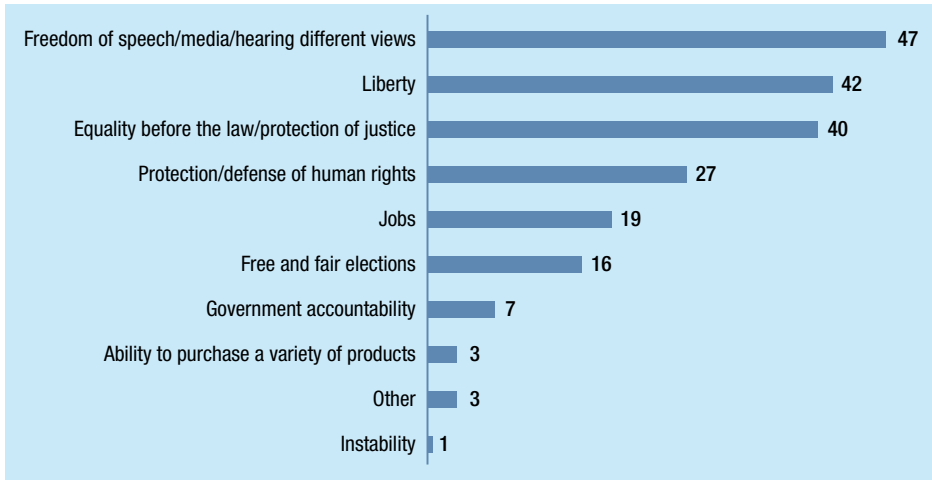
When CRRC media survey asked in 2009 and 2011 whether there is freedom of speech in Georgia, respondents reported rather pessimistic point of views on the situation. A slight majority even suggested that there is no freedom of speech in Georgia (Graph 3). Respondents also did not report any increase of the level of freedom of the speech .

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5 David Aphrasidze, 2010, Nations in Transit: Georgia, http://www.freedomhouse.eu/images/Reports/NIT-2010-Georgia-final.pdf. P. 213.

6 This section is based on the results of two surveys, conducted by the Caucasus Research Resource Center (CRRC) in October, 2009 (funded by the EU), and March-April, 2011 (funded by the Norwegian Ministry of the Foreign Affairs). 2009 survey was conducted using a multi-stage cluster sample on nine geographical units: the capital, urban-Northeast, urban-Northwest, urban-Southeast, urban-Southwest, rural-Northeast, rural-Northwest, rural-Southeast and rural-Southwest. Two macro strata: Tbilisi and the rest of Georgia. **Sample Size:** 1,768, **Margin of Error:** Necessary sample size calculations were made for an expected margin of error of 4%. **Mode:** Face-to-face interviews with 18 years-old adults or older who speak Georgian. 2011 survey used the same sample type, with a sample size of 2,009 people. **Margin of Error:** Necessary sample size calculations were made for an expected margin of error of 4%. **Mode:** Face-to-face interviews with 18 years-old adults or older who speak Georgian. The questionnaires and databases of both surveys can be downloaded from CRRC web-site: http://crrc.ge/data/

Graph 2[7]

What does democracy mean to you (q22)

Freedom of speech/media/hearing different views	47
Liberty	42
Equality before the law/protection of justice	40
Protection/defense of human rights	27
Jobs	19
Free and fair elections	16
Government accountability	7
Ability to purchase a variety of products	3
Other	3
Instability	1

Graph 3.

Is there freedom of speech in the Georgian media? (%)
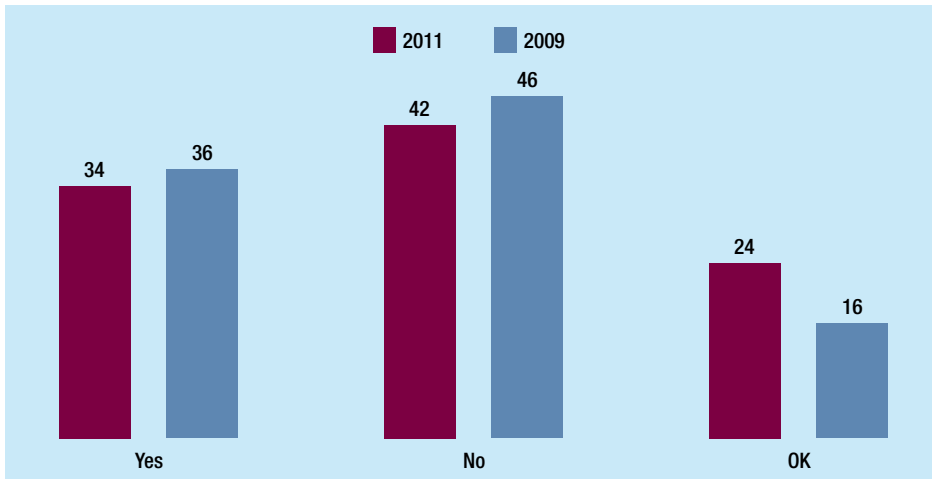
	2011	2009
Yes	34	36
No	42	46
OK	24	16

The majority of respondents (74% in 2009 and 71% in 2011) believe that even when the government provides funding for certain media outlets, those should not be biased. Only 10% of respondents reported that when financed by the government, the channels need to present the information in the way the government needs it.

Not Serving Public Needs

The majority of the Georgian population believes that media outlets do not serve public needs. As a result, journalists are often perceived as serving the interests of the Government or the interests of the media owners rather than the ones of the people (Graph 4).[8] However, a big number of respondents did not report an opinion on the topic. The overall picture is nonetheless rather pessimistic with the idea that journalists are not serving the public interest.
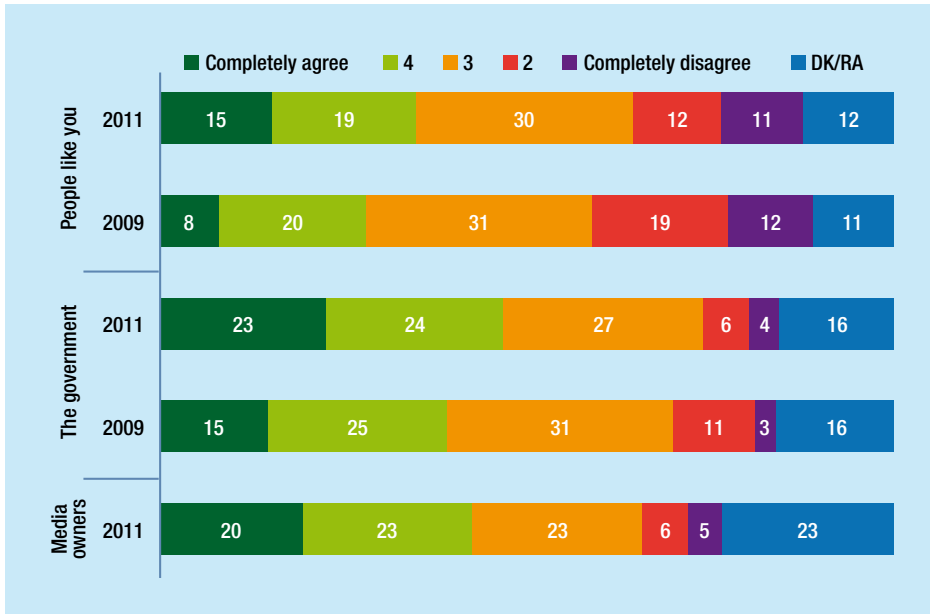
Despite this, being a journalist is still appealing to the majority of the society. Almost 70% of Georgians who have children, approve their child's decision to become a journalist (14% disapprove and 17% find it difficult to answer this question). In a 2011 survey, the main reasons why Georgians did not want their children to become a journalist were because 'journalists usually have a difficult time-schedule' (24%), because 'journalists are working under the pressure of their Government' (22%), and because 'journalists in Georgia often work in uncomfortable conditions' (15%). Nine per cent of the respondents also mentioned that journalists are often insulted in Georgia. All together these reasons could be divided into two categories. The first one consists of the technical/logistical aspects of being a journalist; including erratic working hours, travelling, and deadlines. The second part consists of institutional reasons connected with limits to freedom of speech and situations when rights of the journalists are not well protected.

