

■ COMMITMENTS

Freedom of the Media

Freedom of Expression

Free Flow of Information

Conference for Security and Co-operation in Europe (CSCE)
and Organization for Security and Co-operation in Europe (OSCE)

1975-2011

2nd Edition

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Vienna
February 2012

Foreword

I am pleased to present the 2nd edition of the compilation of commitments by OSCE participating States in the fields of freedom of the media, freedom of expression and the free flow of information.

This edition is enlarged in certain areas and updated by the inclusion of excerpts of the Astana Commemorative Declaration of 2010 relating to these essential areas. At the Astana Summit the participating States reaffirmed their commitments to these critical parts of the human dimension equation.

This guide, chronological in presentation, shows the advancement of free media and free expression principles over the 37 years of the CSCE/OSCE's existence. Many of the commitments show how advanced the OSCE was in identifying and addressing issues that we confront today, including the challenges brought by the digital revolution and the Internet.

I hope you use this guide as a resource which will bring substance and clarity to the mission of the OSCE.

Sincerely,

Dunja Mijatović
OSCE Representative on Freedom of the Media

Final Act of the Conference on Security and Co-operation in Europe

1 August 1975, Helsinki

1. (a) Declaration on Principles Guiding Relations between Participating States:

(...)

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

(...)

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and wellbeing necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavor jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including *inter alia* the International Covenants on Human Rights, by which they may be bound. (...)

Co-operation in Humanitarian and Other Fields

(...)

2. Information

The participating States,

Conscious of the need for an ever wider knowledge and understanding of the various aspects of life in other participating States,

Acknowledging the contribution of this process to the growth of confidence between peoples,

Desiring, with the development of mutual understanding between the participating States and with the further improvement of their relations, to continue further efforts towards progress in this field,

Recognizing the importance of the dissemination of information from the other participating States and of a better acquaintance with such information,

Emphasizing therefore the essential and influential role of the press, radio, television, cinema and news agencies and of the journalists working in these fields,

Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State, and

Express their intention in particular:

(a) Improvement of the Circulation of, Access to, and Exchange of Information

(i) Oral Information

To facilitate the dissemination of oral information through the encouragement of lectures and lecture tours by personalities and specialists from the other participating States, as well as exchanges of opinions at round table meetings, seminars, symposia, summer schools, congresses and other bilateral and multilateral meetings.

(ii) Printed Information

To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. For this purpose:

- they will encourage their competent firms and organizations to conclude agreements and contracts designed gradually to increase the quantities and the number of titles of newspapers and publications imported from the other participating States. These agreements and contracts should in particular mention the speediest conditions of delivery and the use of the normal channels existing in each country for the distribution of its own publications and newspapers, as well as forms and means of payment agreed between the parties making it possible to achieve the objectives aimed at by these agreements and contracts;
- where necessary, they will take appropriate measures to achieve the above objectives and to implement the provisions contained in the agreements and contracts.

To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:

- they will encourage an increase in the number of places where these publications are on sale;
- they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season;
- they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;
- they will improve the opportunities for reading and borrowing these publications in large public libraries and their reading rooms as well as in university libraries;
- they intend to improve the possibilities for acquaintance with bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) *Filmed and Broadcast Information*

To promote the improvement of the dissemination of filmed and broadcast information. To this end:

- they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements or as may be necessary between the organizations and firms directly concerned;
- they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States;

The participating States note the expansion in the dissemination of information broadcast by radio, and express the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth by this Conference.

(b) Co-operation in the Field of Information

To encourage co-operation in the field of information on the basis of short or long term agreements or arrangements. In particular:

- they [the participating States] will favor increased co-operation among mass media organizations, including press agencies, as well as among publishing houses and organizations;
- they will favor co-operation among public or private, national or international radio and television organizations, in particular through the exchange of both live and recorded radio and television programmes, and through the joint production and the broadcasting and distribution of such programmes;
- they will encourage meetings and contacts both between journalists organizations and between journalists from the participating States;
- they will view favorably the possibilities of arrangements between periodical publications as well as between newspapers from the participating States, for the purpose of exchanging and publishing articles;
- they will encourage the exchange of technical information as well as the organization of joint research and meetings devoted to the exchange of experience and views between experts in the field of the press, radio and television.

