



## EUROPEAN UNION

**OSCE Human Dimension Implementation Meeting 2012  
Warsaw, 24 September 2012**

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### **EU statement – Session 1**

**FUNDAMENTAL FREEDOMS I; FREEDOM OF EXPRESSION, FREE MEDIA AND  
INFORMATION**

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Mr/Ms Moderator,

I am honoured to speak on behalf of the European Union. The European Union attaches high importance to the freedom of expression, and its corollary, freedom of the media. These freedoms represent an essential part of our OSCE commitments. They are a precondition for a free exchange of opinions without which no democratic society can function.

The EU remains concerned that the implementation of OSCE commitments on freedom of the media continues to be deficient, and has even deteriorated in some cases over the past months. The EU will therefore continue to closely monitor media issues and comment on them in the OSCE framework.

The EU would like to express its strong appreciation to the Representative on Freedom of the Media, Ms Dunja Mijatovic, and her staff for their determined action and their transparent approach to making participating States observe the commitments they have undertaken in the field of freedom of the media. The EU supports the office's approach to addressing relevant issues in all participating States, no matter where they occur, including in the EU. We call on all participating States to fully cooperate with the Representative on Freedom of the Media and her team.

The topic of freedom of the media is among the EU's key priorities for the upcoming OSCE Ministerial Council in Dublin. In this context, we support the strengthening of the implementation of respective OSCE commitments, also including the need to protect journalists against violence, threats and intimidation. Furthermore, it is important that the internet remains an open and public forum. Freedom of expression has to apply regardless of the medium used to convey the message. On July 5th 2012 the Human Rights Council adopted, by consensus, a resolution on the promotion, protection and enjoyment of human rights on the internet, cosponsored by the European Union. We see this as a welcomed step forward and believe that the Ministerial Council should reconfirm the comprehensive validity of commitments related to freedom of the media also with regard to digital media.

Moderator,

Over the last year, in spite of progress achieved in some participating States, we again had to witness a range of serious violations of commitments related to freedom of expression and freedom of the media:

As stated on numerous occasions by the OSCE Representative on Freedom of the Media (RFoM), violence and intimidation against journalists have again occurred in various participating States, including in EU member states. Therefore, the EU urges all participating States to make constructive efforts in order to politically and practically strengthen the implementation of respective OSCE commitments, also by fighting a climate of impunity through swift and comprehensive investigation of new as well as still unresolved past cases of attacks on media professionals.

Extra-journalistic criminalisation of journalists and persons wishing to exercise their freedom of expression, and their imprisonment on questionable charges remain instruments of harassment and serious restriction of fundamental freedoms in various participating States. In this regard, close and continued cooperation with the OSCE RFoM, as in the case of Turkey, has proven to be an appropriate means for overcoming divergent legal assessments and for putting into question the respective existing legal practice. Against this backdrop, the EU remains particularly concerned over the deteriorated media freedom situation in Belarus and urges the authorities of Belarus to engage meaningfully with the Representative, including by finally meeting her request to visit the country without delay.

Finally, the EU emphasizes the crucial importance of media plurality for the enjoyment of freedom of expression and of the media. Areas concerned are regulations with regard to the digital switchover as well as to the internet. The internet is developing into an ever more important tool to exercise the right to freedom of expression. We therefore reiterate our concern regarding new internet legislation in Russia which in our view has the potential to prepare the ground for politically motivated and thus unjustified limitations of internet content. We are also worried by unjustified blockings of web-sites as has happened in recent weeks and months in Tajikistan. We commend the OSCE RFoM for vigorously defending the comprehensive implementation of OSCE commitments related to media freedom online and offline and we also would like to draw attention to the importance of the work of the OSCE field missions in this regard.

Thank you for your attention.

### Recommendations

#### Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments including to reflect technological developments such as the internet,
- extend open invitations to the Representative and her office,
- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,
- strengthen their commitment to ensure freedom of opinion and expression, and especially to protect journalistic activities from an inappropriate application of criminal law,

- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,
- act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity,
- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”),
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

The OSCE Representative on Freedom of the media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,
- continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation,
- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured,
- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,
- in coordination with the ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders,
- continue to develop new media, including internet and digital broadcasting, as a focus area,
- continue to cooperate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.

The Acceding Country Croatia\*, the Candidate Countries Montenegro\*, Iceland+ and Serbia\*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina align themselves with this statement.

*\* Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.*

*+ Iceland continues to be a member of the EFTA and of the European Economic Area.*