



Recommendations

This document presents the recommendations of the OSCE Representative on Freedom of the Media (RFoM), based on the main considerations and discussions by about 100 journalists and representatives from the media, NGOs, and government representatives from Armenia, Azerbaijan and Georgia, as well as international experts, during the 16th annual South Caucasus Media Conference, organized by the RFoM's Office on 9-10 October 2019 in Tbilisi, Georgia.

The conference, titled “Strengthening Media Freedom and Safety of Journalists in a Changing Environment”, discussed the latest media freedom developments in the region; news creation, sustainability of media and distribution of media in the age of digital reporting; quality information and the issue of disinformation and “fake news”; and ways of strengthening media freedom and safety of journalists in times of political change.

The main recommendations are summarized through the following points:

1. News creation, quality of information and distribution of media in the age of digital reporting

Digital technologies have made significant contributions to expanding global communications and the possibility for people everywhere to access information and ideas, to speak and be heard. The dynamic growth of the number of users and unprecedented opportunities for creating and distributing content, along with the problems that arise in this new context, including disinformation and “fake news”, have raised the discussion about the relationships between internet intermediaries, media actors and users in this environment.

This digital transformation has forced the media industry to reconsider existing approaches for creating and distributing news, and the business models for ensuring economic sustainability.

The participating States in the South Caucasus region are called upon to:

1. Protect freedom of expression and freedom of the media, both offline and online, in accordance with international human rights law, and to refrain from introducing or applying undue restrictions, such as blocking of websites.
2. Promote media diversity by addressing the economic challenges faced by media outlets, including by supporting local media in their sustainability, at a time when they are undergoing significant transformation processes related to digitalization and the adaptation of modern business models, through a transparent, non-discriminatory and fair economic system of support.
3. Introduce or enhance laws, and safeguard mechanisms that will foster transparent competition on the media market, including content production and distribution, equal access to advertisement sources, free flow of information, and unhindered use of the internet.
4. Promote media and digital literacy, including by engaging with media outlets, civil society and other stakeholders to raise awareness about the issues of disinformation and propaganda.

Journalists and media organizations are called upon to:

1. Enhance their professionalism and social responsibility, including by adopting codes of conduct, and putting in place self-regulatory systems or participating in any existing systems, to enforce them.
2. With digital technologies the content distribution channels have changed, and therefore media organisations are encouraged to monitor the audiences and reach them through different platforms with specially tailored content for those platforms.
3. Invest in tools that help raise media literacy.
4. Collaborate with other media outlets to counter “fake news” together and develop fact-checking initiatives.

2. Safety of journalists’ offline and online in times of political change

OSCE participating States have positive obligations in relation to freedom of expression and free media to ensure a favourable working environment for safe, inclusive and pluralistic public debates. However, there is still a staggering gap in addressing the safety of journalists and other media actors, including due to the lack of an adequate framework or practices aimed at preventing crimes against them, protecting them when needed, and prosecuting, in a timely manner, the perpetrators and masterminds of attacks and illegal acts against journalists. Political commitments to protect media freedom are only effective

when backed up by strong political will, as well as by solid policies and practices to bolster journalists' safety.

The participating States in the South Caucasus region are called upon to:

1. Fully implement all OSCE commitments and their international obligations related to safety of journalists, including the 2018 OSCE Ministerial Council Decision on Safety of Journalists, which highlights various contemporary challenges faced by media actors and provides recommendations for establishing or strengthening, where possible, national data collection, analysis, and reporting on attacks and violence against journalists.
2. Ensure protection of journalists at all times as a matter of effective domestic legal, regulatory and policy frameworks, and refrain from arbitrary or unlawful restrictions on them.
3. Condemn publicly and unequivocally all attacks and violence against journalists, and threats of all forms, such as physical, legal, political, technological or economic, used to suppress their work and/or unduly force the closure of their media outlets;
4. Pay special attention to the cases of, and condemn publicly, attacks, threats, harassment, and smear campaigns against women journalists in relation to their work, including through digital technologies.
5. Take effective and meaningful measures to end impunity for crimes committed against journalists, as well as their family members, including by ensuring that law enforcement agencies carry out swift, effective and impartial investigations, in order to bring all those responsible of such crimes to justice.
6. Encourage law enforcement and other relevant state agencies to engage in awareness-raising and training activities related to the need to ensure safety of journalists, respect for their work, including during public events and demonstrations, and to promote the involvement of civil society in such activities, where appropriate.

3. Regulatory environment for media freedom and media pluralism

The OSCE participating States have undertaken a number of commitments and international obligations related to freedom of expression and media freedom, including with regard to respecting, promoting and protecting the freedom to seek, receive and impart information and ideas regardless of frontiers. To this end, they have adopted various laws and developed policies and practices pertaining to media freedom and media pluralism.

The participating States in the South Caucasus region are called upon to:

1. Fully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom, including by respecting, promoting and protecting the freedom to seek, receive and impart information regardless of frontiers.
2. In close consultation with civil society and media organizations, bring their laws, policies and practices, pertaining to media freedom, fully in compliance with their international obligations and commitments, so that they do not limit the ability of journalists to perform their work independently and without undue interference, and do not deter public debate about matters of public interest.
3. Ensure that any restrictions on what may be disseminated through the media are applied only in strict accordance with the test for such restrictions under international law, namely that they be provided for by law, serve one of the legitimate interests recognised under international law, and be necessary and proportionate to protect that interest.
4. Repeal criminal defamation laws in favor of civil laws, in accordance with relevant international standards, and ensure that civil sanctions for defamation should not be so large as to exert a chilling effect on freedom of expression.
5. Although advocacy that constitutes incitement to hatred can be sanctioned, in strict compliance with relevant international standards, refrain from introducing vague terms or potentially overbroad rules in this area, to avoid abuse and limit non-traditional, dissenting, critical, or minority voices, or discussion about challenging issues of public interest.
6. Ensure that legislation on the right to access information held by public authorities is in place and being effectively implemented, and narrowly defines content restrictions to what is permissible under international human rights law.
7. Ensure that regulatory bodies which exercise regulatory powers over the media are independent, operate transparently and are accountable to the public.
8. Ensure the presence 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.
9. Guarantee respect for the right of journalists to protect their confidential sources of information, and ensure that they are not held liable for publishing classified or confidential information where they have not themselves committed any wrongdoing in obtaining it.