

**Working Session 2: (specifically selected topic) Freedom of the Media**

Rapporteur: Monsignor Fredrik Hansen, Permanent Mission of the Holy See to the OSCE

**Number of statements:** 49

Delegations: 13

NHRI: -

Civil Society: 27

OSCE Institutions: 1

International Organizations: -

Media: 8

**Rights of Reply:** 11

Working Session 2 was the first of two sessions on the specifically selected topic “Freedom of the Media”. The annotated agenda highlighted that participating States have committed themselves “to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies” (Istanbul 1999), and to condemn all attacks on and harassment of journalists and to endeavour to hold those directly responsible for such attacks and harassment accountable (cf. Budapest 1994).

To facilitate the session’s discussion, the annotated agenda further invited participants to focus on the current state of media freedom in the OSCE, best practices that ensure that the media can work freely and independently, the role of civil society (including journalists) in advancing media freedom and the quality of journalism, and the broader role of governments, intergovernmental organizations, non-governmental organizations and journalist associations in supporting safety of journalists.

**Mr. Harlem Désir, OSCE Representative on Freedom of the Media (RFoM)**, presented a broad overview of the *status quo* of media freedom on the OSCE region and called on all participants to join forces in promoting and protecting freedom of the media. The RFoM underlined that pressure, threats and attacks against the media continue to be a common – even daily – occurrence in the 57 OSCE participating States. As examples, he referred to the murder of journalists in several participating States, as well as other violent attacks and the need for many journalists to have constant police protection. Mr. Désir concluded that it is “now a risk to be a journalist”.

The RFoM called on all OSCE participating States to investigate all attacks against journalists and to pay attention to the phenomenon of online threats, especially against women journalists – as all attacks against journalists pose a threat to the future of open and democratic societies. With particular reference to the murder of journalists, he identified impunity for attacks against journalists as “a scar on democracy”, noting that in only 2 out of 10 murder cases those responsible are brought to justice. Mr. Désir also expressed his concern over the many journalists that are imprisoned in OSCE participating States, observing that “a journalist behind bars is a part of democracy behind bars”. In this regard, he drew the HDIM participants’ attention to the continued use of accusations of terrorism and the needs of national security to target journalists.

In terms of the future work of the Office of the Representative of the Media, Mr. Désir highlighted an upcoming analysis on fake news and recommendations on this new challenge, the need to consider the impact of the digital situation on legacy media and how the economic situation and funding of media influence reporting and journalists’ work, as well as the importance of advancing media literacy and media education.

**Mr. Matthew Caruana Galizia, Journalist**, presented a deeply personal tribute to his mother, the Maltese investigative journalist and anti-corruption activist Daphne Anne Caruana Galizia, who was killed by a car bomb on 16 October 2017. Referencing his mother’s extensive and widely recognized reporting on corruption and cronyism, Mr. Caruana Galizia noted that she had been murdered simply for doing her job as a journalist, exercising the watchdog role so central to investigative journalism. Commenting on the investigation into the murder of his mother, Mr. Caruana Galizia highlighted the many calls for a complete and open investigation and a judicial process that would bring those responsible to justice, referring further Article 2 of the European Convention on Human Rights (ECHR), which guarantees effective investigation. He also drew the attention to a number of best practices and international standard that should be observed in any investigation into attacks on journalists, including engagement with the attacked journalist’s family.

In concluding his introduction, Mr. Caruana Galizia called on the OSCE participating States to ensure changes to the current state of affairs, expressing his grave concern that if such changes are not made the murder of journalists like his mother might be repeated elsewhere in the OSCE region.

In the subsequent discussion among the Delegations of OSCE participating States and other HDIM participants, interventions highlighted on the one hand, the notable interest in freedom of the media and its protection and advancement among participating States, journalists, media actors and civil society, and on the other, the number of current challenges to media freedom and concerns about attacks against journalists and violations of this freedom in the OSCE region.

### **Recommendations to the Participating States**

OSCE participating States should

- advance their implementation of all commitments and international obligations on freedom of the media
- fully respect their commitments on freedom of media and contribute to an enabling environment for the work of the media
- prevent and combat all forms of attacks on journalists
- ensure that any restrictions of freedom of expression are prescribed by law
- respect national minorities' access to media
- promptly investigate and prosecute crimes against journalists
- recognize social media as public space where freedom of expression is protected
- create within the OSCE a working group on emerging media
- implement recommendations presented by civil society prior to the Ministerial Council in Belgrade (2015)
- protect internet independence
- end surveillance of journalists not based in law, following the "Rabat Plan of Action"
- protect editorial independence
- address the new media environment
- impose more pressure of those who impede free media
- should investigate all attacks on journalists
- ensure that crimes against media workers are taken seriously, and perpetrators are brought to justice
- sign the *Council of Europe Convention to Access on Official Documents*
- increase media literacy training for youth
- consider the reasons why media freedom is violated

Recommendations to the OSCE executive structures

OSCE/RFoM should

- promote media freedom in the OSCE region
- assist the participating States in their efforts to defend freedom of the media
- continue to speak out about harassment and attacks against journalists
- continue to draw attention to safety of journalists
- continue to work with participating States to ensure protection of journalists and end impunity for attacks on the media
- continue monitoring the state of media freedom in the OSCE region