



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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**Main address
by the OSCE Representative of Freedom of the Media
Tuesday, 17 September 10:00-13:00
HDIM venue plenary hall**

(To be checked against delivery)

Excellencies,
Dear Representatives of Civil Society,
Ladies and Gentlemen,
Dear Colleagues,

Thank you all for coming to this session today on freedom of expression, free media and information. Introducing this session, I would like to give you an overview of the media freedom situation across the OSCE region, since our last HDIM one year ago.

During the last year, media freedom has been under a high level of strain and pressure in many participating States, the safety of journalists is under constant threat; journalists face continued judicial harassment; and the economic environment for journalism and the press is shrinking.

Since last year, many journalists have been attacked, beaten, or shot at. Two have even been killed.

Earlier this year, in May, Lyra McKee, a young journalist from the United Kingdom, was shot while covering riots in Northern Ireland. In June, in Ukraine, Vadim Komarov, a local journalist in Cherkasy, died in a coma after being the victim of a brutal attack.

But the issue of violence goes beyond the sole cases of killed journalists and I fear many more could face the same fate if things continue on the current slope in our region.

The attacks against journalists are of many kinds and come from a wide range of different actors in different contexts. More and more actors, be it political groups or powers, violent extremists and terrorists, mafia, soccer supporters, or street protesters; they are all different, but they all think that they can stop, intimidate or punish the press by exercising violence because they don't like what they read, what they hear, what they see in the media.

I am very much concerned by such an evolution, which represents a kind of generalisation and banalisation of violence against the press. In the OSCE region, we are still far from the numbers in countries such as Mexico, but what happens there shows us that there is potentially no limit to the extension of the use of violence against the press if we don't oppose it vigorously.

If I look at the past year, in our region, and without being exhaustive, I could mention, several violent physical attacks, including for example, in Turkey, just before and during the summer shootings against journalists from different cities, and many beatings which left journalists severely wounded.

I could also mention, in June, the multiple incidents involving detentions and the mistreatment of journalists who covered protests in Moscow.

I could also remind, earlier this year, the violence we witnessed against journalists during demonstrations, especially coming from protesters, in France.

There are many other examples, in Italy, in Georgia, in Greece, in Serbia and other countries.

The protection of journalists is a duty of the States, and it is crucial, in order to safeguard the role of journalists and media freedom in all circumstances, that the perpetrators of such attacks and crimes are identified and face justice.

Impunity for the perpetrators of these attacks, the passivity in investigating, and the failure to publicly condemn these aggressions breeds further violence.

We have also seen the specific gendered harassment of female journalists, especially online, who are attacked both as journalists and as women.

This leads to a situation in which the very purpose for which the Internet was created is being reversed. While providing the space for different voices, it also provides the possibility for these voices to be targeted, and ultimately silenced. These online threats often translate into real-life aggressions.

Most of my interventions to the participating States since the last HDIM were on issues related to the safety of journalists.

What is at stake here is not just the physical integrity of the journalists, but the right of citizens to be informed; the right to investigate and report on issues of public interest; the possibility to hold those in power accountable, and to give a space for diverse and critical voices.

It is the role of the media in democracy that is at stake, and this role is not accepted by many people, which is deeply worrying.

In the Milan Ministerial Council Decision on Safety of Journalists, adopted last December, the OSCE participating States also committed themselves to respect the legal safety of journalists.

The legal safety of journalists faces many threats.

Journalists are prosecuted, imprisoned and detained based on diverse accusations, including of extremism or terrorism. I call again to cease such false accusations against the press. The fight against terrorism and extremism should unite society; not divide it. Combating terrorism and extremism should never be used by governments to restrict media freedom.

We have also noticed many cases of defamation lawsuits against journalists reporting on issues of public interest, especially on corruption cases.

Defamation laws often carry excessive sanctions and penalties, which put additional pressure on journalists, and can contribute to the silencing of critical voices. It is a clear threat to investigative journalism and independent media.

This year, I also intervened on several cases of media outlets being forcibly closed, of Internet websites being blocked, of search and seizure of journalists' property and materials, and of instances of attempts against the confidentiality of sources.

