



SHDM on Freedom of Expression, Media and Information

Opening Session, 22 June 2020, 15:00

Opening Remarks by the Representative on Freedom of the Media Mr. Harlem Désir

Madam Chairperson, dear Inid Milo,

Madam Director of ODIHR, dear Ingibjörg,

Your Excellencies,

Ladies and Gentlemen,

It is a pleasure to welcome you to this Supplementary Human Dimension Meeting on Freedom of Expression, Media and Information.

Let me start by thanking our experts, the representatives of civil society, international organizations and journalists' association who have accepted to join us for these two days of discussions. A big thank you also goes to all colleagues in the OSCE Chairmanship, the Office for Democratic Institutions and Human Rights, as well as the OSCE Conference Services and interpreters for making this meeting possible despite the fact that we currently cannot all meet in person in Vienna as we used to do on previous occasions. I am nevertheless fully convinced that the one-and-a-half days ahead of us will be equally productive and inspiring.

Freedom of expression, access to information and freedom of the media, both online and offline, are indispensable conditions for the development and well-being of any society. Well-informed people make well-informed decisions, which is an indispensable foundation for modern democracies to build upon. It is for this reason that the freedom of expression and freedom of information lie at the heart of the Helsinki process and of the OSCE principles and commitments.

The latest proof of this commitment is the adoption, by all 57 OSCE participating States of a Ministerial Council Decision on safety of journalists in December 2018. In this decision, all participating States reaffirmed their conviction "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".

These commitments remain as relevant as ever, even if the COVID-19 crisis has added new layers of context to addressing freedom of information and freedom of the media.

There should be no doubt that fighting this pandemic with strong measures was important. Governments have been faced with the enormous task of steering their countries through one of the biggest crises of our time, often having to base their decisions on little, fast evolving and sometimes contradictory information.

But, during this crisis, and since its outbreak in China, we have also seen the importance of ensuring the free flow of information and the right of journalists to report on the pandemic, and on governments' responses to the crisis.

In a joint statement that we published together with David Kaye, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Edison Lanza, the Inter-American Commission for Human Rights' Special Rapporteur for Freedom of Expression, we emphasized that:

“Human health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community”.

We also stated that:

“The right of access to information means that governments must be making exceptional efforts to protect the work of journalists. Journalism serves a crucial function at a moment of public health emergency, particularly when it aims to inform the public of critical information and monitors government actions.”

Every crisis can be a catalyst for change, as much as it can turn into a lost opportunity. It can be a moment to recognize the essential contribution that journalism and free, independent and pluralistic media make to our lives, and to our societies. It can thus be a turning point for further strengthening media pluralism and quality journalism.

It can also be a reminder as to why we need to uphold human rights, including in times of crisis, and that any restriction to the freedom of expression needs to pass the tests of necessity, legality and proportionality, and needs to be limited in time.

We must make sure that this crisis situation will not have a long-term negative impact on access to information and media freedom.

I would like to add that many media outlets are financially struggling after weeks of restrictions that have resulted in huge losses in advertisement revenues. This threat to their existence should remind us of what would happen if we lose the voices of independent journalists and professional media. Who would take their place? In a time when false information and rumours can have such a detrimental impact, including on health, we must stand for media freedom, quality media and the role of journalism in democracy.

This is an important moment to engage in proactive protection of media freedom. I am convinced that multilateralism and co-operation at various levels and among different stakeholders will be necessary. We hope that this conference will provide a forum to discuss these important questions.

Three working sessions, today and tomorrow, will focus on closely connected aspects.

The first session, this afternoon, could serve as a platform to discuss the importance of the rights to freedom of expression in relation to other human rights. It will also provide an overview of the freedom of expression as a fundamental human right and a basic component of a democratic society.

The right to speak freely on important issues in society, including health, the environment or social developments, is crucial for the sound development of any society. This right is a guiding principle that the OSCE has committed itself to safeguard (Budapest 1994). The right to freedom of expression is in fact an enabler to the effective exercise of many other rights. It is very much interlinked with other fundamental rights, such as the right to freedom of thought, conscience and religion or belief; the freedom to elect and be elected; the right to participate in public affairs; and the right to freedom of association and peaceful assembly. The current crisis has clearly demonstrated that freedom of expression is also very much linked to the citizen's right to health, among others social rights.

Governments, the World Health Organization and many other actors have been preoccupied, as have we all, by the spread of disinformation and “fake news” about the pandemic. However, this crisis must be an opportunity to reflect on the fact that it is not by renouncing the free flow of information that one can protect public health, but rather by ensuring access to quality, diverse and independent sources of information.

Some proactive measures have also been taken by social media platforms, such as directing users towards official health information, by partnering amongst others with the World Health Organization, or providing support to fact-checking initiatives. This approach is much more promising than the one based on restrictions to freedom of expression.

I would like to thank our two guest speakers for this first session, Sarah Clarke, Head of the Europe and Central Asia Team at ARTICLE 19, a prominent freedom of speech expert and advocate, and Nataliya Gumenyuk, a well-known journalist and writer from Ukraine, member of the Council on Freedom of Speech and Protection of Journalists at the Office of the President of Ukraine.

The second session, tomorrow morning, will discuss free and timely access to information and transparency in public affairs. The OSCE commitments recognize the role of access to information in fostering accountability in public policy and in preventing and combating corruption and money laundering.

The session will provide a platform for the participants to discuss the practical measures to be taken to facilitate everyone's right to access information, and to enhance transparency, accountability and the rule of law in public administration. Transparency in public affairs is also an essential condition for ensuring the active participation of civil society in political and economic processes as well as social development. Free and pluralistic media, which enjoy maximum editorial independence from political and financial pressure, have of course an important role to play in ensuring such transparency.

I would like to thank Patrick Penninckx, Head of the Department for Information Society at the Council of Europe, and Helen Darbishire, Executive Director of Access Info Europe, two eminent international experts, for being our two guest speakers for this session.

In the last session, tomorrow afternoon, the discussion will focus on ways to bring national laws, policies and practices, pertaining to media freedom, fully in compliance with international obligations and commitments, so that they do not limit the ability of journalists to perform their work independently and without undue interference. Multi-stakeholder engagement on national activities to protect journalists and safeguard media freedom could be discussed during this session.

As an example, in recent weeks, in some countries in the OSCE region, journalism has been considered as an “essential service” and journalists as “essential workers” with permission to continue reporting and to be exempt from crisis-related movement restrictions. This proactive measure is an important recognition of the essential public service value of journalism.

But, as I mentioned before, the press has also be confronted with many restrictions and is now facing a huge economic crisis.

We hope the deliberations will focus on best practices, and on the ways to bring national laws and policies in line with the best standards.

I would like to thank Barbara Trionfi, Executive Director at the International Press Institute, and Ricardo Gutiérrez, General Secretary of the European Federation of Journalists (EFJ), two renowned international leaders in defending press freedom, for being the two guest speakers at this third session.

We are glad to have with us, today and tomorrow, a strong representation of civil society actors.

I hope that our deliberations will prove to be a valuable contribution to implementing appropriate approaches to safeguarding OSCE commitments regarding human rights.

I wish all of us an interesting and fruitful meeting.

Thank you.