(c) Improvement of Working Conditions for Journalists

The participating States, desiring to improve the conditions under which journalists from one participating State exercise their profession in another participating State, intend in particular to:

- examine in a favorable spirit and within a suitable and reasonable time scale requests from journalists for visas;
- grant to permanently accredited journalists of the participating States, on the basis of arrangements, multiple entry and exit visas for specified periods;
- facilitate the issue to accredited journalists of the participating States of permits for stay in their country of temporary residence and, if and when these are necessary, of other official papers which it is appropriate for them to have;
- ease, on a basis of reciprocity, procedures for arranging travel by journalists of the participating States in the country where they are exercising their profession, and to provide progressively greater opportunities for such travel, subject to the observance of regulations relating to the existence of areas closed for security reasons;
- ensure that requests by such journalists for such travel receive, in so far as possible, an expeditious response, taking into account the time scale of the request;
- increase the opportunities for journalists of the participating States to communicate personally with their sources, including organizations and official institutions;

- grant to journalists of the participating States the right to import, subject only to it being taken out again, the technical equipment (photographic, cinematographic, tape recorder, radio and television) necessary for the exercise of their profession*;
- enable journalists of the other participating States, whether permanently or temporarily accredited, to transmit completely, normally and rapidly by means recognized by the participating States to the information organs which they represent, the results of their professional activity, including tape recordings and undeveloped film, for the purpose of publication or of broadcasting on the radio or television.

The participating States reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for re-examination of his case.

(...)

* While recognizing that appropriate local personnel are employed by foreign journalists in many instances, the participating States note that the above provisions would be applied, subject to the observance of the appropriate rules, to persons from the other participating States, who are regularly and professionally engaged as technicians, photographers or cameramen of the press, radio, television or cinema.

Concluding Document of the Madrid Meeting (Second Follow-up Meeting to the Helsinki Conference)

9 September 1983, Madrid

Co-operation in Humanitarian and Other Fields (...)

Information

The participating States will further encourage the freer and wider dissemination of printed matter, periodical and non-periodical, imported from other participating States, as well as an increase in the number of places where these publications are on public sale. These publications will also be accessible in reading rooms in large public libraries and similar institutions.

In particular, to facilitate the improvement of dissemination of printed information, the participating States will encourage contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements and contracts designed to increase the quantities and number of titles of newspapers and other publications imported from other participating States. They consider it desirable that the retail prices of foreign publications are not excessive in relation to prices in their country of origin. They confirm their intention, according to the relevant provisions of the Final Act, to further extend the possibilities for the public to take out subscriptions.

They will favour the further expansion of co-operation among mass media and their representatives, especially between the editorial staffs of press agencies, newspapers, radio and television organizations as well as film companies. They will encourage a more regular exchange of news, articles, supplements and broadcasts as well as the exchange of editorial staff for better knowledge of respective practices. On the basis of reciprocity, they will improve the material and technical facilities provided for permanently or temporarily accredited television and radio reporters. Moreover, they will facilitate direct contacts among journalists as well as contacts within the framework of professional organizations.

They will decide without undue delay upon visa applications from journalists and re-examine within a reasonable time frame applications which have been refused. Moreover, journalists wishing to travel for personal reasons and not for the purpose of reporting shall enjoy the same treatment as other visitors from their country of origin.

They will grant permanent correspondents and members of their families living with them multiple entry and exit visas valid for one year.

The participating States will examine the possibility of granting, where necessary on the basis of bilateral arrangements, accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries.

They will facilitate travel by journalists from other participating States within their territories, inter alia by taking concrete measures where necessary, to afford them opportunities to travel more extensively, with the exception of areas closed for security reasons. They will inform journalists in advance, whenever possible, if new areas are closed for security reasons.

They will further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources.