Physical safety, legal safety, but this year, in view of more and more of our interventions on this topic, I would also mention the issue of the digital safety of journalists and, more widely, the digital rights for freedom of expression and free media, as a new domain of concern.

In a Joint Declaration released in July, during the Global conference on media freedom in London, along with the three special rapporteurs on media freedom from the United Nations, the Organization of American States, and the African Commission, we paid a particular attention to the new challenges to online freedom of expression, the responsibility of the states and the risk of private control over communications.

In this domain, we need more transparency and accountability to protect human rights, particularly when a small number of social media companies have such wide control over our access to information and free expression.

There is no doubt about the contribution of digital technologies to expanding global communications, and the possibilities for people everywhere to access information and ideas, to communicate and to be heard.

But this abundance of information and sources, and this universal development of the information network, has also created new challenges, among them:

- The digital dissemination of violent extremist content, terrorist propaganda and the enormous quantity of hateful rhetoric
- The problems of disinformation, manipulation of information, and viral deception
- The issue of media diversity and sustainability of the media in an economic environment that has financially devastated the media landscape and the resources available for professional journalism

These, and other questions linked to online freedom of expression, including surveillance and the use of Artificial Intelligence, are key issues for the future.

We have also observed many instances of States introducing overbroad restrictions, which lead to unequal access to information, new censorship, and a fragmented Internet.

In our Joint Declaration, we made several recommendations to build and maintain a free, open and secure Internet. I would insist more specifically on some issues:

- First, over the coming years, States should recognise the right to access and use the Internet as a human right. Access to the Internet has become a precondition for the exercise of freedom of expression.

- Secondly, freedom of expression requires a digital infrastructure that is robust, universal and accessible to all. States should not disrupt or shutdown Internet or telecommunications networks.

- Third, States should also refrain from adopting national legislation that limits access to the global Internet. There is here a risk of a fragmentation of the internet

- Fourth, States should respect and reinforce the principle of network neutrality.

Then, when it comes to the regulation of online content, I would insist on two principles :

- 1. States should protect freedom of expression in accordance with international human rights law, including in their requirements on Internet intermediaries. Article 19 of the ICCPR and Article 10 of the ECHR and the subsequent jurisprudence provide guidance on limitations to free expression.

- 2. Social media companies, search platforms and other Internet intermediaries have responsibilities in dealing with problematic content, but they must not become the controllers of our fundamental human rights.

It's legitimate to ask them to do more against racism, hate and violent speech; but we should not ask them to shape the future of freedom of expression.

Ultimately, the independent judiciary must control and decide on this matter.

That's why we need rules and laws that tackle unlawful content but preserve clearly freedom of expression, including in their requirement towards social media platforms and established system of remedy including in front of courts.

This demands an international shared understanding of what we want the companies to do, and a dialogue among States, civil society and private actors to ensure interoperability and efficiency in the regulation of the Internet.

That's why we also need to establish an oversight of the Internet intermediaries that would include representatives of the States, academia and civil society, especially when it comes to the use of machine learning and artificial intelligence in the moderation or blocking of content.

And, I insist that we need judicial appeal mechanisms which will establish jurisprudence of online content regulation in line with existing guarantees for freedom of expression and other fundamental rights.

There have been many ongoing international discussions on these issues for many years, and my Office has been at the forefront of these debates. This is why we will launch a new project to explore the impact of artificial intelligence on freedom of expression and freedom of the media, of which you will be able to hear more at our side event tomorrow.

Ladies and gentlemen,

The OSCE, with its comprehensive approach to security, is the right place to address the important challenge of protecting security both in the digital, and in the real world without limiting human rights.

In order to overcome this challenge, we should, all together—civil society organizations, Government representatives and the OSCE—engage in a frank and, I wish, constructive dialogue on the way forward, so as to protect the journalistic community and to ensure full respect for the OSCE commitments on media freedom and freedom of expression.

That is the purpose of this session today. I am looking forward to your interventions, testimonies, ideas and propositions.

Thank you very much.