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The Representative on Freedom of the Media
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Shaping policies to advance media freedom

OSCE Representative on Freedom of the Media
Recommendations from the Internet 2013 Conference

Preamble

A decade ago, the Office of the OSCE Representative on Freedom of the Media first convened a series of Internet conferences to establish the potential and challenges of the Internet for freedom of expression and freedom of the media. The Amsterdam Recommendations of 2003 and the Media Freedom Internet Cookbook of 2004 addressed the Internet as a new phenomenon and an unprecedented communications and media platform.

This was reflected in the decision of the OSCE Ministerial Council in Sofia in 2004 which agreed that "Participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and schools," while at the same time tasking the OSCE Representative on Freedom of the Media to "…continue an active role in promoting both freedom of expression and access to the Internet…"

The Internet has now become an integral part of our everyday lives. As broadband access expands, the Internet continues to become a more affordable tool for citizens across the OSCE region.

The technical development of the so-called Web 2.0 has made it even easier to share information and interactively participate in public discourse. We live in the Digital Age, which makes it easier for us to create more democratic cultures in which all members of society can participate. The Internet, which is free by design, will only remain so by enlightened decisions of legislators, industry and users.

The Internet also brings along a new notion of media. Social media makes it possible for everyone to create, impart and receive news and information and to comment on and discuss ideas and developments. Bloggers have expanded the scope of classical journalism and added the new form of "citizen reporting" to the media landscape. Traditional professional journalism is also increasingly dependent of social media tools for researching and distributing their stories. This was particularly highlighted at the Dublin Conference on Internet Freedom, organized by the Irish OSCE Chairmanship in June 2012.

In the light of these developments, the OSCE Representative on Freedom of the Media convened the conference *Internet 2013 - Shaping policies to advance media freedom* in Vienna on 14-15 February 2013.

More than 400 conference participants explored issues including Internet governance and self-regulation, social media and New Media services, hate speech, freedom of expression of minorities and the future of copyright online. The conference was attended by official representatives of the participating States, relevant agencies of the UN, the Council of Europe and the EU, as well as important media freedom NGOs and civil society. It also involved all three Institutions of the OSCE, the Secretariat in Vienna and field presences.

It became clear that, although the Internet cannot be described as media *per se*, today's media and media freedom are unthinkable without the Internet, as activities of traditional and new media are intertwined and the Internet acts as the major platform for free expression and free media.

To assist all stakeholders in OSCE participating States to foster freedom of the media on the Internet, the following recommendations were drawn from the conference. Just as 10 years ago with the Amsterdam Recommendations, they need to be adjusted as the Internet develops. The OSCE Representative on Freedom of the Media intends to turn these recommendations into practical and detailed guidelines.

The underlying principle, however, remains the same: The basic human rights to free media and free expression shall fully apply in the Digital Age.

Recommendations

1. The conference acknowledges that both online and traditional media provide opportunities to strengthen the implementation of existing commitments of the OSCE participating States in the area of media freedom. Online media allow for more diversity and pluralism and the Internet offers specific benefits, including advancements in education, the economy, human rights, including the freedom to seek, produce, obtain and impart information. Affordable access to broadband Internet shall be fostered and become a universal service.

2. The right to free expression and free media as human rights is not reserved for media companies or editorial offices alone; they belong to everyone. These rights shall be equally applicable to all forms of journalism, not just traditional media.

3. With regard to the increasing importance of the Internet as a means of mass communication, a debate is needed on extending the protection of journalists' sources to other actors engaged in the dissemination of information. In a world in which individuals communicate on public and semi-public platforms, a firm line between professional journalism and other methods of content production is not easily drawn. Collaborative works, such as wikis, make it difficult to identify a single author. They constitute journalistic content and shall enjoy the same protection as traditional journalism.

4. No one shall be held liable for disseminating content on the Internet of which he or she is not the author, as long as they obey legal orders to remove that content, where they have the capacity to do so. Holding intermediaries liable for the content disseminated or created by users severely undermines the enjoyment of the right to freedom of opinion and expression because it leads to self-protective and overly broad "private censorship," non-transparent and potentially arbitrary decisions, often without respecting due judicial process.

5. Journalism codes of ethics and media self-regulatory bodies shall adapt to the online environment. Anyone involved in the production of information of public interest, including bloggers, web portals, etc., shall be allowed and encouraged to participate in self-regulatory mechanisms.

6. The multi-stakeholder model of Internet governance needs to be preserved and enhanced so that it is truly representative of the public interest. The existing Internet governance infrastructure needs to evolve to ensure that the user is a recognized participant in the decision-making process.

7. Media literacy programs, including technical and content Internet literacy, shall be supported and promoted and educational programs and training materials for young people about countering hate speech should be developed.

8. OSCE Institutions shall help participating States apply universally acceptable responses to reduce illegal content online by working with civil society to counter harmful narratives and by supporting NGOs and industry efforts to address them.

9. In today's democratic societies, citizens shall be allowed to decide for themselves what they want to access on the Internet. As the right to disseminate and receive information is a basic human right, government-enforced mechanisms for filtering, labelling or blocking content shall not be acceptable. Internet users, including parents, could make use of mechanisms that are already available (such as "family filter" of Yandex, "safe search" by Google, complaints buttons, etc.).

10. It is important to recognize the relationship between copyright and freedom of expression. We need a system that keeps a balance between the interests of rights holders and those of the public. To expand the information and knowledge in the public domain there needs to be an inclusive and participatory discussion on the future of copyright in the Digital Age.