

HUMAN DIMENSION IMPLEMENTATION MEETING
22 September to 3 October 2014
Warsaw, Poland

Rapporteur's report

Tuesday, 23 September 2014

**Working session 2: Fundamental freedoms I, including freedom of expression
and address by the OSCE Representative on Freedom of the Media**

*Rapporteur: Ms. Natalia Kravtsova, Permanent Mission of the Russian Federation
to the OSCE*

No. of statements:

Delegations: 19

Civil Society: 33

OSCE Inst./Int'l Org: 3

Rights of Reply: 13

The Working Session II was devoted to the freedom of expression, free media and information. It was opened by the address of the OSCE Representative on Freedom of the Media Ms. Dunja Mijatovic. The Representative on Freedom of the Media focused on main problems the Organization is facing today in terms of the implementation of the OSCE commitments on freedom of expression, free information and freedom of the media. She underlined that free speech is targeted in numerous OSCE participating States. Many journalists are being harassed, intimidated, persecuted, assaulted, abducted and even killed. Six journalists were killed doing for doing their work this year.

The Representative on Freedom of the Media expressed her concern that impunity of perpetrators has become a norm, investigation is occasional. The journalists are stopped when they try to provide the information to public. Ms. Mijatovic stressed that this practice is unacceptable and must be stopped. Ms. Mijatovic urged participating States to step up efforts towards safe working conditions for journalists and the full implementation of the respective OSCE commitments.

She underlined that without the political will the freedom of speech will continue to suffer. Ms. Mijatovic said that the freedom of expression plays an important role in democratic societies as a multiplier for other human rights. She put a particular focus on the need to ensure that the freedom of expression is upheld also in situations of crises and social unrest. The Representative of Freedom of the Media called to refrain from information war which leads to distortion of facts and can have a chilling effect on freedom of expression.

The OSCE Representative on Freedom of the Media also stressed that propaganda can play a negative role since it prevents people from forming their own opinion. But it is not an easy task to decide who and how can make a clear distinction between free speech and propaganda. The RFoM advocated for ensuring media plurality and media freedom as an antidote to propaganda.

Ms. Mijatovic underlined the importance of combating harmful content in the media through encouraging more free speech.

The RFoM also pointed out that irreversible changes in ways of receiving and spreading information offer greater access to news and information, and empower people to become part of the news-making process as such. With this regard social, legal, regulatory, ethical questions arise. These are new challenges for the participating States to solve in terms of ensuring freedom of expression.

The RFoM drew attention to the fact that in some OSCE participating States libel and defamation are not decriminalized. She expressed the opinion that this could be used as an instrument to influence journalists.

The OSCE Representative on Freedom of the Media pointed out that in some OSCE participating States excessive restrictions are being posed on line and restrictive laws, regulating media, are being adopted. She also expressed her concern on blocking of Internet sites, social networks and platforms in some OSCE participating States. The practice of filtering and blocking websites in some parts of the OSCE are often aimed at silencing critical voices under the pretext of national security and/or other reasons, pointed out Ms.Mijatovic.

Numerous speakers commended the RFoM efforts in the field of promotion and protection of freedom of expression and free media. Some participants underlined their good cooperation with the Office of the RFoM. A number of delegations named the freedom of expression as one of the main priorities of their respective governments.

A number of delegations called to stronger assistance to participating States in implementing their OSCE commitments on freedom of expression. Many delegations aligned themselves with the call of the OSCE Representative on Freedom of the Media to the OSCE participating States to foster safe working environments for journalists and to carry thorough investigation of cases of attacks on journalists in order to end impunity.

Some participants pointed out that State owned media are incapable to be critical.

Many delegations and representatives of the NGOs described negative trends in terms of respect of freedom of expression and freedom of the media in some OSCE countries. A number of participants were alarmed at frequent attacks on journalists in the OSCE area. Harassment and intimidation of journalists, imprisonment, assaults and killings are clear signs of disregard of human rights and OSCE commitments.

Many representatives of the NGOs complained the freedom of expression cannot be fully enjoyed in their countries. They illustrated examples of intimidation, beatings, harassment, imprisonments of journalists and other examples of violations of freedom of expression and freedom of the media in their respective countries.

Some participants called to decriminalize libel and defamation. Others argued that freedom of expression is not an absolute term, libel is not acceptable, much attention should be paid to the spread of propaganda of violence and hate, pornography and other harmful information.

A number of participants pointed out to the conflicting relation between the freedom of expression and the need to prevent and combat intolerance, non-discrimination and hate speech. With this regard some speakers expressed their concern over the restricting effect that can have some anti-hate crime laws on the freedom of expression in some OSCE participating States. Other speakers stressed the need for the media to contribute to a respectful environment. Some

participants said that restrictions of the freedom of the media may be justified in exceptional cases to prevent hate speech or in case of security concerns of the State. Others argued that self-regulation could be the best solution.

Some delegations and representatives also expressed concern over mass surveillance practices, violation of right to privacy and other risks related to the digital era and pointed out the need to combat such human rights violations.

Recommendations to the participating States:

- To repeal provisions criminalizing and restricting the exercise of the freedom of expression;
- To create safe working conditions for journalists and protect them from undue restrictions and intimidation;
- To release imprisoned journalists;
- To ensure due and thorough investigation of attacks on and killings of journalists with the aim of putting an end to impunity;
- To take all appropriate measures aimed at making anti-hate speech legislation consistent with the freedom of expression;
- . To take all appropriate measures to ensure that the right to freedom of expression is respected in situations of ongoing conflicts, social unrest, and in the fight against terrorism;
- To promote respect for the right of every individual to seek, receive and impart views and information;
- To promote conditions when all individuals can freely choose their sources of information;
- To co-operate with RFoM with the aim to more effectively ensure freedom of expression;
- To ensure that the Internet remains an open and public forum for free exchange of views.

Recommendations to the OSCE/RFoM:

- The RFoM should continue to observe and document violations of the freedom of expression and assist participating States in fulfilling their commitments in line with her mandate;
- The RFoM should continue to co-operate closely with other international organizations such as the CoE and the UN in fulfilling her mandate.
- RFoM should continue to stimulate actions of participating States on how freedom of expression can be advanced through the Internet;
- RFoM should continue to bring implementation issues to the attention of participating States with a focus on violations of freedom of expression.