

Amsterdam Recommendations
14 June 2003
Freedom of the Media and the Internet

Convinced that no matter what technical means are used to channel the work of journalists to the public – be it TV, radio, newspapers or the Internet – the basic constitutional value of freedom of the media must not be questioned;

Reaffirming that this principle, which is older than most of today's media, is one that all modern European societies are committed to;

Alarmed that censorship is being imposed on the Internet and new measures are being developed to prevent the free flow of information;

Reaffirming the principles expressed in the Joint Statement by OSCE, UN and OAS in London on 20 November 2001;

Taking note of the Council of Europe Declaration on freedom of communication on the Internet from 28 May 2003;

The OSCE Representative on Freedom of the Media invited representatives from academia, media, specialized NGOs from Europe and the US as well as from the European Parliament, Council of Europe, European Commission, and OSCE to take part in a conference on "Freedom of the Media and the Internet" held 13-14 June 2003 in Amsterdam, the Netherlands.

During the conference the following recommendations, proposed by the OSCE Representative on Freedom of the Media, were made:

Access

- The Internet provides a number of different services. Some of them are still in the development phase. They serve as tools, often indispensable ones, for citizens as well as journalists and thus are important for a free media landscape. The technology as such must not be held responsible for any potential misuse. Innovation must not be hampered.
- Access to digital networks and the Internet must be fostered. Barriers at all levels, be they technical, structural or educational, must be dismantled.
- To a considerable extent the fast pace of innovation of digital networks is due to the fact that most of the basic code and software are in the public domain, free for everyone to use and enhance. This free-of-charge infrastructure is one of the key elements of freedom of expression on the Internet. Access to the public domain is important for both technical and cultural innovation and must not be endangered through the adoption of new provisions related to patent and copyright law.

Freedom of Expression

- The advantages of a vast network of online resources and the free flow of information outweigh the dangers of misusing the Internet. But criminal exploitation of the Internet cannot be tolerated. Illegal content must be prosecuted in the country of its origin but all legislative and law enforcement activity must clearly target only illegal content and not the infrastructure of the Internet itself.
- The global prosecution of criminal content, such as child pornography, must be warranted and also on the Internet all existing laws must be observed. However, the basic principle of freedom of expression must not be confined and there is no need for new legislation.
- In a modern democratic and civil society citizens themselves should make the decision on what they want to access on

the Internet. The right to disseminate and to receive information is a basic human right. All mechanisms for filtering or blocking content are not acceptable.

- Any means of censorship that are unacceptable within the “classic media” must not be used for online media. New forms of censorship must not be developed.

Education

- Computer and Internet literacy must be fostered in order to strengthen the technical understanding of the importance of software and code. This is necessary so as to keep open a window of opportunity for defining the future role of the Internet and its place in civil society.
- Internet literacy must be a primary educational goal in school; training courses should also be set up for adults. Special training of journalists should be introduced in order to facilitate their ability to deal with online content and to ensure a high standard of professional journalism.

Professional Journalism

- More and more people are able to share their views with a widening audience through the Internet without resorting to “classic media”. Privacy of communication between individuals must be respected. The infrastructure of the Internet is used for many different purposes and any relevant regulatory bodies must be aware of that.
- Journalism is changing in the digital era and new media forms are developing that deserve the same protection as “classic media”.
- Traditional and widely accepted values of professional journalism, acknowledging the responsibility of journalists, should be fostered so as to guarantee a free and responsible media in the digital era.

The Authors

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Steve Buckley is a communications activist and media policy consultant with particular interests in communication for development, freedom of expression and communication rights. He has been a member of the International Board of the World Association of Community Radio Broadcasters (AMARC) since 1992 and President of AMARC since 2003. He is also a member of the Executive Secretariat

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Cormac Callanan is Secretary General and past-president of INHOPE – the association of Internet Hotline Providers. The mission of INHOPE is to facilitate and co-ordinate the work of Internet hotlines responding to illegal use and content on the Internet. He was founding Chairman of the ISP Association of Ireland and Secretary General of the European Service Provider Association until February 2003. He was founding Director of the Irish www.hotline.ie service responding to reports about illegal child pornography and hate speech on the Internet. He established the first commercial ISP business in Ireland in 1991, EUnet Ireland. Cormac is a board member of the Copyright Association of Ireland. He served on the Rightswatch UK & Ireland Working Group developing best practice guidelines for notice and takedown procedures as they relate to intellectual property rights (IPR).

Sylvie Coudray has worked at UNESCO since 1989 in the Division of Freedom of Expression, Democracy and Peace (FED). She is responsible for the planning, co-ordination and organization of the World Press Freedom Day in close co-operation with the UN and NGOs. Ms. Coudray has also worked on media in conflict areas. She was involved in the preparation of the World Summit on the Information Society, focusing on issues concerning freedom of expression.