Push factors to become a journalist are more connected with the status – respondents would support their children in choosing the profession of a journalist because they are well paid (15%), because 'journalists are very popular in Georgia' (13%), and because 'being a journalist in Georgia is prestigious' (11%). Eventually, according to a quarter of the respondents, the main reason why they would support their children's desire to become a journalist is because 'journalists serve the society' (25%).

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8 In 2009 there was no option 'Media Owners' in this question.

Graph 4.

Georgian journalists are serving the interests of ... (%)

| | Completely agree | 4 | 3 | 2 | Completely disagree | DK/RA |

People like you

2011: 15 | 19 | 30 | 12 | 11 | 12

2009: 8 | 20 | 31 | 19 | 12 | 11

The government

2011: 23 | 24 | 27 | 6 | 4 | 16

2009: 15 | 25 | 31 | 11 | 3 | 16

Media owners

2011: 20 | 23 | 23 | 6 | 5 | 23

Overall, the viewers perceive Georgian TV channels as organizations that are more concerned with profits than with serving the public interest[9]. This assessment did not change in 2009 and 2011 as almost an equal number of respondents, about 35% agreed with this statement. About 10% disagreed with this statement [10].and around 24% chose neutral answers.

When answering the question on whether the coverage of TV channels is influenced by the interests of their owners, only 5% in 2009 and 4% in 2011 disagreed with this statement. In 2009 27% of the respondents agreed with the idea that TV stations are owned by businessmen with close ties with the government. Only 11% did not agree and 24% chose a neutral answer[11].

9 To answer this question, respondents were given a 10-point scale, where '1' meant 'completely disagree', and '10' meant – 'completely agree'. Answers of respondents choosing options '5-6' were re-coded as 'neutral'.

10 Both in 2009 and 2011 27% found it hard to answer this question.

11 To answer this question, respondents were given a 10-point scale, where '1' meant 'completely disagree', and '10' meant – 'completely agree'. Answers of respondents choosing options '5-6' were re-coded as 'neutral'. 35% were hard to answer and another 3% refused to answer this question.

The answers measuring the perceptions of the Georgian population toward freedom of speech, freedom of journalists and freedom of media outlets to publish information independently, demonstrate that a significant part of the Georgian population does not consider Georgia's media as free. This results in low levels of trust toward major media outlets.

Statistics

IDFI

The Institute for Development of the Freedom of Information (IDFI, http://www.idfi.ge/) has been monitoring the practice of public organizations providing public information. IDFI experienced many organizations that totally ignored the requests to provide public information, while others fully complied with the given requirements and others only provided selective information.

Overall, IDFI sent 2714 requests to 152 public institutions. In 92 cases, the respective institutions refused to provide information and 630 requests were simply left without any response. In 1655 cases, the IDFI received complete answers while in 344 cases it receives incomplete responses. In two thirds of the cases, the organizations provided their responses on time (71% cases)[12].

GMLDC[13]

The Georgian Media Legal Defence Center (GMLDC) of GYLA provides pro bono legal consultations to journalist and media professionals. From September 1, 2010 through February 28, 2011, the GMLDC provided 745 consultations to journalists, media outlets, and the public. Approximately one third of these consultations were rendered in Tbilisi and the rest in Kutaisi, Gori, Ozurgeti, Rustavi, Adjara, Telavi, and Dusheti. Besides, GMLDC undertook other activities related to the provision of legal assistance (Table 1.)

The majority of consultations were about freedom of information issues – 436 out of 745; however, employment and tax-related cases facing both journalists and media outlets were also frequent.

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12 http://www.idfi.ge/?cat=researches&lang=ka&topic=40&header=

13 Georgian Media Legal Defence Center has been established in November, 2009 in terms of a EU funded project 'Strengthening the Media's Role as a Watchdog Institution in Georgia', implemented by Eurasia Partnership Foundation. Since March, 2011, GMLDC is supported by IREX G-Media program.

Table 1. Legal assistance rendered throughout the project duration[14]

Activity	Quantity
Consultation	745
Application	29
Administrative complaint	28
Court cases	30
Appeal	7
Cassation appeal	4
Other legal documents	22
Total	865

Within a three-month period, from July until the beginning of October, 2011 GMLDC provided 205 consultations (Table 2.). Once again, the main topics discussed during the consultations focused on request for public information or stemmed from violating the law on freedom of speech and expression.

Table 2. Topics of consultations provided[15]

#	Topic	Number
1	Public information	58
3	Criminal Procedure Code	36
4	Compensation for the victims of repression	22
9	Administrative law and offences	16
10	Land ownership issues	15
5	Compensation for the damage based on the Law on Freedom of Speech and Expression	12
6	Budgetary issues	12
11	Other issues	11
2	Labor law	8
8	The Law on Assembly and Manifestation	8

14 Data provided by GMLDC

15 Data provided by GMLDC

7	Civil Law	7

Cases:

May, 26, 2011

Several journalists have been injured while covering mass protests on May 26, 2011.[16] Some of the journalists' cameras were seized by the police[17]. Seven journalists[18] filed a complaint with the court against the Ministry of Internal Affairs of Georgia and demanded the reimbursement of the damages[19]. Journalists also demanded an investigation into this case of infringement of journalistic professional activities. To date, no investigation has started.

The only response from the Ministry of Internal Affairs was the dismissal of four employees; others were issued a severe or a regular warning for the excessive use of force[20].

Photographers' case

On July 7, 2011 three photographers were arrested for alleged espionage. The media watchdog organizations and journalists' corporations demanded the investigation of the case to be open to the public. This case gave rise to protests, including a moratorium from major newspapers and websites to publish their stories without photos. The photographers were sentenced with probation. The details of the case remained closed to the public.

This case was considered by the majority of journalists' corporations as a threat to freedom of speech and expression. However, some pointed out that these photographers were at the same time state employees and therefore had to follow certain regulations. According to them, this case was not related to freedom of expression. Vladimir Sokor even said that these protests and the position of media watchdog organizations toward this case 'reflects the immaturity of much of the opposition press, which is one of the under-reported challenges to the

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16 Journalists included, but not were limited to Tamaz Kupreishvili from Netgazeti newspaper, Darejan Paatshvili from Interpressnews, Nato Gogelia from Guria News, Zaira Mikatadze from Resonance newspaper, David Mchedlidze from Media.ge, Diana Khoperia from radio Obiektiv, and Beka Sivsivadze and Giorgi Mamatsashvilifrom the Asaval-Dasavali newspaper.

17 Avtandil Surmava from Palitra TV and Tamaz Kupreishviliand Nesten Tsetskhladze from Netgazeti

18 The Netgazeti journalists Kostantine Stalinski, Tazo Kupreishvili, The Guria News journalist Nato Gogelia, Gazeti Batumelebi Ltd, Chokhatauris Matsne Ltd, Akhali Ambebi Ltd and Radio Center Plus Ltd.

19 http://www.media.ge/en/node/42479

20 http://www.media.ge/en/node/42479

development of modern mass media in Georgia.'[21]

On 2 August 2011, Lasha Tughushi, editor-in-chief of *Rezonansi* newspaper, constitutionalist and member of the Republican Party of Georgia Vakhtang Khmaladze and Media Law expert Aleksandre Baramidze filed a lawsuit at the Constitutional Court of Georgia, requesting the amendment of Article 314[22] of the Criminal Code of Georgia. According to them, this article that was used to prosecute the photographers, has been rarely used in cases of espionage and is a threat to freedom of speech in Georgia.

"The formulation of the crime in Article 314 consists of two parts. One is about transferring data containing state secrets to a foreign organization and the second is about collecting and transferring data to the detriment of the interest of the country. This means that transferring any public information which is not secret but is accused to be detrimental to the interest of the country is likely to end up into a criminal case launched under 314"[23].

The Public Defender of Georgia, Giorgi Tughushi supported the case and addressed the Parliament of Georgia with legislative proposals to amend the wording of the article in order to avoid multiple interpretations[24].

Concluding remarks

A significant part of the Georgian population believes that there is no freedom of speech in the country. Those people do not trust the media in general, particularly when it comes to the news and political reporting. Moreover, the majority of the population believes that the media represent the interests the government or the interests of the opposition. Despite such assessments, the majority of the population continues to consume Georgian media, and specifically the television.

