

OSCE

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE
THE REPRESENTATIVE ON FREEDOM OF THE MEDIA

**FREEDOM OF EXPRESSION,
FREE FLOW OF INFORMATION,
FREEDOM OF MEDIA**

CSCE/OSCE Main provisions 1975–2001

T A B L E O F C O N T E N T S

- 1975: Helsinki Final Act
- 1983: Concluding Document of the Madrid Meeting
- 1986: CSCE Vienna Follow-up Meeting
- 1990: Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (June 1990)
Charter of Paris for a New Europe (CSCE Summit, November 1990)
- 1991: Cracow Symposium on Cultural Heritage of the CSCE participating States (July 1991)
CSCE Meeting of Experts on National Minorities, Geneva (July 1991)
Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 1991)
CSCE Seminar of Experts on Democratic Institutions, Oslo Report to the CSCE Council (November 1991)
- 1992: The Challenges of Change (CSCE Summit, Helsinki)
- 1993: Decisions of the Rome Council Meeting
- 1994: Towards a Genuine Partnership in a New Era (CSCE Summit, Budapest)
- 1996: OSCE Summit, Lisbon
- 1997: Mandate of the OSCE Representative on Freedom of the Media (Decision No. 193 of the Permanent Council of 5 November 1997)
- 1999: OSCE Istanbul Summit

HELSINKI FINAL ACT

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. [Universal Declaration of Human Rights: Article 19; on Freedom of Expression]

Section IV, Chapter II 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.

1983

CONCLUDING DOCUMENT OF THE MADRID MEETING

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 favor 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.¹

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.

1986

CSCE VIENNA FOLLOW-UP MEETING

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

¹ 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.

- ensure that radio services operating in accordance with the ITU [International Telecommunications Union] 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.

1990

COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE (JUNE 1990)

(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.

(9.1) [The participating States reaffirm that] 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
(CSCE SUMMIT, NOVEMBER 1990)**

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 (...).

1991

**CRACOW SYMPOSIUM ON CULTURAL HERITAGE OF THE
CSCE PARTICIPATING STATES (JULY 1991)**

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.

**CSCE MEETING OF EXPERTS ON NATIONAL MINORITIES
GENEVA (JULY 1991)**

(VII.2) 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.

**MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN
DIMENSION OF THE CSCE (OCTOBER 1991)**

(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.

**CSCE SEMINAR OF EXPERTS ON DEMOCRATIC
INSTITUTIONS, OSLO
REPORT TO THE CSCE COUNCIL (NOVEMBER 1991)**

(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.

1992

**THE CHALLENGES OF CHANGE
(CSCE SUMMIT, HELSINKI)**

VI. The Human Dimension:

Free media

(59) [The participating States] 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.

1993

**DECISIONS OF THE ROME COUNCIL MEETING
CSCE AND THE NEW EUROPE – OUR SECURITY IS
INDIVISIBLE**

(IV.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. They 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.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.

(X.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.

(X.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.

1994

**TOWARDS A GENUINE PARTNERSHIP IN A NEW ERA
(CSCE SUMMIT, BUDAPEST)**

**Chapter 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.

1996

OSCE SUMMIT, LISBON

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.

**MANDATE OF THE OSCE REPRESENTATIVE
ON FREEDOM OF THE MEDIA
(DECISION NO. 193 OF THE PERMANENT COUNCIL
OF 5 NOVEMBER 1997)**

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 prejudge 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.”

1999

OSCE ISTANBUL SUMMIT

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:

(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.

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