They will, as a rule, authorize radio and television journalists, at their request, to be accompanied by their own sound and film technicians and to use their own equipment.

Similarly, journalists may carry with them reference material, including personal notes and files, to be used strictly for their professional purposes.*

(...)

The participating States will, where necessary, facilitate the establishment and operation, in their capitals, of press centers or institutions performing the same functions, open to the national and foreign press with suitable working facilities for the latter.

They will also consider further ways and means to assist journalists from other participating States and thus to enable them to resolve practical problems they may encounter.

(...)

* In this context it is understood that import of printed matter may be subject to local regulations which will be applied with due regard to the journalists' need for adequate working material.

Concluding Document of the Vienna Meeting (Third Follow-up Meeting to the Helsinki Conference)

15 January 1989, Vienna

Co-operation in Humanitarian and Other Fields (...)

Information

(34) They [The Participating States] will continue efforts to contribute to an ever-wider knowledge and understanding of life in their States, thus promoting confidence between peoples.

They will make further efforts to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and to improve the working conditions of journalists.

In this connection and in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, they will ensure that individuals can freely choose their sources of information.

In this context they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States, and
- allow individuals, institutions and organizations while respecting intellectual property rights, including copyrights, to obtain, possess, reproduce and distribute information material of all kinds.

To these ends they will remove any restrictions inconsistent with the above mentioned obligations and commitments.

(35) They will take every opportunity offered by modern means of communication, including cable and satellites, to increase the freer and wider dissemination of information of all kinds. They will also encourage co-operation and exchanges between their relevant institutions, organizations and technical experts, and work towards the harmonization of technical standards and norms. They will bear in mind the effects of these modern means of communication on their mass media.

(36) They will ensure that official information bulletins can be freely distributed on their territory by the diplomatic and other official missions and consular posts of the other participating States.

(37) They will encourage radio and television organization, on the basis of arrangements between them, to broadcast live, especially in the organizing countries, programmes and discussions with participants from different States and to broadcast statements of and interviews with political and other personalities from the participating States.

(38) They will encourage radio and television organizations to report on different aspects of life in other participating States and to increase the number of telebridges between their countries.

(39) Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, they will refrain from taking restrictive measures such as withdrawing a journalist's accreditation or expelling him because of the content of the reporting of the journalist or of his information media.

(40) They will ensure that, in pursuing this activity, journalists, including those representing media from other participating States, are free to seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected.

(41) They will respect the copyright of journalists.

(42) On the basis of arrangements between them, where necessary, and for the purpose of regular reporting, they will grant accreditation, where it is required, and multiple entry visas to journalists from other participating States, regardless of their domicile. On this basis they will reduce to a maximum of two months the period for issuing both accreditation and multiple entry visas to journalists.

(43) They will facilitate the work of foreign journalists by providing relevant information, on request, on matters of practical concern, such as import regulations, taxation and accommodation.

(44) They will ensure that official press conferences and, as appropriate, other similar official press events are also open to foreign journalists, upon accreditation, where it is required.

(45) They will ensure in practice that persons belonging to national or regional cultures on their territories can disseminate, have access to, and exchange information in their mother tongue.

(...)

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

29 June 1990, Copenhagen

I.

(...)

(7.8) [To ensure that the will of the people serves as the basis of the authority of government, the participating States will] provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process.

(...)

II.

(9) The participating States reaffirm that

(9.1) - everyone will have the right to freedom of expression including the right to communication. This right will 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 this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;

(...)

(10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively, individually or in association with others, to their promotion and protection, the participating States express their commitment to

(10.1) respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information.

(...)

Charter of Paris for a New Europe (Summit of Heads of State or Government)

19-21 November 1990, Paris

Human Rights, Democracy and Rule of Law

(...) Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

(...)

We affirm that, without discrimination,

- every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression, freedom of association and peaceful assembly, freedom of movement; no one will be:
 - subject to arbitrary arrest or detention, subject to torture or other cruel, inhuman or degrading treatment or punishment; (...)

Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States

28 May – 7 June 1991, Cracow

I. Culture and Freedom

(...)

