

Working Session 1: Fundamental freedoms I, including

- **Freedom of expression, free media and information, including best practices for safety of journalists**

Rapporteur: Ms. Natalia Kravtsova, Second Secretary of the Permanent Mission of the Russian Federation to the OSCE

No of statements: 50

Delegations: 15

Civil Society: 33

OSCE Institutions: 0

International Organizations: 1

Media: 1

Rights of reply: 9

The session examined the role that free media play in democracy, including their function as advocates and promoters of human rights and fundamental freedoms, as well as key challenges the OSCE region is facing in this field.

The Representative on Freedom of the Media stressed that there are no free societies without free media. He pointed out that today the OSCE region is undergoing a number of challenges in terms of freedom of expression. There are examples of restrictive laws and practices in various participating States that negatively affect free flow of information. The Representative underlined, that vague definitions of certain legal provisions – for example, aimed at combating spread of terrorist or extremist views – allow arbitrary interference by States into editorial policies or functioning of Internet sites or platforms.

The Representative named other problems in the media landscape in the OSCE region, including the spread of hate speech, fake news, disinformation and propaganda that need to be properly addressed. At the same time he underscored that counter measures should not lead to further restriction of freedom of expression. He said that there should not be any State interference in regulating Internet or influence on independent media.

The Representative expressed his intention to promote pluralism of the media and to continue the dialogue between Russian and Ukrainian and Greek Cypriot and Turkish Cypriot journalists. He also flagged four priorities for his activity - the safety and protection of journalists, and the fight to end impunity of crimes committed against them; to protect media freedom in the new security context; to engage governments and media professionals in the debate on the need to address threats of disinformation, “fake news,” propaganda, and hate speech; to promote media pluralism in the OSCE region through promoting best policy practices in the rapidly digitizing media landscape, and warning against illiberal approaches.

The participating States and representatives of the civil society shared their views on the situation with media freedom in the OSCE area, brought concrete examples and made their suggestions.

Many participants indicated various challenges for free media: pressure on journalists on political grounds by authorities, denial of accreditation or limitations for participation of journalists in important events, blocking Internet sites and search engines, silencing alternative voices, influencing editorial policies of media outlets, shutting down TV and radio channels and other restrictive measures. A number of participants pointed out even more serious threats, such as intimidation, attacks on, harassment of and even killings of journalists, abductions and imprisonment of media professionals that criticize government or present alternative views. It was noted that journalists face different challenges when travelling to other participating States, including expulsion, restrictions, denial of entry, shutting down of TV and radio channels. Several representatives of the civil society advocated for decriminalization of insult and libel.

Some representatives of the civil society stressed the necessity of mutual understanding and dialogue on different topics, which may be a way out to address the spread of hate speech, intolerance and tensions in society. Others argued that prevailing impunity for crimes against media professionals has a direct chilling effect on freedom of expression. A number of the representatives of the civil society were critical about their governments stressing the failure in implementation of the OSCE commitments on human rights and fundamental freedoms. They indicated a number of challenges in some OSCE participating States, such as arbitrary detentions of journalists and bloggers, fabricated cases against them, political imprisonment and torture in prisons, lack of access to fair trial. Other representatives of civil society argued that their respective countries made a significant progress in terms of implementing OSCE commitments in the field of freedom of expression. Some NGOs pointed out that the governments in their respective countries exercise tough pressure on national independent media, tend to co-ordinate publications, there is a high level of censorship and control over electronic media. A number of representatives of the civil society called on to stop practices of introducing “black lists” for journalists and to shut down dangerous sites that pose a serious threat to lives of media professionals.

Both participating States and representatives of the civil society stressed the need for more safety for journalists, especially in armed conflicts, as well as the need to ensure that Internet remains an open forum for information and dialogue and the need for proper balance between freedom of expression and national security.

Recommendations made by participants during this session include (non-exhaustive list):

Recommendations to the OSCE participating States:

- Stop harassment of independent media;
- Engage constructively with the Representative and make use of expertise and recommendations;
- Respect the Representative’s mandate and autonomy and provide the Representative with the necessary resources to fulfill this mandate;
- Abide in good faith by their commitments in the area of freedom of expression and free media and safety of journalists, and further strengthen the OSCE commitments in this regard;
- Guarantee alternative sources of information to their citizens;

- Guarantee the freedom of expression;
- Uphold to the principles of the Organization;
- Ensure unimpeded access of journalists to all conflict zones;
- Act internally by upholding commitments and externally by promoting commitments;
- Think about new methodology of functioning of the OSCE;
- Focus on how to implement standards on a country level;
- Ensure that restrictions are prescribed by law;
- Amend laws according to best practices in other participating States;
- Eliminate censorship and restriction;
- Give hate speech a clear and workable definition;
- Focus on protection freedom of expression as such, for all topics;
- Condemn all attacks and violence against journalists;
- Demonstrate political commitment to fight impunity;
- Encourage legislators to create national legal frameworks that protect freedom of expression and media pluralism;
- Acknowledge risks faced by female journalists and their impact on media pluralism;
- Recognize risks with safety of journalists in the digital age, such as violations of freedom of expression and privacy;
- Encourage counter-speech and counter-narratives to fight hate speech and intolerance;
- Ensure unimpeded access of journalists to conflict areas;
- Not to criminalize the work of journalists.

Recommendations to the OSCE Representative on Freedom of the Media:

- Collect good practices of unimpeded access of journalists to conflict zones;
- Seek to stimulate free thinking and free Internet;
- Collect good practices on unimpeded work of journalists in conflict environments;
- State that truth can never constitute hate speech.