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21 Jamestown Foundation, Photographers' Case In Tbilisi: Five Misconceptions, 14 August 2011, Eurasia Daily Monitor Volume: 8 Issue: 135, available at: http://www.unhcr.org/refworld/docid/4e411f452.html [accessed 14 October 2011]

22 Article 314 reads the following way:
1. Collecting, keeping of the object, document, information or any other data containing the state secret of Georgia or transferring thereof to a foreign country, foreign organization or their representative, or extortion as well as collection and transfer of other information to the detriment of the interests of Georgia on the instruction of foreign intelligence or a foreign organization -shall be punishable by prison sentences ranging from eight to twelve years in length.
2. Espionage, perpetrated amid war or military conflict, or that has substantially undermined the interests of Georgia,-shall carry legal consequences of imprisonment ranging from twelve to twenty years in length. (http://www.radiotavisupleba.ge/content/article24284317.html)

23 http://www.radiotavisupleba.ge/content/article/24284317.html

24 http://www.radiotavisupleba.ge/content/article/24284317.html

In a situation of limited pluralism and diversity, the population is left without a choice and has to watch what is offered.

However, those who have the choice have migrated towards the Internet. There is indeed an impressive growth rate of Internet consumers which can be explained by the decrease of Internet connection fees and the improvement of its services. Internet can therefore serve as a niche for watchdog journalism and fill in the gap for balanced and unbiased media production. Even if this concerns a minor part of the population, it may bring opportunities to create a strong online media platform in the future.

The polarization of Georgian media could be considered as a reflection of the polarization of the Georgian population. The older generation who was brought up following the tradition of Soviet journalism is used to an opinion-based journalism rather than a fact-based journalism. They feel comfortable reading/watching media that in certain ways follow this tradition. However, the scarcity or the non-existence of any audience/market research due to the limited financial resources of Georgian media outlets, limits their grasp of the needs of their consumers.

The new generation is already a connected generation. For them, reading hard-copy publications is not part of the daily routine. Instead they rather consume news from their electronic devices. Hence, using Internet more actively, especially the social media tools might be a solution to lessen the problems faced by the print media industry.

Today, Georgian media need to adapt technological changes and need to find solutions to crucial problems such as the polarization of the media landscape, the informal and structural censorship, the unfulfilled role of the public service broadcaster. Without answering those challenges, there is a threat that the Georgian media will lose the opportunity to become a more socially responsible media ready to serve the interests of the society.

Freedom of Expression:
the Internet – an Island of Hope

Emin Huseynov[1]

In the past six years, there has been a sharp deterioration of freedom of expression in Azerbaijan with no obvious signs of improvement. Journalists' safety, the economic independence of the media, the level of pluralism, the situation of television broadcasting, the state of the printed media distribution network and subscriptions to them leave much to be desired.

After editor-in-chief of *Monitor* magazine Elmar Huseynov was murdered in 2005, more devious ways of intimidating journalists started to be used. Whereas before 2005, journalists were arrested on charges of defamation, in 2006, they began to be kidnapped, beaten, arrested on charges of drug possession and hooliganism, and made targets of black PR campaigns, whereby candid camera shots from their personal lives (including blatantly intimate scenes) were shown on television.

It is worth mentioning that Huseynov's murder has not been solved to this day, nor have dozens of other cases involving violence against journalists.

Investigators, public prosecutors, and judges who put journalists behind bars remain unpunished. Editor-in-chief of the Russian-language weekly *Realnyi Azerbaidzhan* Eynulla Fatullayev who was convicted in 2007 by three judicial authorities of Azerbaijan (district, appellate, and cassation) was acquitted by the European Court of Human Rights in 2010. It is worth noting that representative of Azerbaijan to the European Court Chingiz Asgarov, along with other judges, deemed Fatullayev's sentence unfair. However, neither the investigators nor public prosecutors who crudely fabricated the case against Fatullayev nor any of the judges who sentenced him to a long prison term have been punished.

While waiting for the European Court's verdict of acquittal, new charges were brought against Fatullayev while he was still in prison, accusing him, in a set-up, of possessing illegal drugs and sentencing him to another two-and-a-half-year prison term. So despite the European Court's ruling to release him, he remained

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1 Huseynov is chair of the Institute for Reporters' Freedom and Safety.

in prison under a new sentence. Finally, on May 26, 2011, the demands of the local and international community, particularly the appeals by the Cabinet of Ministers of the Council of Europe and by the OSCE Representative on Freedom of the Media, to free Fatullayev were crowned with success. Under the pardon signed by Azerbaijani President Ilham Aliyev, the journalist was released.

The numerous arrests of journalists in 2007-2009 gave rise to a new syndrome in the Azerbaijani media – self-censorship, which is progressing with each passing day. Taboo topics have appeared, for example anything about members of the president's family, which journalists try not to touch. Nevertheless, some media are bold enough to publish material containing scandalous exposures related to corruption. They include the Azerbaijani Bureau of Radio Liberty, the Contact information and analytical news portal, the *Azadliq* newspaper, and the Turan Information Agency.

Whereas in 2011, in essence no journalists were arrested, the number of physical attacks against journalists has, on the contrary, increased. For example, in March, a journalist of the *Azadliq* newspaper, Seymur Haziev, was kidnapped and beaten, and in April, the same thing happened to another reporter from the same newspaper, Ramin Deko. Despite the fact that the journalists appealed to the law enforcement agencies, the perpetrators of these crimes have not been found.

This year will also be remembered in Azerbaijan's contemporary history as the first year when three foreign journalists who came to Azerbaijan in April to document the human rights situation were detained during the demonstrations in the aftermath of the Arab Spring and were deported. These three employees of a Sweden's public television company came to Azerbaijan on visas issued by the Azerbaijani Ministry of Foreign Affairs. However, to justify the journalists' deportation, the Azerbaijani authorities said that they had broken the law by filming an opposition meeting without the appropriate accreditation. I would like to note that this argument is invalid both from the legal and logical viewpoint. Accreditation from the Ministry of Foreign Affairs is necessary if a foreign journalist covers government events to which a special press pass is required granting access to restricted areas or if security issues are involved. The Presidential staff, the Cabinet of Ministers and the Parliament of Azerbaijan can also provide journalists with additional accreditation. The opposition meeting in downtown Baku was open to all journalists without the need for preliminary accreditation by any state agency.

Moreover, Azerbaijan and Sweden are members of the Council of Europe, to which they pledge observance of human rights. It is difficult to imagine a situation in which Azerbaijani journalists would be deported from London or Athens, say, for filming a protest demonstration without so-called accreditation.

Another journalist, head of the Moscow Bureau of *Frankfurter Allgemeine Zeitung*, Michael Ludwig, was forced to leave Azerbaijan. According to him, the purpose of his visit to the Nakhichevan Autonomous Republic was to prepare a report on the local life. However, the authorities interfered in every way in the journalist's work and ultimately forced him to leave Nakhichevan.

Restrictions against foreign journalists have been practiced in Azerbaijan since 2005. Before every election, the authorities prohibit video equipment with direct broadcasting capabilities from being brought into the country in order to prevent any protest demonstrations from being broadcast live. This restriction is also in effect today, and the customs and border authorities refer to the relevant decisions by the National Television and Radio Council, the Ministry of Communications and to other regulatory legal documents.

Cases of confiscation of satellite videophones from foreign journalists by the authorities are also known.

Such measures taken against foreign journalists show how the authorities intend to use every means possible to prevent information from leaving the country, particularly in light of the Arab Spring.

Confiscating video material during protest demonstrations is also a normal procedure. All the protest demonstrations in front of the Presidential Staff building covered by local journalists ended in the journalists being arrested and their video films and photographs confiscated. The security officers said that the journalists were not accredited to film a strategic facility. There was no response to our requests addressed to the Presidential staff to furnish official documents that envisaged the prohibition of filming demonstrations next to their building. Journalists are also prevented from filming near the buildings of the Ministry of Internal Affairs, the Ministry of National Security, the Supreme Court and the Prosecutor General's Office. Every time security officers intercept filming, they explain their action by saying that the journalists do not have the appropriate permission. It is worth noting that the above mentioned buildings are neither secret military nor strategic facilities, such as nuclear power stations.