(6) The participating States recall their respect for freedom of expression and, in connection with the exercise of that freedom in the artistic and cultural fields, state as follows:

(6.1) The publication of written works, the performance and broadcasting of musical, theatrical and audiovisual works, and the exhibition of pictorial or sculptural works will not be subject to restriction or interference by the State save such restrictions as are prescribed by domestic legislation and are fully consistent with international standards.

(6.2) They express their conviction that the existence, in the artistic and cultural fields, of a diversity of means of dissemination independent of the State, such as publishing houses, radio broadcasting, cinema and television enterprises, theatres and galleries, helps to ensure pluralism and the freedom of artistic and cultural expression.

(...)

Report of the CSCE Meeting of Experts on National Minorities

19 July 1991, Geneva

VII.

(...)

In access to the media, they [the participating States] will not discriminate against anyone based on ethnic, cultural, linguistic or religious grounds. They will make information available that will assist the electronic mass media in taking into account, in their programmes, the ethnic, cultural, linguistic and religious identity of national minorities.

(...)

Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE

3 October 1991, Moscow

(...)

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.

(26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

(...)

(26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.

(...)

(28.9) The participating States will endeavor to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(...)

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These measures will include tracing missing journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

(...)

Oslo CSCE Seminar of Experts on Democratic Institutions

15 November 1991, Oslo

(...)

(II.26) It was emphasized that a democratic form of government requires freedom of speech, without which its citizens cannot obtain the information necessary for participation in political and public life. A diverse and independent press and broadcasting system has a vital role to play in any democracy. The question of imposing certain regulation on the media was discussed. It was pointed out that some protection was required against excesses of the press. At the same time, it was underlined that freedom of expression should only be subject to such restrictions as are prescribed by law and are necessary in a democratic society. Some participants pointed to the need for high ethical standards in the media and related this to the system of recruitment and training of journalists. It was, however, underlined that both elitist and popular newspapers had the right to exist.

(II.27) Ideally, economic conditions should guarantee complete editorial independence. It was, however, pointed out that State intervention could sometimes be necessary in order to protect the diversity of the press. In this context, it was mentioned that one should also take into account that the press and broadcasting system are parts of the cultural identity of a country.

(...)

**CSCE Helsinki Document: The Challenges of Change
(Summit of Heads of State or Government)**

10 July 1992, Helsinki

VI. The Human Dimension

(...)

Free media

The participating States

(59) direct the ODIHR to organize a CSCE Human Dimension Seminar on Free Media, to be held in 1993. The goal of the Seminar will be to encourage the discussion, demonstration, establishment of contacts and exchange of information between governmental representatives and media practitioners.

(...)

Document of the Fourth Meeting of the CSCE Council of Ministers

30 November – 1 December 1993, Rome

CSCE and the New Europe – Our Security is Indivisible

IV. The Human Dimension

(6) (...) The Ministers expressed their appreciation of the work carried out at the Seminar on Free Media to stimulate editorially independent broadcast media and a free press. The reiterated their commitment to safeguard freedom of expression, a basic right, that stressed the necessity of independent media for a free and open society. To this end the Ministers decided that better use should be made of the CSCE human dimension instruments to promote open and diverse media, including exploring the possibility of utilizing CSCE missions.

(...)

X. Declaration on Aggressive Nationalism, Racism, Chauvanism, Xenophobia and Anti-Semitism

(1) Recalling their decision taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-Semitism. These run directly counter to the principles and commitments of the CSCE.

(2) The Ministers also noted that these phenomena can lead to violence, secessionism by the use of force and ethnic strife, and in their worst instances to the barbaric practices of mass deportation, ethnic cleansing and violence against innocent civilians.

(3) Aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation.

(...)

**Budapest Document: Towards a Genuine Partnership
in a New Era
(Summit of Heads of State or Government)**

5-6 December 1994, Budapest

Budapest Decisions

VIII. Human Dimension

(...)

