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**Permanent Representation of  
the Netherlands to the OSCE**

Operring 5  
A-1010 Vienna  
Tel: +43 1 58939 241  
Fax: +43 1 58939 266

[www.eu2004.nl](http://www.eu2004.nl)

## **The Netherlands Presidency of the European Union**

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**Permanent Council No. 538  
16 December 2004**

### **EU Statement**

**in response to the Report of the Representative on Freedom of the Media,  
Mr. Miklos Haraszti**

The European Union is pleased to welcome Mr. Haraszti to this meeting of the Permanent Council. We thank him for his comprehensive report on the activities of his office.

The European Union attaches great importance to questions of media freedom and to the work of the Representative. We consider that the existence of strong and independent print and broadcast media throughout the OSCE area is an essential element in securing the full implementation of OSCE commitments and maintenance of OSCE standards in public and political life. We welcome the fact that the Representative exercises his mandate in all regions of the OSCE and we recognise that we, like all participating States, can benefit from the scrutiny and suggestions of the Representative. We have taken careful note of the Representative's comments on certain cases of concern within the EU and on the role of the EU in advancing the decriminalisation of libel. In welcoming this report we shall also take the opportunity to identify a number of issues to which we consider the Representative might usefully direct some of his attention.

The EU welcomes the intervention of the Representative in the individual cases he mentions in his report in Belarus, Bulgaria, Croatia, the Netherlands, the Russian Federation, Tajikistan, the US, Ukraine and Uzbekistan and continues to follow developments in these cases closely. We are concerned with regard to the media freedom in the OSCE area beyond the cases and country situations listed in the report. Use of new and old methods of countering criticism of governmental policies is wide spread. The EU would hope that the Representative is also continuing to follow the situation of the media in the Russian Federation which remains a matter of concern. In Central Asia Turkmenistan enjoys the least degree of freedom of the press and freedom of opinion. The EU attaches high importance to the office of the Representative as a "Media Watchdog" and encourages the Representative to make full use of his early warning capability, wherever harassment of free media occurs.

We are pleased to note that the visit of the Representative to Moldova was successful. His comments on the situation of the Moldovan media are generally positive and suggest a relatively healthy media environment in that country. However, we also note the recommendations of the Representative concerning Tele-Radio Moldova and we hope that the Government of Moldova will study them carefully with a view to their early implementation.

We would hope that the Representative will soon be in a position to report to the Permanent Council on a similarly successful visit to Belarus and would urge the Belarusian authorities to do everything possible to facilitate such a visit, which is long overdue. The EU recalls with pleasure that the European Parliament has awarded the Andrei Sakharov Prize for Freedom of Thought to the Association of Belarus Journalists.

Another issue which we consider might merit the attention of the Representative is legislation which, in the guise of safeguarding national interests, inhibits the free discussion of public policy including foreign policy

The EU also has concerns over threats to media freedom and independence through means other than censorship or direct State action. Media concentration and foreign media ownership has the potential to be a structural obstacle for free and pluralistic media. Media owners have a responsibility to respect the right to freedom of expression and, in particular, editorial independence. Media play an important and indispensable role for the development of our democracies. The responsibilities of the owners of journalistic media go far beyond other market oriented industrial products. We would hope that the Representative will continue to build on the work of his predecessor in developing principles to guarantee the editorial independence of media. We would welcome further analysis of the effects of undue concentration of media ownership throughout the OSCE area.

While appreciating the strong commitment of the Representative to combat the use of criminal defamation laws to intimidate journalists or to restrict freedom of expression, the European Union notes with great concern a broader picture of silencing journalists through the use of law, not only criminal law but for instance also taxation law, as most recently in Tajikistan. We would therefore support activities of the Representative also in those regards, fostering the development of pluralist societies and judicial systems that protect freedom of the media.

The EU welcomes the Joint Declaration on access to information issued by the Representative with the UN Special Rapporteur and the OAS Special Rapporteur on Freedom of Expression. We attach great importance to the citizen's right to access to information.

The EU followed with interest the Media Conferences organised by the Representative in Central Asia and the Caucasus as well as the Baku legal round table. Events of this kind can play an important role in strengthening and developing media freedom and the legal framework within which journalists work.

We are pleased to receive the "Media Freedom Internet Cookbook". We hope that it will be given a wide circulation and that it will provoke widespread comment and discussion of the important issues, which it covers. It is an important continuation of the work of the Paris Conference held in June 2004 and of the second Amsterdam conference held in August 2004. The comments of the

Representative on OSCE's own Safer Internet Access Policy show how even the most well intentioned policies of control can have unintended and unforeseen consequences. The EU is therefore confident that the Representative will continue to support participating States' efforts aimed at promoting tolerance and media freedom on the internet, including through promoting sharing of best practices.

An effective and responsible media, operating to the highest professional standards, is essential to Kosovo's future. The public broadcaster RTK bears a special responsibility. The EU is pleased that much has been achieved in Kosovo towards the implementation of the recommendations presented by the Representative to the Permanent Council in April. The development of a Press Code for Kosovo is a particularly welcome development and we look forward to its early implementation. But as Mr. Haraszti notes, much remains to be done. New media legislation has rightly been designated a priority Standard. The media will once again have a role to play in the crucial year lying ahead for Kosovo. It is therefore important for the Representative, together with OMIK and the Temporary Media Commissioner to continue working towards the creation of free, but responsible media.

Finally, Mr. Chairman, we should like to thank Mr. Haraszti once again for his report and to wish him continued success in his important tasks.

The Candidate Countries Bulgaria, Romania, Turkey and Croatia<sup>1</sup> align themselves with this statement.

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<sup>1</sup> Croatia continues to be part of the Stabilisation and Association Process