Tens of thousands of people walk or ride by these buildings every day. Imagine a journalist or a citizen being arrested for taking a photograph of the White House or of 10 Downing Street. This would be ridiculous. I myself, along with other tourists, have photographed these buildings in the presence of the police officers guarding them and lived to tell the tale.

In Azerbaijan, however, you can be detained merely for taking a photograph of Freedom Square or filming a video of the embankment (boulevard) in the center of Baku. Security officers will immediately come up to you and order you to stop filming. This is how impossible it is to gather video information in Azerbaijan.

In short, it does not matter what you are filming whether the Presidential staff building or the central boulevard. Wether you are a local or foreign journalist or a tourist, you could get into a mess.

It is worth noting that in May 2012, the Eurovision Song Contest is to be held in Azerbaijan. You can imagine in advance the difficulties foreign and local journalists will face in Azerbaijan during this contest.

Television and radio broadcasting in Azerbaijan also leaves much to be desired. Despite the commitments to make state television and radio broadcasting public, state television still exists in Azerbaijan. In 2005, the authorities simply changed the name from the State Television Company of Azerbaijan (AzTV) to the Azerbaijan Television and Radio Broadcasting Closed Joint-Stock Company, leaving 100 percent of the shares in state possession and continuing multimillion state funding of the television channel. Over the past two years, the authorities opened two new state television channels under the auspices of the Azerbaijan Television and Radio Broadcasting Closed Joint-Stock Company – AzTV Sport and AzTV Culture. In 2011, the total amount of state funding for these three television channels reached around $50 million, while public television received three-fold fewer funds from the state budget. Monitoring the content of all the television and radio broadcasters, including the three state channels and the public channel, shows the almost complete absence of pluralism. State television essentially acts as a propaganda tool subordinate to the authorities. Public television is not observing its pledges to reflect the public's interests either and is grossly violating its commitments to observe pluralism. Some private television channels are engaged in black PR campaigns against dissidents. The Lider television channel particularly stands out in this

respect by having taken the liberty to broadcast pornographic video clips of the private life of members of the opposition.

Between 70% and 95% of the television news content is devoted to the activity of the Azerbaijani authorities, while neither the opposition nor independent representatives of civil society are allowed on air.

Truly independent television and radio companies have almost no chance to obtain a broadcasting license in Azerbaijan. The National Television and Radio Council (NTRC) refuses to periodically hold tenders for issuing licenses for free frequencies. In past years, NTRC Chairman Nushiravan Magerramli explained his refusals to hold periodic frequency tenders by the absence of free frequencies. This argument was used for stopping the broadcast of three foreign radio stations on local FM frequencies: Radio Liberty, BBC, and the Voice of America. At that time the authorities stated that radio frequencies were a limited natural resource that should be allotted primarily to domestic television and radio broadcasters. It is worth noting that since its establishment the NTRC has never once published a list of free television and radio frequencies in the media, which is a gross violation of the law. When certain civil society institutions began to frequently demand the list of available frequencies to be published and tenders for available frequencies to be held, the authorities came up with new unsubstantiated arguments for their refusal.

At present, the authorities are motivating their actions by the fact that the financial turnover of the advertising market cannot support a large number of television and radio companies. Magerramli thinks that if new television and radio broadcast companies spring up, the income of the television and radio market participants will decrease and this, in turn, will lead to a slump in this sphere. In short, the action of the top brass of the license-issuing agency shows that the authorities intend to keep only the most loyal players in the television and radio broadcasting market.

The Azerbaijani media is in a critical economic state. This is primarily caused by the particular features of the advertising market. Owing to the essential monopolization of some economic sectors, businessmen do not see any particular need to advertise their merchandise. Moreover, businessmen do not place advertisements of their merchandise in the most popular opposition and independent printed and online publications by fear of being persecuted by

the fiscal agencies (the Ministry of Taxes and the Customs Committee). For example, the most popular newspapers are *Azadliq* and *Yeni Müsavat*, but over the past decade I have not once seen a commercial advertisement in them. The absence of advertising income deprives the media from the opportunity to improve their infrastructure, making them directly dependent on the circulation of their newspapers. However, over the past few years, the distribution of print media has been transferred to the control of government-loyal companies. Furthermore, in the past ten years, the number of media (including information agencies, newspapers, and online publications) that are indirectly financed by high-ranking government officials has grown. This is leading to unfair competition in the market. For example, there are information agencies that receive tens of thousands of dollars in illegal subsidies every month.

The Press Council, created about eight years ago by various media, is supposed to engage in self-regulation of the press. But in the past few years, it has become a government-loyal entity. Today, the Press Council essentially has the role of disposing the media that are disloyal to the authorities. Instead of engaging in self-regulation, the Press Council asks the public prosecution agencies to carry out tax audits of particular media organizations. According to the latest amendments to the legislation, the Press Council was made equivalent to an executive power agency that can appeal to court to terminate the activity of a particular media organization. As mentioned above, however, the Press Council is a non governmental organization established by journalists and the media. The legislative and central executive power bodies have made a serious mistake by giving it the status of an executive agency.

Furthermore, the authorities have set up the State Media Support Fund, which periodically issues grants to particular media organizations. The distribution of money by this Fund also raises many questions. It is obvious that if opportunities are not created for the free circulation of advertising money (meaning the authorities refraining from influencing the way these funds are allocated) or if clear political will is not manifested to ensure freedom of expression, no amount of state resources or even funds from foreign private sponsors will help to normalize the media freedom situation. I would like to note that foreign investments in television and radio broadcasting are prohibited. The amount of investments in printed media is also extremely limited.

Azerbaijan has the requisite legislative framework for regulating freedom of information. The Law on "Freedom of Information", as well as the Law on

"Access to Information", has been adopted in the country. They are quite liberal compared to other legislation on freedom of expression.

Many journalists and non governmental organizations manage to get the government agencies to provide them with the information they need. However, most inquiries do not always receive exhaustive answers. Some state bodies totally ignore inquiries, which forces journalists and NGO representatives to turn to court. After prolonged court cases, the state bodies usually provide the information in one form or another. Nevertheless, court cases are not an efficient way to fight for access to official data, since the proceedings frequently take so long that the information requested loses its pertinence.

The fact that, contrary to the law, there has been no information ombudsman in the country between 2005 and 2010 has also had a negative effect on access to official information. However, at the end of December 2010, the authorities amended the Law on "Access to Information", removing from it the provision on establishing the post of ombudsman responsible for information matters and transferring the function to an ordinary ombudsman. It should be noted that the institution of ombudsman that functions in Azerbaijan can hardly be called independent. It is another structure loyal to the government.

The amendments to the Constitution and several other legislative acts are also detrimental to freedom of the media. These amendments have greatly complicated the work of photo and video journalists in Azerbaijan, which was difficult anyway. According to the amendments, no one may take photographs or films any person without first obtaining his/her permission. Although these innovations only apply to private life, many civil servants hinder video filming and photo shoots by referring to this provision of the Constitution. There have been many instances when, brutally beating demonstrators, a policeman has come up to a journalist and demanded that he or she stops filming, referring to the new amendments of the Constitution.

Today, there are no journalists in Azerbaijan who have been directly or indirectly sentenced for their publications. However, a regional correspondent of the *Khural* newspaper was placed under arrest for two months on charges of hooliganism. The regional authorities, who initiated his arrest claim that the journalist broke a mosque window with a stone and, after entering the building in a drunken state, insulted the congregation. The intimidation of my colleague, Idrak Abbasov, a reporter for the newspaper *Zerkalo*, is also rather interesting.

Last month, under the pretext that the house where the journalist's parents live had been built illegally, it was demolished by bulldozers, and the journalist's mother, father, and brothers brutally beaten, after which they had to be hospitalized.

Recently, at the request of the Press Council, the Prosecutor General's Office instigated a criminal case against the editor-in-chief of the newspaper *Gündem Siyasat*, Shirin Jafarli. If he is found guilty, he faces a prison term of up to eight years.

This pessimistic story of freedom of expression in Azerbaijan could go on and on, but in conclusion I would like to note a few positive trends that have formed over the past year.

