

Austrian Presidency of the Council of the European Union

**Permanent Council No. 593
16 February 2006**

**EU Statement in Response to the Representative on Freedom
of the Media**

1. The European Union is pleased to welcome the Representative on Freedom of the Media to the Permanent Council once again and thanks him for his report.
2. Media freedom is a fundamental element of democracy and an essential feature of any free society. The European Union attaches great importance to the work of the Representative and his office. We welcome the fact that he exercises his mandate throughout the OSCE area, east and west of Vienna. The EU Member States mentioned in the report of the Representative have taken careful note of the concerns he expresses and will maintain contact with his office.
3. The EU welcomes the fact that the Representative is able to report positively on developments in Azerbaijan, and the former Yugoslav Republic of Macedonia. However, we are concerned at continuing prosecutions under Article 301 of the Turkish Criminal code and would hope to see it abolished or appropriately amended.
4. The EU shares the concern of the Representative at the sentencing of Russian newspaper editor, Stanislav Dimitrievsky, to two years imprisonment. We would urge an immediate review of the decision in this case. The continued suspension of BBC broadcasts on Tajikistan FM radio is another matter of concern, which we are following closely.

We also note the concern of the Representative about a recent case in Switzerland.

5. The Declaration of the three media freedom rapporteurs issued on 21 December 2005 is an important document. The EU is conscious of the importance of freedom of the Internet and is always alert to the dangers which anti-terrorism measures may pose to media freedom.
6. The EU has noted the programme of work for 2006 presented by the Representative and will support it. We are pleased that the expertise available through the office of the Representative is being drawn on by participating States wishing to improve their media environment. The EU Member States will continue to provide support during 2006 for the projects undertaken by the Representative.
7. Mr. Chairman, the European Union would also like to share with the Permanent Council its thinking on the publication both within and outside of the EU of a number of cartoon images depicting the Prophet Mohammed, and the recent events arising from this.
8. The EU is firmly committed to the maintenance and implementation of all OSCE commitments in the human dimension, including in the areas of freedom of expression and freedom of thought, conscience, religion or belief, which the EU was active in elaborating. These rights are also reflected in the Charter of Fundamental rights of the European Union.
9. Like most participating States which intervened on this question at last week's Permanent Council, the European Union is deeply disturbed by those reactions to these publications in a number of countries which were unacceptable, excessive and even violent. The EU Presidency has expressed our unanimous position in insisting that any violence must be condemned and that the safety of European citizens and their property as well as of diplomatic missions be ensured. It is particularly important that all States honour their obligations under the Vienna

Convention on Diplomatic Relations and customary international law. We very much welcome that many Muslim leaders and organisations have been voices of moderation by speaking out against violence.

10. Freedom of expression is a fundamental human right and a basic component of democracy and an essential element of political discourse in a democratic society. Independent and pluralistic media are essential to a free and open society and to accountable systems of government.
11. The media environment in the European Union is free and pluralistic. However, as a consequence of a free, pluralistic and independent media some of what is published can be offensive. Therefore in open and democratic societies, such as those of the European Union, there usually exist mechanisms where those who consider themselves to be offended by published material can seek redress. This can be through informal peer administered sanctions, such as in the case of Press Councils, or through formal legal provisions dealing with defamation, incitement, hate speech or other offences. Such provisions exist in all EU Member States. Obviously, these mechanisms should be seen as complementary to and not just a substitute for dialogue which should remain the most important method to overcome difficulties and avoid conflicts.
12. At the same time, the European Union remains convinced that freedom of expression should be exercised with due respect to religious beliefs and convictions. The European Union fully respects freedom of thought, religion, conscience and belief and is fully committed to the necessity, as set out in the Vienna Document in 1989, to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers. Evidence of this commitment can be found in the EU's support for the Alliance of Civilisations launched in November of last year.

13. The EU is concerned by the fact that the publication of this material should have caused offence and distress to Muslims within the OSCE and outside. We note that the newspaper in which these cartoons originally appeared has published an official apology for the offence caused on its website in Danish, English and Arabic. The Prime Minister of Denmark has stated that he is deeply distressed that many Muslims have seen the drawings in the newspaper as a defamation of the Prophet Mohammed. The Statement issued jointly by the Secretary General of the United Nations, the Secretary General of the Organisation of the Islamic Conference and the EU High Representative for Common foreign and Security Policy on 7 February demonstrated how much common ground exists for further dialogue.
14. Mr. Chairman, dialogue between and within states and communities is a prerequisite for mutual understanding, tolerance and respect, and is crucial for the full enjoyment of all human rights and fundamental freedoms in all areas of civil, political, economic, social and cultural life. Dialogue between Government and civil society, including religious groups, is a feature of political and social life in all EU Member States. Through the Barcelona Process and other initiatives, many of the Islamic States are engaged in a position of privileged dialogue with the EU and have the opportunity to discuss issues of tolerance, non-discrimination and other elements of human rights in a structured way. The European Union and its Member States are always open to dialogue with other States and with the representatives of all faiths and religious communities on the question of accommodating the legitimate rights and freedoms of believers within the full range of OSCE commitments on fundamental freedoms. For this reason we look forward to the special meeting convened by the Chairmanship this afternoon. We hope that we shall enjoy frank discussions with a view to promoting mutual respect and an understanding of different positions. We look forward to constructive input from the Personal Representatives on Tolerance Issues, ODIHR and other OSCE elements. We also look forward to taking some of the questions raised

further at the coming OSCE meetings, including the meeting to be hosted by Kazakhstan, focusing on inter-cultural, inter-religious, and inter-ethnic understanding, in June.

15. In conclusion we should like to thank Mr. Haraszti once again for his presentation and to wish him and his staff continued success in their work in the months ahead.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, the EFTA country Iceland, a member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

*Croatia and the former Yugoslav Republic of Macedonia continues to be part of the Stabilisation and Association Process