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EU Statement for the Working Session 16: Freedom of Expression, free media and information

4th October, Warsaw

Mr./Ms. Moderator,

Freedom of Expression, Free Media and Information were core elements identified in Helsinki 1975 where participating states recognized the importance of the dissemination of information and emphasized the essential and influential role of media and journalists in this regard. The EU fully subscribes to the commitments participating states have entered since then, including their commitment at the OSCE Istanbul Summit “to take all necessary steps to ensure the basic conditions for unimpeded transborder and intra-State flow of information”.

The EU commends the Representative on Freedom of the Media, Miklos Haraszti, for his dedicated work to make participating states live up to those commitments. We welcome Mr. Haraszti’s professional and impartial exercise of this mandate throughout the whole of the OSCE area. EU member states pay careful attention to concerns brought to their attention.

The EU continues to attach utmost importance to the twofold task of the Representative: To exercise an early-warning function and respond rapidly to serious non-compliance with OSCE principles and commitments, and to assist participating states as well as media representatives to promote free, independent and pluralist media.

The EU welcomes the Representative’s valuable work on horizontal topics, such as the handling of media during political demonstrations, a question closely linked to Freedom of

Assembly and Association, an issue of particular importance to the EU, or efforts regarding the decriminalization of libel and defamation and for maintaining freedom of information on the internet. The EU also wishes to express its support to the initiatives of the Office of the Representative on Freedom of the Media to promote the principle of media self-regulation. Training activities for journalists over the past year as well as the forthcoming Regional Media Conferences in the South Caucasus and Central Asia can strengthen the media environment.

Against the background of persisting risks for journalists also in the OSCE area, the adoption of United Nations Security Council Resolution 1738, which condemns attacks on journalists in conflict areas, is an important step.

The EU welcomes encouraging developments in the field of media freedom that the Representative has reported, such as in **Bosnia and Herzegovina**, and in **Albania** where his recommendations were incorporated into digital broadcasting legislation, in the **former Yugoslav Republic of Macedonia** which released a journalist after imprisonment penalty for defamation had been abolished, and in **Ukraine** which continued dialogue with the Representative on strengthening media freedom.

In **Armenia**, recommendations of the Representative's report of the state of media freedom were being implemented. However, a recent draft law on re-broadcasting of foreign media programmes and the fact that Radio Free Europe/Radio Liberty is no longer allowed to broadcast via public airwaves gave some reason for concern.

Despite those positive trends, the situation of media freedom in the OSCE area continues to be of concern. Unfortunately, physical violence, harassment, intimidation, cases of detention and the failure to solve a number of murder cases as well as subtle restrictions on media freedom continue to impair the exercise of this fundamental freedom in the whole of the OSCE area.

With regard to **Turkey**, the EU expressed its concern at the murder of Hrant Dink. It reiterates the need to abolish or revise Article 301 of the Turkish Penal Code and other criminal provisions that hinder open political debate.

In **Azerbaijan**, seven journalists continue to be held in prison and the murder of journalist Elmar Huseynov remains unsolved. The EU supports the Representative's call to decriminalize defamation and in this context welcomes the reference to European Court of Human Rights' case law by a District court in a recent case against an Azerbaijani journalist. The EU encourages the government of Azerbaijan to continue cooperation with the OSCE office in Baku and the Representative to improve the media's situation.

In Central Asia, while welcoming the release of a journalist in **Uzbekistan**, the EU is concerned about the general media situation in the country which is underlined by the fact that the release was made conditional on the journalist's denouncing cooperation with international organizations, human rights workers and international organizations. The EU continues to be concerned about media freedom in Turkmenistan and recent tendencies towards self-censorship in **Tajikistan** due to an increasingly restrictive media environment. It encourages **Kazakhstan** to follow through with considerations to reform media legislation in line with OSCE recommendations and calls on **Kyrgyzstan** to proceed with decriminalization of libel and insult.

In **Russia**, media are increasingly controlled either by the state, or by state-controlled companies or individuals loyal to the state. The EU underlines that the recently introduced legal framework on extremism should be applied in a way respectful to free speech. We note recent developments in the investigation into the murder of Anna Politkovskaya and hope that those responsible for this ruthless crime are brought to justice. Cases of journalists who are facing violence in the exercise of their work and the unresolved deaths of several journalists are of concern to the EU. Bringing perpetrators to justice and demonstrating that intimidation of journalists is not tolerated would help improve the situation of media freedom in Russia. Journalist safety has a fundamental impact on freedom of expression.

The EU deplores the continued difficult situation of independent media in **Belarus** and calls on the authorities to use the Representative's assistance to bring media environment in line with OSCE commitments.

The EU continues to be concerned about the media situation in **Moldova** and follows it closely.

Freedom of expression, free media and free access to information are cornerstones of a democratic, free and open society committed to human rights and the rule of law. The EU calls on all OSCE participating states and other actors to work towards the promotion of those fundamental freedoms and reassures the Representative on Freedom of the Media of their continued utmost support.

The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia^{*}, the Countries of the Stabilisation and Association Process Albania, Bosnia and Herzegovina and Montenegro and EFTA country Norway, member of the European Economic Area, align themselves with this statement.

^{*} Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.