Tolerance and non-discrimination

(25) The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in participating States. They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education. They condemn all crimes committed in the pursuit of so-called “ethnic cleansing” and will continue to give their effective support to the International War Crimes Tribunal for the former Yugoslavia in The Hague.

(...)

Freedom of expression/Free media

(36) The participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right.

(37) They condemn all attacks on and harassment of journalists and will endeavor to hold those directly responsible for such attacks and harassment accountable.

(38) They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

(...)

Lisbon Document

(Summit of Heads of State or Government)

2-3 December 1996, Lisbon

Lisbon Summit Declaration

(...)

(11) Freedom of the press and media are among the basic prerequisites for truly democratic and civil societies. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations. We therefore task the Permanent Council to consider ways to increase the focus on implementation of OSCE commitments in the field of the media, as well as to elaborate a mandate for the appointment of an OSCE representative on freedom of the media to be submitted not later than to the 1997 Ministerial Council.

(...)

Decision No. 193 of the Permanent Council

5 November 1997

Establishment of the Office of the OSCE Representative on Freedom of the Media, Mandate of the OSCE Representative on Freedom of the Media

(1) The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

(2) Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, inter alia, obstruction of media activities and unfavorable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

(3) The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

(4) The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudice national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

(5) The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

(6) The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

(7) The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

(8) The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practices or publicly condones terrorism or violence.

(9) The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

(10) The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State

concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

(11) The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

(12) The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

(13) The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

(14) The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Annex to PC.DEC/193 of 5 November 1997

Interpretative Statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

By the delegation of France:

“The following Member States of the Council of Europe reaffirm their commitment to the provisions relating to freedom of expression, including the freedom of the media, in the European Convention on Human Rights, to which they are all contracting parties.

In their view, the OSCE Representative on Freedom of the Media should also be guided by these provisions in the fulfillment of his/her mandate.

Our countries invite all other parties to the European Convention on Human Rights to subscribe to this statement.

Albania, Germany, Austria, Belgium, Bulgaria, Cyprus, Denmark, Spain, Estonia, Finland, France, United Kingdom, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Norway, Netherlands, Poland, Romania, Poland, Portugal, Romania, Slovak Republic, Slovenia, Sweden, Czech Republic, Turkey.”

Istanbul Document

(Summit of Heads of State or Government)

18-19 November 1999, Istanbul

Istanbul Summit Declaration

(...)

(27) We [The participating States] commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

(...)

Charter for European Security

The Human Dimension

(...)

(26) We [The participating States] reaffirm the importance of independent media and free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.

(...)

Document of the Ninth Meeting of the Ministerial Council

4 December 2001, Bucharest

The Bucharest Plan of Action for Combating Terrorism

(Annex to Decision No. 1)

(...)

III. Preventive action against terrorism in the OSCE area

(11) Promoting human rights, tolerance and multi-culturalism:

Participating States/ Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/ Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity;

(12) Representative on Freedom of the Media: Will consider developing projects aimed at supporting tolerance towards people of other convictions and beliefs through the use of the media. Will promote measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media. Will continue to encourage pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity and will, in this context, promote broad public access to media as well as monitor hate speech.

(...)

(23) Representative on Freedom of the Media: Will co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information.

(...)

V. Decisions of the Bucharest Ministerial Council Meeting

Decision No. 5

The Ministerial Council,

(...)

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

(...)

Document of the Tenth Meeting of the Ministerial Council

7 December 2002, Porto

II. OSCE Charter on Preventing and Combating Terrorism

The OSCE participating States, firmly committed to the joint fight against terrorism,

(...)

(21) Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness for the threat of terrorism;

(22) Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments.

(...)

Document of the Eleventh Meeting of the Ministerial Council

2 December 2003, Maastricht

I. OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century

The OSCE response

(...)

(20) The OSCE will continue to be an active player across its region, using its institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFM) – its field operations and its Secretariat to the full. They are important instruments in assisting all participating States to implement their commitments, including respect for human rights, democracy and the rule of law. In all relevant activities, possibilities for strengthening co-operation with the Parliamentary Assembly, and through it, national parliaments will be actively pursued.