Today, the Internet in Azerbaijan is partially free. Why partially? Because the government does not interfere directly in the Azeri Internet as it does in traditional television and radio broadcasting and the press.

However, there are a few factors that prevent the Internet from being called completely free. The entire Azeri Internet is essentially monopolized by Delta Telecom, which control belongs to the state. Delta Telecom sells web traffic to around 30 service providers (ISP). But they cannot be called service providers as such, since they essentially offer the web traffic that Delta Telecom sells them. Furthermore, a monopolist state company Aztelecom is engaged in selling Internet connection in the regions, while service providers mainly operate in the capital and environs. The level of development of communication servers does not meet contemporary standards: modems, a long outmoded form of Internet connection, are still being used. The quality of ADSL connection mainly available in the capital also leaves much to be desired. Most ISP deceives users by not providing the connection speed promised in the contracts. For example, if on average the speed indicated in the contracts is 1 or 2 megabits per second, ISP in fact provide a speed twice as low. While many countries of the world have long switched from dial-up technology and ADSL to broadband Internet, this method is not used in Azerbaijan, although the country calls itself a regional leader in economic development. For example, if your office is located 300 meters away from the access point, you will have to pay around $6,000 ($20 a meter) to set up yourself with broadband Internet. Then you will have to pay around $1,000 a month for unlimited Internet with a speed of 8 megabits

per second. The high Internet costs are also hindering the development of the Internet sector.

As for mobile Internet, today almost 20 percent of users access the Internet in one way or another through their cell phones. There are around 5 million mobile communication subscribers today in 10-million-strong Azerbaijan, which is a positive index. But mobile Internet is also unjustifiably expensive, while the average connection speed is not higher than 300-400 kilobits per second. Two out of the three mobile operators have been unable to receive 3-G licenses for three years now, while the Azerfon Vodafone operator received a 3-G license right when the company was established. This fact graphically shows how the bureaucrats, by unjustifiably creating favorable conditions for one operator to function, are infringing on the interests of the others. It is the consumers who suffer in the end, deprived of the opportunity of acquiring 3-G Internet. Furthermore, the Azerfon mobile operator that has a 3-G license is also deceiving users with its advertising campaigns about the high 3-G speed it offers. In reality, the Internet connection it provides is just as low-speed as that offered by other operators.

The dynamics of the intensive increase in number of Internet users indicates the increase in the population's interest in this resource. There are different data, on the basis of which it can be claimed that around half of the population has some kind of access to the Internet. Of course, it is too early to talk about high-speed Internet in the provinces and rural areas. Stationary Internet users are concentrated mainly in the capital and in two other large cities, Sumgait and Gyanja. But mobile Internet is essentially available throughout Azerbaijan, albeit with low connection speed and high traffic costs.

A few days ago, the President of Azerbaijan said in an interview with a well-known journalist of the Al-Jazeera television channel, David Frost, that an indicator of the level of development of democracy is the availability of free Internet in Azerbaijan and the extensive opportunity to use it without governmental control. I partly agree with this viewpoint, but there are certain "buts." Yes, the Azerbaijani government is not widely blocking particular websites, although there have been cases of blocking certain resources containing political satire such as www.tinsohbeti.com or www.susmayaq. biz websites. Instances of blocking websites occurred in 2008-2009. During the past year, a few cases were registered of temporary partial blocking of the

Radio Liberty website. It is noteworthy that blocking took place in relation to the publication of instances of corruption. Several websites in Nakhichevan were blocked. However, it would be an exaggeration to call these instances widespread.

According to the statistics of rating agencies, Facebook has the highest traffic in Azerbaijan. Second place goes to YouTube, and third place to Google. Twitter, Odnoklassniki, Wikipedia, and several opposition and government-controlled media are also among the top 20 most popular websites.

It is worth noting that YouTube ranks second in popularity, which indirectly shows the active use of video content by Internet users.

The number of Azeri users of Facebook has reached 518,000. This index has almost doubled over the past year. This momentum shows that the population is increasingly turning to Internet resources for communication and self-expression. However, in Georgia, which population is half the size of Azerbaijan, there are more than 675,000 Facebook users. This indirectly confirms that the level of development and availability of the Internet in Georgia is almost twice as high as in Azerbaijan.

As the number of Internet users grows, the exchange of information among the population has significantly increased. Today, many online media have begun to make wide use of social networks to promote their product. Despite the fact that during the past year some representatives of the ruling party have been talking about introducing strict control over social networks and announcing plans to license the activity of Internet television and block Skype, this was all publically denied by high-ranking officials directly responsible for the functioning of the Internet. It is common to hear about a representative of the authorities coming forward with ideas of strictly limiting the Internet, while another, a few days later, talks against introducing them.

Given the partially free Internet, the level of government tolerance with respect to particular Internet users is one a serious problem. Two years ago, two bloggers who posted a video clip on the Internet of an interview with a donkey were arrested in Azerbaijan. The young people accused of supposedly committing an act of hooliganism spent almost two years behind bars. Today, two other active Internet activists, Jabbar Savalan and Bakhtiyar Hajiyev, are in

prison. Their arrests show that the authorities, although they do not control the Internet itself, are keeping an eye on its most active users.

In April 2011, a criminal case was instigated against another Internet activist, Elnur Majidli, who was accused of organizing mass riots. Living now in France, Majidli is wanted by Interpol. Nevertheless, the French authorities refused to hand over Majidli to Azerbaijan, understanding the political underpinning of this case.

I have many questions regarding the Internet's future in Azerbaijan. In light of the current Arab revolutions, in which the Internet played a significant role in instigating, many governments of countries with failed democracies are faced with the dilemma of what to do about the Internet? Fortunately, the authorities did not react to the numerous March demonstrations by crudely shutting down the Internet or blocking the social networks. They managed to repress the protests by carrying out mass arrests. Around 25 people have already been sentenced to various prison terms.

However, the arrests of Islamic Party activists are also alarming. Human rights activists think that their arrests might be due to the video appeal they posted on YouTube, which the law enforcement bodies interpreted as a call to overthrow the government.

What will the authorities do? Will they undertake deep-cutting progressive reforms that will guarantee all the basic human rights and freedoms? Or will they decide to stymie development of the Internet? Only time will tell.

However, today it is obvious that the Internet is the most widespread platform of freedom of expression in Azerbaijan.

The Armenian Media: In the Twilight Zone

Nouneh Sarkissian[1]

In 2002, under the auspices of the "South Caucasus" Association of Journalists, the Yerevan Press Club prepared a digest on the media markets of the region's countries. I wrote an article for this digest in which I tried, with a certain amount of tongue-in-cheek, to divide the periods of development of the Armenian broadcasting media into specific eras: the era of romanticism, the era of realism, and the era of industrialization.

The era of romanticism, between 1991 and 1996, was a time when broadcasters appeared in profusion, were filled with enthusiasm, had an intuitive approach to their work, and gradually awakened to their socio-political role. The era of realism, which began in 1997 brought new issues for broadcasters, particularly the perplexing task of how to earn money when the economy is in complete stagnation. Finally, the third and, at the time, last era, which began in 2002, was, in my mind's eye, a time of tough competition, politicization, and intensified control over broadcasting. The media-as-business approach came to the forefront. This era passed under the epigraph: "loyalty to the authorities in exchange for keeping one's place in the sun and share of the advertising market."

Almost a decade later, I would like to reconsider this breakdown, which applies to almost all traditional media. However, I do not mean to reconsider its conceptual sense – the accents, unfortunately, were placed correctly even back then. Instead, I would like to borrow the words of one of my colleagues in order to clarify the terminology and now call the period named the era of industrialization a 'twilight zone'. This period which started in 2002 continues to prevail to this day and is still far from reaching its conclusion. Its distinctive feature is lost opportunities as Armenian media has lost the opportunity to become a real business, win the public's trust, raise its professional level, play an appropriate role in the events going on, create professional associations, or influence the level of education. The list of lost opportunities goes on and this period arouses certain feelings similar to those felt by the hero of the film Groundhog Day. Everything seems to progress in a strange cycle that

1 Sarkissian is executive director of the Internews Public Media Assistance Organization.

cannot even be called a spiral. We are endlessly being caught in the same traps and endlessly encountering the same problems, trying to overcome the same hurdles. And this will continue until we can understand the secret of this bewitched twilight zone. But understanding does not come.