Nico van Eijk is a professor of Media and Telecommunications Law at the Institute for Information Law (IvIR) in Amsterdam, the Netherlands. He was awarded his doctorate from the University of Amsterdam in 1992 for a thesis on “Government interference with broadcasting”. He also works as a legal adviser to Rabobank International and the law firm Nauta Dutilh. He is the Vice-Chairman of the Dutch Federation for Media and Communications Law (VMC) and a member of various advisory boards.

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Colin Guard is the Regional Program Manager for Central Asia of the Internet Access and Training Program (IATP), a programme funded by the Bureau of Educational and Cultural Affairs of the United States Department of State and administered by the International Research and Exchanges Board (IREX). In Central Asia, IATP consists of a network of 66 Internet access sites in Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan. Previously, Colin was the IATP Regional Program Manager for Western Eurasia, responsible for a network of 42 Internet access sites in Ukraine, Belarus and Moldova. Before joining IREX, Colin worked on a higher education reform project at the Salzburg Seminar. Colin has an M.A. in Russian from Middlebury College, and has studied in Vladivostok, Novosibirsk and Moscow.

Miklós Haraszti is a Hungarian writer, journalist, human rights advocate and university professor, who was appointed the OSCE Representative on Freedom of the Media in 2004. He was born in Jerusalem in 1945 and studied Philosophy and Literature at the University of Budapest. He received in 1996 an honorary degree from Northwestern University in the United States. In 1976, Mr. Haraszti co-founded the Hungarian Democratic Opposition Movement and in 1980 he became editor of the samizdat periodical *Beszélo*. In 1989, he participated in the round-table negotiations on transition to free elections. A member of the Hungarian Parliament from 1990 to 1994, he then became a lecturer on democratization and media politics at various universities. Mr. Haraszti has written several essays and books, including *A Worker in a Worker's State* and *The Velvet Prison*, both of which have been translated into several languages.

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Hans J. Kleinsteuber has been a professor of Political Sciences and Journalism at Hamburg University since 1982. He teaches media policy from a comparative perspective, the Internet, electronic democracy and public spheres. Prof. Kleinsteuber was nominated by the German Government to be Chairman of the Online Programming Committee for *Deutsche Welle*. He is Head of the Research Centre for Media and Politics at the Institute for Political Science. Prof. Kleinsteuber is a member of the Group "Cyberdemocracy" in COST A 14/EU, curator of the association politik-digital.de/europa-digital.de and has worked for the German branch of UNESCO. His recent publications include *Information Superhighway in the US* (1996); *Information Highway in Hamburg* (1997); *Recent Trends in US Media* (2001), and *Handbook on Media and Journalism* (2005).

Morris Lipson is a lawyer currently working for Article 19, an international NGO campaigning for free expression by providing legal analysis and consultation. He was external consultant for the UN Office of the High Commissioner for Human Rights in Geneva. He produced a study for OHCHR on Racism and the Internet, published by UNESCO. He also worked on a compilation of anti-racism practices.

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Dejan Milenković graduated from Belgrade University Law School in 1994. He works as a Professor of Business Law and Environmental Law and Regulations in Serbia at the University of Belgrade. As a founding member and full-time legal expert for the Lawyers Committee for Human Rights (YUCOM), since 1997 he has engaged in various legal and human rights related projects and activities. He collaborated with the OSCE Mission to Serbia and Montenegro on the issues of self-government and media regulation (2002–2004).

Christian Möller has been Project Officer at the Office of the OSCE Representative on Freedom of the Media in Vienna since 2003. From 1999 to 2002 he worked for the *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) in Kiel, one of Germany's federal media authorities. He holds an M.A. in Media Studies, German Language and Public Law from Christian Albrechts University, Kiel. His publications include *From Quill to Cursor: Spreading the Word on the Internet* (2003, ed. with Christiane Hardy) and *The Impact of Media Concentration on Professional Journalism* (2003, with Johannes von Dohnanyi).

Mogens Schmidt joined UNESCO in 2003 where he was nominated Director of the Division for Freedom of Expression, Democracy and Peace. After teaching Literature and Mass Communication at the University of Aarhus, he was nominated Managing Director of the Danish School of Journalism in 1988, where he was one of the initiators of the European Journalism Training Association. His dedication to international collaboration was reflected in the media assistance projects run by the Danish School of Journalism, primarily in Central and Eastern Europe and the Balkans, but also in Mongolia and southern Africa. In 1995, he was appointed Director at the European Journalism Centre in Maastricht, the Netherlands. In 2001, Schmidt joined the World Association of Newspapers (WAN) as Assistant Director General. He is the author of many books and articles about journalism, mass communication and press freedom.

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