(...)

(27) Conflict prevention and post-conflict rehabilitation involve substantial efforts by the Organization in close co-operation with participating States in order to promote and assist in building democratic institutions and the rule of law, inter alia, by supporting capacity building and helping to strengthen authorities at all levels and parliamentary structures, independent judiciaries and free civil societies and media.

Addressing terrorism and threats arising from other criminal activities

Addressing threats related to discrimination and intolerance

(...)

(37) (...) While fully respecting freedom of expression, the OSCE will strive to combat hate crime which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet.

(...)

II. OSCE Strategy Document for the Economic and Environmental Dimension

Decision No. 4/03 Tolerance and Non-Discrimination

2. Our response and action

(...)

2.2 Strengthening good governance

(...)

Promoting transparency and combating corruption

(2.2.4) Transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil society in economic processes. Transparency increases the predictability of, and confidence in an economy that is functioning on the basis of adequate legislation and with full respect for the rule of law. Free and pluralistic media which enjoy maximum editorial independence from political and financial pressure have an important role to play in ensuring such transparency.

(2.2.5) We will make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, about issues of public interest in the economic and environmental fields to the media, the business community, civil society and citizens, with a view to promoting a well-informed and responsive dialogue. This is essential for decision-making which is responsive to changing conditions and to the needs and wishes of the population.

(...)

Mass Media

Recommended action by participating States:

36. Launch information and awareness-raising campaigns with a view to countering prejudices and negative stereotypes of Roma and Sinti people.

37. In order to foster freedom of expression, encourage training of Roma and Sinti journalists and their employment in media outlets with a view to facilitating wider access to the media for Roma and Sinti people.

38. Encourage the media to show positive aspects and present a balanced portrayal of Roma life, refrain from stereotyping Roma and Sinti people and avoid inciting tension between various ethnic groups. Organize round tables between media representatives and Roma and Sinti representatives to promote this objective.

Recommended action by OSCE institutions and structures:

39. In co-operation with the ODIHR as well as relevant international organizations, the Representative on Freedom of the Media (RFOM) should consider how the OSCE could contribute to the establishment of a European Roma Radio which would broadcast throughout Europe. The ODIHR and the RFOM should organize public debates, anti-discrimination campaigns and joint training programmes with and for the media.

40. The RFOM should consider facilitating training seminars for Roma journalists.

41. The ODIHR-CPRSI and the RFOM will organize round tables with journalists on the image that Roma and Sinti communities have in society.

42. The HCNM will continue to elaborate and disseminate guidelines for policy-makers on the use of the State broadcast media in multicultural communities, aimed, *inter alia*, at encouraging support for minority broadcasters, including Roma and Sinti broadcasters, and improving their access to the media.

Decision No. 4/03

Tolerance and Non-Discrimination

The Ministerial Council,

(...)

(8) Recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet. We welcome the offer by France to host in Paris in 2004 a forward-looking event, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the internet and hate crimes;

(...)

(10) Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on education, public participation, and language, including on its use in broadcast media, and the relevant recommendations of the Representative on Freedom of the Media in this regard;

(...)

(16) Tasks the Permanent Council, the ODIHR, the HCNM and the RFoM, in close co-operation with the Chairmanship-in-Office, with ensuring an effective follow-up to the relevant provisions of the present decision, and requests the Permanent Council to address the operational and funding modalities for the implementation of this decision.

(...)

Document of the Twelfth Meeting of the Ministerial Council

7 December 2004, Sofia

(...)

IV. Decisions of the Ministerial Council

Decision No. 3/04

Combating the use of the Internet for Terrorist Purposes

The Ministerial Council,

(...)

Decides that participating States will exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression;

(...)

Decision No. 12/04

Tolerance and Non-Discrimination

The Ministerial Council,

(...)

(2) Endorses the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621) and the Permanent Council Decision on Promoting Tolerance and Media Freedom on the Internet (PC.DEC/633), annexed to this decision;

(3) Further decides to intensify efforts for the implementation of these three decisions, which include commitments in the fields of, inter alia, education, media, legislation, law enforcement, migration and religious freedom;

(...)