A month ago we celebrated 20 years of the independence of the country. Free press in our country is a little older. But just as twenty, fifteen, ten years ago, we are still talking about the same things: pressure on journalists, total control over broadcasting, economic problems, low newspaper circulation, deficient legislation with respect to television, and the low level of journalism. The many resolutions of international organizations, statements, and speeches by Western advocates of freedoms and rights with respect to Armenia differ little from each other, so repetitive are the problems. Once again the feeling arises that we are caught in some twilight zone, having leapt over several stages in the development of the Western media industry, but unable to catch up with it.

Let's look at some examples. Almost ten years ago, following the first tender for broadcast licenses, the National Commission for Television and Radio (NCTR) was established. Six months after its establishment, the NCTR pulled the A1+ TV Company off the air by refusing to renew its license. I will remind you that at the time, this was a young company with a young staff, with alternative and fresh views, and experimental approaches to its work. April 2, 2002 became a red-letter day for freedom of speech in Armenia. Not only was it the beginning of a new era, Armenia's information sphere lost its balance of views and opinions. This was followed by long legal proceedings, campaigns, meetings, articles, and statements. Six years later the ruling of the European Court of Human Rights recognized the case of the A1+ TV Company as a violation of Article 10 of the European Convention on Human Rights, i.e. of the right of a television company to freely impart information and ideas. The Court noted, among other things, that the NTRC possessed "outright discretionary powers".

The European Court's ruling prompted numerous appeals from international organizations for transparent tenders that would put A1+ back on the air. Before the ruling, 12 applications had been made to take part in tenders and 12 refusals had been handed down to issue a broadcasting license, while after the ECHR ruling, the American authorities imposed a two-year moratorium on holding tenders for broadcast licenses. The final straw came in December 2010 when, after the end of the moratorium, a tender was finally held for issuing licenses for digital broadcasting. Again A1+ was denied a license.

Seven of the eight members of the NTRC gave the company's application a zero rating, and the commission chairman said that documents on financial assistance substantiating Meltex Ltd.'s business program were fraudulent. Almost immediately after the tender, the Yerevan Press Club gathered a group of independent experts consisting of journalists, economists, and technical specialists to investigate the situation, which lasted almost six months. The investigation produced an extensive report containing nine conclusions and their analysis. I will mention only two of them.

"…1. The amendments to the Law on Television and Radio made in June 2010 do not encourage the development of the television market, the holding of transparent tenders, pluralism, or diversity of television broadcasting.

"2. The articles of the law that apply to licensing and the tenders held by the NCRT do not guarantee objective decision-making …"

A short while after this report was compiled and published in the summer of 2011, the Committee of Ministers of the Council of Europe adopted a resolution stating that examination of the A1+ television company case was closed, which surprised and saddened many media circles in Armenia, since no measure had been taken to restore the violated rights of A1+.

Since 2002, the A1+ TV Company is without a broadcasting license and has been operating on the Internet. Despite all adversities, it can be considered a pioneer of Internet broadcasting in Armenia.

There are specific reasons for my focus on television in the first half of this report. According to the poll conducted by the Centre for Regional Research of the Eurasia Partnership Foundation within the framework of a USAID-funded project, Alternative Resources in Media, 89 percent of the population still receive information and news from the television. Furthermore, 77 percent of the polled think that the main reasons for non-objective coverage are political affiliation and censorship. The rest noted self-censorship, business affiliation, financial limitations, and the low professionalism of journalists.

The second television story concerns the independence of the National Commission for Television and Radio, or to be more precise, its complete dependence established in the mid-1990s in the first version of the Law on "Television and Radio". This issue has haunted us through the years, has

passed down from one parliament to the next, from the first to the second and third presidents, from one version of a draft law to another, and has migrated from the old constitution to the new one. It seems to be embedded in the very concept of broadcasting in Armenia and is its inalienable and already mandatory part.

Paradoxically, our country is a kind of pioneer in many media matters. Armenia was one of the first countries in the post-Soviet space to transform state television into a public one, but so far only at a technical level. Armenia was one of the first to adopt a law on television and radio, which has been amended for 15 years now and remains a guillotine over the heads of broadcasters. The country was also one of the first to liberalize the media market by cancelling mandatory registration and among the first to recognize the need for digital broadcasting. It hastened, after the two-year moratorium on licensing, to make more unconsidered amendments to the legislation on broadcasting, announced a tender, made headstrong changes in the broadcasting market by reducing the number of players, and made regional television uncertain of its the future by seriously undermining it and closing it in the grips of multi-level dependence. Most regional channels did not participate in the licensing tender, others, after submitting applications, were not issued licenses. Among them was the Gala TV Company from Gyumri, well known in the country because of its principled position in many issues and ongoing conflict with the authorities. We will note that the concept of tenders on digital broadcasting paved the way to an open confrontation between regional television channels broadcasting on the same market.

The only positive aspect of this story is that the analogue licenses of regional broadcasters were extended until 2015. However, it seems that by that time we will have leapt over yet another era, the notorious digital era, without even having entered it. Furthermore, no one is trying to explain anything to the population – our information consumers.

In recent years, we have overall been consistently coming up against a situation where the latest technology is being used to restrict information and control the market.

The documents of the Parliamentary Assembly of the Council of Europe and many other international organizations repeatedly note that new technology should be used to strengthen media pluralism rather than damage it. Ms. Dunja

Mijatovic, who was present at this conference, said something I found very dramatic: "Armenia should not lose the opportunity to adopt forward-looking media legislation. New technologies, including digital broadcasting, should be used by governments to strengthen media pluralism". Again the thought of lost opportunities creeps in. And again we find ourselves in the twilight zone.

The shift to digital broadcasting requires great adaptation, both from the side of the broadcaster and from the side of the viewer. People will have to change their television receivers or buy the appropriate devices. In addition, these transformations will occur in a market that is still greatly politicized and where the media has not become a business. Information has not become a commodity and the audience has not become a target of healthy competition or a consumer. The media have become a useful toy for oligarch clans and an instrument for political parties. Today our media market is going the same monopolization route that is characteristic of the entire Armenian economy. The media belong to the parties and power structures, which make use of numerous non-transparent schemes of ownership and leadership. Many television companies, including regional, online resources, newspapers, and magazines have been bought with the help of such schemes. And the notorious transfer to digital broadcasting has become a kind of catalyst. Notably, some experts in Armenia believe that studying media ownership, as some countries of Eastern Europe have been doing, will not yield any results. It is not a study that is required here, but an investigation, which only select journalists who are capable of.

Eventually, we should analyse how this situation affects the viewer. Viewers are being regaled with humdrum news, the freedom permitted in isolated periods between elections and other important events, and censorship of topics and people. Furthermore, the "critics" like to talk most about TV shows, the dominance and low quality of which leave no doubts. But they are only a consequence of the general policy in the broadcasting sphere which encourages the broadcaster to migrate into the shoddy, safe and false glamour of TV ratings that replaces multifaceted critical information.

When talking about the low professionalism of the media, the question of education cannot be ignored. Although the objectives of the Bologna process have been incorporated into Armenia's higher education system, training of journalists is still far from the international standards and practices. High educational institutions are poorly equipped, and if they are equipped, they, just

like the media, do not know how to properly combine theoretical and practical classes. Although many departments have begun actively inviting journalists to deliver lectures, these lectures remain rare and are poorly integrated into the academic education system. Once again, truly good intentions do not lead to institutional changes. One other reason for low professionalism may be the fact that the media industry does not offer suitable professional contract for journalists. There is indeed a very high level of staff turnover in media organizations. In general, journalists, and all other media employees are poorly protected by labour legislation. Journalists frequently do not have transparent contracts and are often not entitled to paid leave. This situation is hardly conducive to the existence of an independent press. Eventually, the path to better media professionalism is not really paved with serious motivation as greater professionalism will not help raise the salary of journalists nor will it increase the circulation of a publication.

