

14TH SOUTH CAUCASUS MEDIA CONFERENCE

"Fake news", disinformation and freedom of the media

10-11 May 2017, Tbilisi, Georgia

CONCLUSIONS

This document summarizes the assessment of and recommendations from more than 80 journalists, representatives of government and civil society from Armenia, Azerbaijan and Georgia, along with international experts and participants from Lithuania and the Russian Federation at the 14th annual South Caucasus Media Conference, organized by the Office of the OSCE Representative on Freedom of the Media on 10-11 May 2017 in Tbilisi, Georgia.

The conference focused on the challenges to free media and freedom of expression in the region and the best practices OSCE-wide to improve professionalism and media freedom in the context of spreading “fake news”, disinformation and propaganda.

We, the conference participants agree that:

1. The unencumbered access to a wide variety of sources of information and ideas, opportunities to disseminate them, a diverse media environment, including in terms of the facilitation of public debates and open exchange of ideas, and acting as a watchdog of government and the powerful, is of great importance for society and free media in the South Caucasus.
2. Journalism in the South Caucasus today faces numerous challenges related to the growing prevalence of disinformation (sometimes referred to as “false” or “fake news”) and propaganda in legacy and social media, fuelled by both State and non-State actors.
3. Disinformation and propaganda, as a rule, are designed and implemented to mislead and interfere with the public’s right to know and those rights of individuals to seek and receive, as well as to impart, information and ideas of all kinds, regardless of frontiers, encompassed under the OSCE commitments and other international legal guarantees.
4. The human right to impart information and ideas is not limited to statements that are deemed “correct” by authorities. This right also extends to information and ideas that may shock, offend and disturb.
5. The above-mentioned provision does not, however, justify the intentional or reckless dissemination of false statements by official or State actors.

6. States are under a positive obligation to foster an enabling environment for freedom of the media, which includes promoting and protecting diverse media, especially in the face of increasing pressure, both economic and otherwise, on traditional media.

In this regard, we recommend the following:

7. States may only impose restrictions on the right to freedom of the media in accordance with international law, namely that they be provided for by law, serve legitimate public interest as recognised under international law, be necessary and proportionate to protect such interests. Such restrictions may also be imposed, as long as they are consistent with these requirements, in order to prohibit advocacy of hatred that constitutes incitement to discrimination, hostility or violence.
8. General prohibitions on the dissemination of information that are based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with OSCE commitments and other international standards for restrictions on freedom of the media and should not be utilized.
9. State mandated blocking of entire websites, IP addresses or network protocols is an extreme measure which can only be justified where it is provided by law and is necessary to protect internationally recognized human rights or legitimate public interests. Such measures should be proportionate, and utilized only after less intrusive alternative measures fail to protect public interest and then, must respect due process guarantees.
10. State actors should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be disinformation or propaganda. They should, in accordance with their domestic and international legal obligations and their public duties, take care to ensure that the information they disseminate is reliable and trustworthy.
11. States should ensure the functioning of strong, independent and adequately resourced public service media, which operate under a clear mandate to serve the overall public interest and to set and maintain high standards of journalism in the South Caucasus.
12. States should put in place other measures to promote media diversity.

13. States should take measures to promote media and digital literacy, including by covering these topics as part of regular school curriculum and by engaging with civil society and other stakeholders to raise awareness on this topic.
14. States should consider other measures to promote equality, non-discrimination, intercultural understanding and other democratic values, including with a view to limit the negative effects of disinformation and propaganda.
15. The media and journalists should, as appropriate, support effective systems of self-regulation whether at the level of specific media sectors (such as press complaints bodies) or at the level of individual media outlets (ombudsmen) which include standards on ensuring accuracy in the news and provide the possibility for corrections and/or replies to address inaccurate statements in the media.
16. Media outlets should consider including critical coverage of disinformation and propaganda as part of their services, in line with their watchdog role in society, particularly during times of conflict, elections and debates on other matters of public interest.
17. The Office of the OSCE Representative on Freedom of the Media should support the development of participatory and transparent initiatives for creating a better understanding of the impact of disinformation and propaganda on democracy, freedom of the media, journalism and civic space, as well as appropriate responses to these phenomena in the South Caucasus.