(Annex to Decision No. 12/04)
Permanent Council Decision No. 621

Tolerance and the Fight Against Racism, Xenophobia and Discrimination

(PC.DEC/621 of 29 July 2004)

The Permanent Council,

(...)

Decides,

(1) The participating States commit to:

(...)

Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet;

(...)

(Annex to Decision No. 12/04)
Permanent Council Decision No. 633

Promoting Tolerance and Media Freedom on the Internet

(PC.Dec/633 of 11 November 2004)

The Permanent Council,

Reaffirming the importance of fully respecting the right to the freedoms of opinion and expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet,

(...)

Decides that:

(1) Participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools;

(...)

(4) The OSCE Representative on Freedom of the Media will continue an active role in promoting both freedom of expression and access to the Internet and will continue to observe relevant developments in all the participating States. The Representative will

advocate and promote OSCE principles and commitments. This will include early warning when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views;

(5) Participating States should study the effectiveness of laws and other measures regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic and anti-Semitic crimes;

(6) Participating States should encourage and support analytically rigorous studies on the possible relationship between racist, xenophobic and anti-Semitic speech on the Internet and the commission of crimes motivated by racist, xenophobic, anti-Semitic or other related bias;

(7) The OSCE will foster exchanges directed toward identifying effective approaches for addressing the issue of racist, xenophobic and anti-Semitic propaganda on the Internet that do not endanger the freedom of information and expression. The OSCE will create opportunities, including during the annual Human Dimension Implementation Meeting, to promote sharing of best practices;

(...)

(Annex to Decision No. 14/04)

2004 OSCE Action Plan for the Promotion of Gender Equality

V. Supporting OSCE participating States in implementing relevant commitments to promoting equality between women and men

Areas of special interest to all OSCE participating States

(...)

(44) Priorities

(...)

(d) Ensuring equal opportunity for participation of women in political and public life

(...)

- The OSCE Representative on Freedom of the Media (RFOM) will be alert to allegations of serious intolerance towards women and incitement to gender discrimination in or by the media in participating States in accordance with Chapter 6 of the mandate of the RFOM. The Representative will inform the participating States of such cases in his/her regular reports.

**Document of the Thirteenth Meeting of the
Ministerial Council**

5-6 December 2005, Ljubljana

(...)

Decision No. 10/05

Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding

The Ministerial Council,

(...)

(5) Decides that the participating States while implementing their commitments to promote tolerance and non-discrimination will focus their activities in such fields as, inter alia, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

(...)

(5.4) Consider developing, in close co-operation with civil society, concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media and to encourage programmes to educate children and youth about prejudice or bias they may encounter in the media or on the Internet;

(...)

Document of the Fourteenth Meeting of the Ministerial Council

4-5 December 2006, Brussels

(...)

Decision No. 7/06

Countering the use of the Internet for Terrorist Purposes

The Ministerial Council,

Recalling its previous decision on this issue (MC.DEC/3/04),

Remaining gravely concerned with the growing use of the Internet for terrorist purposes as outlined in the aforementioned decision and beyond,

Reaffirming in this context the importance of fully respecting the right to freedom of opinion and freedom of expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet (PC.DEC/633 of 11 November 2004) and the rule of law,

(...)

Recalling the results of the OSCE Special Meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes (Paris, 15 and 16 June 2004), as well as the outcomes of the OSCE Expert Workshop on Combating the Use of the Internet for Terrorist Purposes (Vienna, 13 and 14 October 2005) and the OSCE-Council of Europe Expert Workshop on Preventing Terrorism: Fighting Incitement and Related Terrorist Activities (Vienna, 19 and 20 October 2006), and relevant work done by the OSCE Secretariat and institutions, in particular by the Representative on Freedom of the Media and the ODIHR,

(...)

(6) Invites participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes and measures taken to counter it, in line with national legislation, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law. Duplication of efforts with ongoing activities in other international fora should be avoided;

(...)

