



**Organization for Security and Co-operation in Europe
Office of the Representative on Freedom of the Media**

FIRST OSCE SOUTH EAST EUROPE MEDIA CONFERENCE

DECLARATION

“On the Road to Media Freedom”

The First OSCE South East Europe Media Conference, organized by the Office of the OSCE Representative on Freedom of the Media in co-operation with the OSCE Mission to Bosnia and Herzegovina, and with the assistance of the OSCE Presence in Albania, OSCE Mission in Kosovo, OSCE Mission to Montenegro, OSCE Mission to Serbia, and the OSCE Mission to Skopje, was held on 13 and 14 October 2011 in Sarajevo, Bosnia and Herzegovina.

Approximately 100 international and local experts and media members from South East Europe attended the conference to discuss the latest media freedom developments and challenges in the region.

The conference specifically focused on independence of the media: including the issues of public service broadcasting, legal challenges to media freedom, violence against and intimidation of journalists, and their employment conditions.

The conference participants

Emphasizing the freedom of expression as a fundamental human right and a core pillar of good governance and the rule of law;

Reaffirming the fundamental importance of freedom of expression and freedom of the media – including the principles of independence, pluralism and diversity – both in their own right and as essential tools for the defence of all other rights, as a core element of democracy, and for advancing development goals;

Stressing that only media that are genuinely independent politically, editorially and economically can duly fulfil their key role in a democratic society: to be a watchdog over governments and businesses and inform their audiences about all important aspects of life impartially, reflecting a variety of views, allowing societies to make informed choices when electing and evaluating their governments;

Cognisant of the fact that state-owned media should not exist in a democratic society;

Noting the substantial progress achieved in South East Europe since its transition to democracy in the early 1990s in reforming its outdated and repressive media-related laws and policies;

Recognising that the implementation of the liberal media legislation remains problematic, and that further reform of media legislation is required in the fields of criminal and civil defamation, public service broadcasting, licensing of broadcasters, access to information, transparency of media ownership and protection of journalists' employment rights;

Concerned about the significant number of violent attacks on journalists and on property belonging to media, as well as about an even larger number of cases where journalists and members of their families have been intimidated;

Welcoming governments' condemnation of such attacks and the increasing success in investigating cases of violence against journalists and in bringing their perpetrators to justice;

Noting that governments should nevertheless further enhance measures to respond to violent attacks on and intimidation of journalists and other members of the media and to contribute to creating a media-friendly environment in which journalists and editors are respected and regarded as indispensable agents of the public;

Recognizing the need to develop and maintain voluntarily created media self-regulatory mechanisms independent from the authorities, based on the highest standards of professional conduct, to improve the quality of journalism and to offer an adequate and proportionate response to journalists' mistakes and to violations of media ethics;

Aware of challenges arising from poor employment conditions for a significant part of journalists working in South East Europe, including the existence of informal employment agreements that do not provide for their economic stability and social benefits;

Adopt the following Declaration:

1. Independence of media

- There is an urgent need for further strengthening the independence of media and of their autonomous regulatory bodies;
- Public authorities at all levels should openly and resolutely acknowledge and ensure the independence of their respective public service broadcasters, both editorial and financial, as it is crucial for ensuring a well-functioning democracy and serves as a backbone for freedom of the media;
- There should be no state ownership of the media. Some media legal frameworks still do not prevent public institutions and officials from owning media outlets. At the same time, where such ownership is banned, this can be circumvented thus disguising a potential conflict of interests;
- Civil society, media and government stakeholders should promote and implement common standards and principles of media independence;

2. Reforming media legislation

- The adoption of media legislation must be preceded by broad and inclusive public and parliamentary discussions;

- Any media legislation must be in accord with OSCE media freedom commitments and international standards, such as documents of the Council of Europe and the case law of the European Court of Human Rights;
- Governments must strive to support and protect the work of independent regulatory authorities;
- Parliaments should establish monitoring mechanisms to ensure proper, uniform and full implementation of media legislation, free of political and economic influence.

3. *Strengthening public service media*

- The existing legislation on public service broadcasting should be fully implemented to guarantee editorial and financial independence of public broadcasters;
- The financial independence of public service broadcasters should be guaranteed by law;
- Public authorities should develop and implement adequate funding mechanisms that allow for sustainable operation of public service broadcasters, ensuring their efficient mid- and long-term planning;
- Public service broadcasters should strive to develop high quality programmes for all segments of their audiences, including national minorities, based on the principles of balance and impartiality.

4. *Curbing violence against and intimidation of journalists*

- All cases of threats and violence against journalists must be duly investigated in a timely and forthcoming manner. The perpetrators and masterminds of these crimes must be brought to justice in trials open to the public and media.

5. *Reform of defamation law*

- Defamation should be fully decriminalized; defamation complaints should be handled exclusively by civil courts;
- Civil damage awards should be proportionate to the harm inflicted and should never result in bankruptcy of media outlets to eliminate the “chilling effect” on critical journalism. This may be achieved by introducing a ceiling on pecuniary damages in civil cases;
- Laws should also require public officials to demonstrate a greater degree of tolerance towards criticism by media, even when reports on public affairs contain factual inaccuracies.

6. *Promoting voluntary and independent media self-regulation and ethical journalism*

- Mechanisms of media self-regulation, including codes of ethics drawn up and adopted by journalists themselves, without any interference from public authorities, improve the quality of journalism while preserving media freedom;
- Professional journalists should strive to be accurate and objective, and respect ethical codes, as transparent self-regulation mechanisms offer sufficient remedies to persons

whose reputation were damaged and contribute to increasing the professionalism and credibility of media.

7. Ensuring transparency of media ownership

- Limits on media concentration and transparent media ownership are prerequisites of media pluralism;
- Circumventing laws on media ownership and competition by groups of companies that merely appear to be independent from one another but are owned by one entity must be stopped;
- Conflict of interest rules, as well as freedom of information laws, should be duly enforced as they help increase the transparency of ownership;
- Parliaments should, under their obligation to proactively safeguard media pluralism, adopt laws that limit cross-ownership of broadcast and print media;
- Governments should acknowledge and abolish the influence that advertising agencies might have on media. Advertising revenues should not be used as a tool of economic pressure by corporations and governments;
- Governments and political parties should ensure transparency in allocating publicly funded advertising.

8. Need to strengthen journalists' unions and to improve employment conditions of journalists

- Legal guarantees for the observance of journalists' basic employment rights should be strengthened. Journalists should be able to resort to effective legal means to protect their employment rights;
- Journalism organizations, self-regulatory bodies and NGOs need to increase their co-operation by sharing and promoting best practices;
- Journalists should base their work on professional standards and stronger engage in creating true professional solidarity among them, withstanding pressure by employers and media corporations favouring biased and politicised reporting.

Sarajevo, 14 October 2011