

**Address by the OSCE Representative on Freedom of the Media  
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Ladies and gentlemen:

In a recent report to the 56 Ambassadors present in the Permanent Council in Vienna, I provided a list of the gravest dangers looming for media freedom in the OSCE area.

As *danger number one*, I named violence against journalists, and I added: “There is only one thing more intimidating for free speech than harassment, physical attacks, and murder of media workers; and that is when governments *tolerate* harassment, attacks, and murders.”

Obviously, all loss of life and violence suffered by journalists at work is tragic and a setback for the profession. But worse is the aggression and murder as *punishment for exercising journalism*.

**Violence against journalists: why the gravest danger?**

In the OSCE area, we have an endless list of challenges to freedom of media, west as well as east of Vienna. In this keynote speech, I chose to highlight the root causes of peacetime, targeted killing of journalists, and especially of killing of journalists in revenge for critical coverage. It is more dangerous than the next great sin against freedom of the press – unfortunately also quite common – which is a systemic lack of pluralism, undue governmental influence, and monopolisation of mass media. The violence issue encapsulates in an educative way many other challenges.

- When there is brutality as punishment for the journalists’ work, then it is also a message; to the colleagues, editors, owners, and to all their families.
- Violence becomes censorship far beyond the context of the actual controversy; it will impede the press in performing its most important task in defence of democracy, because it is journalists covering human rights abuses and corruption scandals that are most punished with violence.

- The effect of the violence extends to the whole society by collapsing editors' willpower. Editors are the ones in any democracy that practically define which issues are to be reported and discussed.
- Finally, violence against journalists joins even the forces that commercialise the media. It adds the element of physical fear to the effects that today are pushing the media away from meaningful information, towards empty entertainment.

### **What can governments do about it?**

As an intergovernmental watchdog, my duty is to ask governments if they have done everything in their power against this plague.

Governments can do a lot because, knowingly or not, they always play a role in the commencement of violence, even if they were not among those who ordered the killings.

I will name several major governmental sins; root causes in the genesis and evolution of violence against journalists.

### **Impunity for assaults against journalists**

When violence against journalism can count on a practical impunity, it is no exaggeration to claim that this indifference by the authorities encourages and perpetuates the crime.

Failure to find the perpetrators may happen even to the best of detectives. But with apathy, law enforcement seems to share the motives of the perpetrators.

Idleness in stopping violence kills hope. Otherwise, there would be enormous reserves for putting things right. In every generation there are risk-taking, brave groups of journalists, especially young ones, who are enticed by the adventure of professionalism.

But that adventure can happen only if the risks remain professional, legal or political. Hope for change is still-born if quality and energy are self-defeating notions, because the system allows violence to seal quality's fate.

### **Criminalisation of journalism**

Impunity does not start with the actual failure to successfully investigate and prosecute murders of journalists. It starts with criminalisation of journalist offences, which is, in fact, the criminalisation of the offence of journalism.

Violence against journalists and official deprivation of their freedom are intricately linked. Before becoming plaintiffs in violence cases, journalists are defendants in criminal cases - for speech offenses!

State hostility and violence against journalists: street arrests, detention, criminal prosecution, and all for their reporting – are gateways to unofficial violence: threats, assault and murder.

This is more than clear from the most notable cases of journalists murdered in the last several years – those of Elmar Huseynov (2005), Anna Politkovskaya (2006) and Hrant Dink (2007). All were preceded by numerous criminal proceedings against these journalists at some point in their careers.

Criminalisation of journalism works as declaration of open season on journalists.

Sometimes incarceration of journalists is presented as a “buffer” which may protect journalists against arbitrary popular violence. The opposite is true. The criminalized journalists are practically exposed as VRAGI NARODA, the enemy of the people. Governments cannot escape their responsibility for the attacks against them.

### **Discrimination against the independent press**

As a rule, it is the opposition, independent and investigative journalists who are victims of detention, imprisonment, fines and administrative harassment on the one hand, and, are, on the other hand, liable to threats, assaults, kidnappings and murder.

We have to see that in most nations where violence against journalists is prevalent there still exists a strong state-owned media sector. That would be no problem if it was only a transitory phenomenon on the way from command economy to an open one.

But the very states that tolerate violence against journalists (and practically instigate it by criminalizing journalism), are often also using the power of the state to discriminate against the fragile independent press, in favor of the state media sector.

Discrimination against non-state journalism is detectable in the registration and licensing regime, in taxation, in printing and distribution possibilities, and in advertising revenue earned from government.

No wonder that as a rule, violence against journalists also hits the independents in the first place, just as does the failure to successfully prosecute the murders.

Most victims have worked for the independent papers. I tend to see the whole conundrum of violence against journalist in the new democracies as a by-product of the protracted transition of media ownership from state property to civil property.

Democratising media means handing the press from government custody over to the people; the acknowledgment that media is a civil endeavor, and that the only job it leaves to government is self-restraint.

I am afraid impunity of violence against journalist is linked with the difficulties in quite a few governments to embrace this cause.

### **Intolerance vis-à-vis coverage of demonstrations**

The right to demonstrate is not only consisting of free assembly, it is a speech right, too.

Violence against journalists is more likely to be met with impunity where unsanctioned demonstrations are met with violence, even if peaceful; where the media that wants to report on this are treated as part of the unsanctioned demonstration; and where the officers responsible for the abuses are not prosecuted.

Tolerance towards well-known journalist-beating police can too easily be the very psychology that underlies the law-enforcement's lenience towards unknown journalist beating perpetrators.

### **Recommendations**

Governments obviously must adhere to the recent UN Security Council Resolution No. 1738, "Condemning attacks against journalists".

I find also great value in Resolution 1535 of the Parliamentary Assembly of the Council of Europe, "Threats to the lives and freedom of expression of journalists".

The issue of violence against journalists should be put visibly high on the national agenda.

An unequivocal acknowledgement of the gravity of the situation, and an unmistakable declaration of the aim to put it right, could do wonders.

The investigations should be given a journalist-friendly handling.

Setting up a centre that deals exclusively with them seems to be a must. It could operate a special website, listing the cases and demonstrating the progress made.

Governments must be aware of the linkage between governmental respect for media and the level of societal violence against the media.

Peaceful speech offences, such as defamation, libel, and insult must be decriminalised; their handling should be transferred into the civil-law domain.

Special provisions on insult of officials, presidents, state institutions, symbols of the state should be abolished.

Administrative discrimination against the independent, opposition, and investigative press should be stopped.

Governments will have done most of what is doable if they accept that the press is a civil society endeavour; and would be ready to walk the journey from state to civil media, from monopoly to pluralism.

Calls for violence against journalism, even if made as fatwas, under the disguise of demanding tolerance towards religions, should be vigorously refuted and criminalised.