Legal proceedings need a separate chapter in the life of Armenia's media. Last year, 15 lawsuits were lodged against various publications which were the result of the decriminalization of slander and libel in May 2010. The decriminalization of slander and libel was indeed welcomed both within and outside the country as a very positive step for media freedom. However, it had the opposite effect as a deluge of lawsuits initiated by officials, politicians, MPs, and even the family of Armenia's second president was instigated against the media. Some experts, journalists, and editors, including the new ombudsman of Armenia, who, incidentally, took direct part in drawing up the decriminalization law, believe that the entire problem lies in the judges of the country and their abuse of the law because of their lack of understanding of the principles enforced in the media legislation. However, others think that the decriminalization of defamation has been a well-planned tool for putting pressure on the small and financially weak free press. It is worth noting that several days ago, the ombudsman announced his intention to ask the Constitutional Court to examine the legislation he himself drew up on defamation with respect to its conformance with the country's constitution.

Several media organizations thus declared in a statement in March 2010: "Today, the already limited space for freedom of speech in the country is shrinking even more. The law is being used exclusively by representatives of the power and representatives of the political and business elites to settle their accounts with media and journalists they do not like. Those public figures are denying the principle of public interest and the principle of tolerance towards

media necessary in a democratic society." This key sentence defines the current situation in the country and characterizes once again the twilight zone.

In 2011, the prestigious international organization Freedom House published another report on media freedom in the world. The report rated Armenia among the countries where the media are "Not Free" for the ninth time. A few months after the publication of the report, another respected organization called IREX, published a media sustainability index for Europe and Eurasia. It awarded Armenia a score of 2.09, raising it to the first place among the Central Asian and Southern Caucasus countries. It was noted that our country has the most favourable media environment. This report aroused some bewilderment on my part, followed by many questions and reflection, the main conclusion being that we are still in a twilight zone where the boundaries between freedom and non-freedom have been significantly eroded. This twilight zone should most likely bring the dawn of a new era. The question is: what shall we take with us when we step into it?

Appendix

Agenda

Day 1, Thursday, 20 October 2011

9.30 – 10.00	**Registration**
10.00 – 10.30	**Opening Session**
Moderator:	Andrey Rikhter, Director, Office of the OSCE Representative on Freedom of the Media
Opening remarks	Tornike Gordadze, Deputy Foreign Minister of Georgia Giorgi Tsereteli, Deputy Chairman of the Parliament of Georgia
Keynote address	Dunja Mijatović, OSCE Representative on Freedom of the Media
10.30 - 13.00	**First Session. Role of the Internet in promoting pluralism. International standards and practices**
Moderator:	Andrey Rikhter, Director, Office of the OSCE Representative on Freedom of the Media
Keynote speaker:	Dunja Mijatović, OSCE Representative on Freedom of the Media

Internet governance in the OSCE region: Challenges and best practices

The presentation will provide an overview of:

- The OSCE RFOM report on freedom of expression on the Internet in the OSCE region (2011).
- Important aspects that constitute freedom of expression on the Internet.
- Key indicators of pluralism on the Internet.
- New trends in Internet regulation related to access, content regulation, licensing and liability.
- Comparison of established international practices (legal provisions,

restrictive state policies, lack of infrastructure and other) of Internet governance in the OSCE region.
- How new or revised laws aimed at regulating Internet affect freedom of expression and the free flow of information on the Internet.
- Possible actions and policies that could be taken by the relevant players, including governments, international organizations, NGOs, journalists' associations and media to support a free Internet.

Keynote speaker: Eve Salomon (United Kingdom)
                                          Chairwoman, Internet Watch Foundation

The role of self-regulatory independent bodies in fostering pluralism on the Internet.

The presentation will provide an overview of:

- The Internet Watch Foundation as an example of a successful self-regulatory body and its history.
- The potential of self-regulatory bodies to influence decision making in the sphere of Internet regulation.
- Co-operation of self-regulatory bodies with the state (e.g. police) and civil society.
- Illegal content in Internet: a real problem vs. justification for new restrictive laws and policies to curb political speech.

11.30 - 12.00   Coffee break

Keynote speaker: Georgina Henry (United Kingdom)
                                          Head of guardian.co.uk

From traditional to new media. Case of *the guardian*

The presentation will provide an overview of:

- The editorial perspective of the transition of *the guardian* from print to online.
- Potential pitfalls when conducting the transition.
- Online media as a participatory tool to secure pluralism: the role of readers.

- The regulatory challenges for moderating readers' comments in online media.

13.00   Group photo

13.30 – 14.30   Lunch

14.30 – 17.30   **Second Session. Internet governance in the South Caucasus**

Experts from the South Caucasus will make presentations on Internet regulation in their respective countries. Presentations will describe the situation regarding access to and free expression on the Internet. They will discuss opportunities for and threats to the Internet, as well as problems and obstacles in achieving a balanced regulatory environment. An overview of the existing laws and regulatory practices used to regulate online content will be presented.

Moderator: Adilia Daminova, Project Officer, Office of the OSCE Representative on Freedom of the Media

GEORGIA
Internet regulation and the role of online media in Georgia
Giga Paitchadze, New Media Programme Manager, G-MEDIA

ARMENIA
Internet and freedom of expression: Armenia 2007-2011
Samvel Martirosyan, Information Security Analyst,
Director, Badu.am mobile reporting portal

16:00 – 16:30   Coffee break

AZERBAIJAN
Information and communication technologies as an engine of development in Azerbaijan
Bakhtiyar Mammadov, Head of the legal department, Ministry of communications and information technology

19.00   Reception hosted by the OSCE Representative on Freedom of the Media

Day 2, Friday, 21 October 2011

10.30 – 13.00   **Third Session. Developments in the field of media freedom in South Caucasus**

Key experts from the South Caucasus will present reports on media developments since last conference, including current cases, legislative initiatives, issues and challenges.

Moderator: Ana Karlsreiter, Senior Adviser, Office of the OSCE Representative on Freedom of the Media

GEORGIA
Freedom of expression in Georgia: popular perceptions and the reality
Tamar Zurabishvili, Media and Innovative Programs Manager, Eurasia Partnership Foundation

AZERBAIJAN
Freedom of Expression in Azerbaijan: Internet as the last island of freedom
Emin Huseynov, Director, Institute for Reporters' Freedom and Safety (IRFS)

11:30 – 12:00   Coffee break

ARMENIA
Armenian media: sights in between times
Nouneh Sarkissian, Managing Director, Media Support NGO Internews

13.30 – 15.00   Lunch

15.00 – 17.00   Closing Session. Discussion and adoption of the Conference Declaration.

Moderator: Roland Bless,
                       Principal Adviser, Office of the OSCE Representative on Freedom of the Media

Closing remarks
Dunja Mijatović, OSCE Representative on Freedom of the Media

The session will provide an opportunity to:

- Discuss the draft of the Conference Declaration.
- Provide feedback and additional recommendations to be included in the Declaration.
- Highlight the main messages of the Conference.
- Adopt the Conference Declaration.
- Discuss potential follow-up activities.

19:00   Dinner

Invited participants

ARMENIA

Maria (Manana) Aslamazyan	Representative, Internews Network Armenia
Serob Bejanyan	Counsellor, Secretariat of Staff, Ministry of Foreign Affairs
Suren Deheryan	President, "Journalists for the Future" NGO
Salpi Ghazarian	Director, Civilitas Foundation
Marineh Hakobyan	Chief Expert, Standing Committee on Science, Education, Culture, Youth Affairs and Sports, National Assembly
Samvel Martirosyan	Information Security Analyst, Badu.am mobile reporting portal
Boris Navasardyan	President, Yerevan Press Club
Elina Poghosbekyan	Editor, Yerevan Press Club Weekly Newsletter
Artak Sarkissian	Head; Licensing and Legal Department, National Commission on TV and Radio
Nouneh Sarkissian	Managing Director, Internews Media Support NGO
Michael Virabyan	Expert, National Commission on TV and Radio

AZERBAIJAN

Gulnara Akhundova	Director, Azerbaijan Media Center and International Media Support Azerbaijan Project Manager

