

Draft Defamation Legislation Released Today

The Office of the High Representative (OHR) and the OSCE Mission to Bosnia and Herzegovina (BiH) announced today draft defamation legislation for the Federation of BiH and the Republika Srpska.

"Freedom of expression is a pillar in a democracy. It must be guaranteed and protected," stated the High Representative, Wolfgang Petritsch. *"Freedom of expression can only be restricted when there is a legitimate interest and then no more than absolutely necessary. One of the acceptable limitations to freedom of expression is protection of reputation, as provided by defamation law. I believe the draft legislation strikes the appropriate balance between freedom of expression and protection of reputation."*

The draft legislation upholds freedom of expression by narrowly restricting liability for defamation in accordance with the highest international standards. This legislation will help to ensure the unrestricted flow of information and ideas and will strengthen the role of the media as public watchdogs. There is no liability for expressions of opinion and true statements under the draft legislation.

"This legislation, when adopted, will be an important step forward for BiH and all of its citizens," said Ambassador Robert Barry, OSCE Head of Mission. *"In particular, I think that BiH journalists should see this day as an important step forward for them, as this legislation will guarantee that they can pursue their stories without fear of criminal sanctions or politically motivated defamation suits."*

The draft legislation was developed in response to the 30 July 1999 decision of the High Representative that called for the development and adoption of civil defamation legislation at

the entity levels that upholds the highest international standards. The decision also calls for the repeal of criminal defamation provisions. In accordance with the decision, the OHR and the OSCE Mission established the Advisory Group on Defamation and Freedom of Information Legislation. Composed of national and international experts, nominees of the BiH governments and representatives of the OHR, the OSCE Mission, and the Independent Media Commission (IMC), the Advisory Group developed and reviewed draft defamation legislation for the Entities.

In recent days, members of the entity governments and media have been briefed on the draft legislation. Following today's release, a series of consultative meetings will be held to allow for comment from members of the media, legal practitioners, NGOs and members of local government. Copies of the draft defamation legislation can also be accessed at <http://www.oscebih.org>.

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