Permanent Council Decision No. 13/06

Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding

The Ministerial Council,

(...)

(9) Recognizes the essential role that the free and independent media can play in democratic societies and the strong influence it can have in countering or exacerbating misperceptions, prejudices and in that sense encourages the adoption of voluntary professional standards by journalists, media self-regulation and other appropriate mechanisms for ensuring increased professionalism, accuracy and adherence to ethical standards among journalists;

(...)

(15) Encourages the Representative on Freedom of the Media, within available resources, to consider reviewing best practices in matters of his/her competency relating to combating intolerance;

(...)

Permanent Council Decision No. 759

Media Twinning: Capacity-building in Support of Professional Media Through Peer-to-Peer Exchanges (December)

The Permanent Council,

Reaffirming the OSCE participating States' commitments to encourage direct contacts and international exchanges between media organizations, in particular as undertaken in the Helsinki Final Act (1975), the Concluding Document of Madrid (1983) and the Copenhagen Document (1990),

Decides to:

(1) Task the OSCE Representative on Freedom of the Media to co-ordinate the examination by the relevant OSCE executive structures, within their existing mandates and in consultation with media organizations, of modalities for facilitating media twinning throughout the OSCE area, including budgetary aspects, and make relevant proposals accordingly to the participating States;

(2) Call upon the participating States to consider those proposals for possible further follow-up.

Astana Final Document
(Seventh Summit meeting of Heads of State or Government
of the OSCE participating states)

2 December 2010, Astana

Astana Commemorative Declaration
Towards a Security Community

1. We, the Heads of State or Government of the 56 participating States of the OSCE, have assembled in Astana, eleven years after the last OSCE Summit in Istanbul, to recommit ourselves to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals. As we mark the 35th anniversary of the Helsinki Final Act and the 20th anniversary of the Charter of Paris for a New Europe, we reaffirm the relevance of, and our commitment to, the principles on which this Organization is based. While we have made much progress, we also acknowledge that more must be done to ensure full respect for, and implementation of, these core principles and commitments that

we have undertaken in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.

2. We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith. We reiterate our commitment to the concept, initiated in the Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

3. (...) We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are accountable to our citizens and responsible to each other for their full implementation. We regard these commitments as our common achievement, and therefore consider them to be matters of immediate and legitimate concern to all participating States.

(...)

5.(...) We recognize that the OSCE, as the most inclusive and comprehensive regional security organization in the Euro-Atlantic and Eurasian area, continues to provide a unique forum, operating on the basis of consensus and the sovereign equality of States, for promoting open dialogue, preventing and settling conflicts, building mutual understanding

and fostering co-operation. We stress the importance of the work carried out by the OSCE Secretariat, High Commissioner on National Minorities, Office for Democratic Institutions and Human Rights and Representative on Freedom of the Media, as well as the OSCE field operations, in accordance with their respective mandates, in assisting participating States with implementing their OSCE commitments. We are determined to intensify co-operation with the OSCE Parliamentary Assembly, and encourage its efforts to promote security, democracy and prosperity throughout the OSCE area and within participating States and to increase confidence among participating States. We also acknowledge the Organization's significant role in establishing effective confidence- and security-building measures. We reaffirm our commitment to their full implementation and our determination to ensure that they continue to make a substantial contribution to our common and indivisible security.

6. The OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility. We reaffirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.

7. Serious threats and challenges remain. Mistrust and divergent security perceptions must be overcome. Our commitments in the politico-military, economic and environmental, and human dimensions need to be fully implemented. Respect for human rights, fundamental freedoms, democracy and the rule of law must be safeguarded and strengthened. Greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination. Mutually beneficial co-operation aimed at addressing the impact on our region's security of economic and environmental challenges must be further developed. Our energy security dialogue, including on agreed principles of our co-operation, must be enhanced. Increased efforts should be made to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act. New crises must be prevented. We pledge to refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the Charter of the United Nations or with the ten Principles of the Helsinki Final Act.

(...)