Mushvig Alasgarli	Head, Azerbaijan Journalists' Trade Union
Vusala Alibayova	Correspondent, Radio Liberty
Arif Aliyev	Head, Yeni Nasil Journalists' Union
Mehman Aliyev	Director, Turan News Agency and founder of contact.az
Tural Aliyev	Adviser, Centre for Strategic Studies Centre under the President of the Azerbaijani Republic
Elnur Baimov	Founder and Editor-in-Chief, Yurd TV, Gun.az and news.az
Aynur Bashirova	Dean, Journalism Faculty at Baku Slavic University
Rashid Hajili	Head, Media Rights Institute
Kamran Hasanov	Senior Advisor, Department on Public-Political Issues of the Presidential Administration
Anar Huseynov	Press Officer, Centre for Strategic Studies under the President of Azerbaijani Republic
Emin Huseynov	Director, Institute for Reporters' Freedom and Safety (IRFS)
Khadija Ismayilova	New Media expert and correspondent, Radio Liberty
Bakhtiyar Mammadov	Head, Legal Department of the Ministry of Communications and Information Technology
Azar Nazarov	Blogger and Director of "Voice of Youth" online radio project
Ali Novruzov	New media expert and blogger

GEORGIA

Sophia Britanchuk	Member, Georgian National Commission on Communications
Tamar Chergoleishvili	Editor-in-Chief, Tabula weekly magazine
Levan Gakheladze	Head, Board of Trustees, Georgian Public Broadcaster
Grigol Giorgadze	Imedi TV
Nino Jangirashvili	Director, Kavkasia TV
Ninia Kakabadze	Media Critic; Blogger; Journalist Radio GIPA
Zurab Khrikadze	Officer, Peace and Development Programme, UNDP-Georgia
Tamar Kintsurashvili	Deputy Secretary, Security Council of Georgia
Zviad Koridze	Chairman, Charter of Georgian Journalists
Natia Kuprashvili	Director, Association of Regional Broadcasters of Georgia
Tazo Kupreishvili	Batumelebi weekly newspaper and Netgazeti online publication, Batumi
Ivane Makharadze	Lawyer, Georgian National Communications Commission, Broadcasting Regulation Department
Ia Mamaladze	Chairperson, Association of Regional Media
Merab Merkviladze	Director, Channel 25, Batumi
Tamta Muradashvili	Senior Lawyer, Rustavi-2 TV

Nino Nizharadze	Lawyer, Legal Department, Georgian National Communications Commission
Giga Paitchadze	New Media Programme Manager, G-MEDIA
Oleg Panfilov	Journalist, Professor, Ilia State University
Robert Parsons	Chair, Board of Trustees, PIK TV
Kakhi Qurashvili	Head, Legal Department, Georgian National Communications Commission
Joe Raffelberg	Chief of Party, G-MEDIA, IREX Georgia
Nino Sharvashidze	Projects Coordinator, Maestro TV
Chiora Taktakishvili	Member of the Georgian Parliament, First Deputy Head of the Legal Affairs Committee
Irakli Tsertsvadze	Officer, Media Development Program, Open Society - Georgia Foundation
Tiko Tsomaia	Caucasus School of Journalism and media Management, GIPA
Lasha Tughushi	Editor-in-Chief, Newspaper Rezonansi
Genadi Uchumbegashvili	Director, Internews Georgia
Marina Vashakmadze	Chief, Tbilisi Bureau, Radio Liberty; Full Professor at I. Javakhishvili Tbilisi State University, Head of journalism division
Levan Vepkhvadze	Member, Georgian Parliament
Tamar Zurabishvili	Media and Innovative Programs Manager, Eurasia Partnership Foundation

OSCE OFFICE IN YEREVAN

Tsovinar Arevyan   National Programme Officer

OSCE OFFICE IN BAKU

Vusal Behbudov   National Democratization Officer

OSCE CENTRE IN ASTANA

Aidar Botagarov   National Political/Media Officer, OSCE Centre in Astana

OSCE SECRETARIAT

Emmanuel Anquetil   Policy Support Officer, Caucasus Desk, Conflict Prevention Centre

KAZAKHSTAN

Bekzhan Idrisov   Editor-in-Chief, www.today.kz web portal

Artur Nigmetov   Community Manager, RFE/RL Kazakh Service

INTERNATIONAL EXPERTS

Yaman Akdeniz   Professor of Law, Faculty of Law, Bilgi University, Istanbul, Turkey

Georgina Henry   Head, Guardian.co.uk, London, UK

Eve Salomon   Chairwoman, Internet Watch Foundation, London, UK

INTERNATIONAL ORGANIZATIONS

Marek Bekerman	Associate Expert for Danish Management A/S
Irada Huseynova	Researcher, Centre for Journalism in Extreme Situations, Moscow
Anahit Khachatryan	Project Management Specialist/ USAID-Armenia
Eberhard Sucker	Project Manager, Co-ordinator South Caucasus, Deutsche Welle Akademie
Batu Tsulukiani	Local Project Officer, Council of Europe / European Union Joint Project - Promoting freedom, professionalism and pluralism of the media in the South Caucasus and Moldova

OFFICE OF THE OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA

Dunja Mijatović	Representative on Freedom of the Media
Andrey Rikhter	Director
Roland Bless	Principal Adviser
Ana Karlsreiter	Senior Adviser
Adilia Daminova	Project Officer
Joanna Jinks	Executive Assistant
Anja Schwabedal	Senior Project Assistant

Press Release

OSCE media freedom representative opens annual media conference in Tbilisi, calls for Internet to remain free in South Caucasus

TBILISI, 20 October 2011 – The OSCE Representative on Freedom of the Media, Dunja Mijatović, today opened the eighth annual South Caucasus Media Conference, focusing this year on media pluralism and Internet governance.

Deputy Chairman of the Georgian Parliament Giorgi Tsereteli and Deputy Foreign Minister Tornike Gordadze joined the Representative in welcoming more than 70 journalists, government officials and academics from Armenia, Azerbaijan and Georgia.

"The emergence of new media has completely changed the way people communicate and share and receive information," Mijatović said in her keynote address. "These new challenges underline the need to discuss how new technologies necessitate new approaches to safeguarding OSCE commitments regarding media freedom."

"Fortunately, the Internet largely remains free in the three countries of the South Caucasus, but attempts to control the Internet are growing everywhere. Governments do have a legitimate role to play when it comes to Internet content and to protecting their societies against cyber crimes. The question is not whether governments should or should not regulate the Internet. The question is how, and to what extent content should be regulated and if there are alternative free speech-friendly methods that would be more efficient."

The conference will conclude with the adoption of a declaration on pluralism and Internet governance, to be available in English and Russian at www.osce.org/fom.

The eighth South Caucasus Media Conference is held with the financial support of Austria, Germany, France, Norway and Switzerland.

On 19 October Mijatović gave a lecture on OSCE media freedom commitments and the work of her Office to students of the School of Journalism at the Georgian Institute of Public Affairs.

Following the conference, on 22 October, Andrey Rikhter, the Director of the Office of the OSCE Representative on Freedom of the Media, will open a training course on the safety of journalists during public demonstrations organized by the NGO Resource Centre in Tbilisi.

Anna Karlsreiter, Senior Adviser at the Office of the OSCE Representative on Freedom of the Media discusses media issues with conference participants from Georgia.

Dunja Mijatović, OSCE Media Freedom Representative (right) is at the opening session with Giorgi Tsereteli, Deputy Chairman of the Parliament of Georgia.

Conference participants

Emin Huseynov, Director, Institute for Reporters' Freedom and Safety (IRFS), and other national experts from the South Caucasus speak about media developments in the region.

Групповая фотография всех участников конференции

Андрей Рихтер, директор Бюро Представителя ОБСЕ по вопросам свободы СМИ (слева), Георгий Церетели, заместитель Председателя парламента Грузии, Дунья Миятович, Представитель ОБСЕ по вопросам свободы СМИ и Торнике Гонгадзе, заместитель Министра иностранных дел Грузии на открытии конференции

Участники конференции знакомятся с различные публикациями, изданными Бюро Представителя ОБСЕ по вопросам свободы СМИ

Андрей Рихтер, директор Бюро Представителя ОБСЕ по вопросам свободы СМИ (слева), Ив Саломон, Председатель Фонда «Интернет–уотч» и Георгина Хенри, руководитель веб-сайта газеты «Гардиан» во время первой сессии посвященной роли Интернета в продвижении плюрализма, а также международным стандартам и практики в данной сфере