

HDIM 2012

Working Session 1: Fundamental Freedoms, including:

- Freedom of Expression, free media and information;
- Address by the OSCE Representative on Freedom of the Media.

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Working Session 1 focused on fundamental freedoms, including freedom of expression, free flow of information, and free media. Dunja Mijatović, OSCE Representative on Freedom of the Media, delivered introductory remarks. She highlighted the ongoing challenges faced by participating States in implementing OSCE commitments with regard to freedom of the media. Media workers, in particular, are more than ever in need of a safe work environment, free from fear and violence. As freedom of the media is an essential underpinning of our democracies, the continued trend towards imprisonment, interrogation and detention of journalists is also of grave concern in several participating States of the OSCE. The OSCE Representative also noted the sustained interest in addressing the issue of Internet freedom and the various approaches adopted by participating States. While there continue to be attempts by authorities to control the Internet, the borderless nature of the Internet means that blocking and filtering are not viable approaches in the long run. Instead of curbing the free flow of information online, participating States should focus efforts towards developing media and Internet literacy while promoting tolerance to the expressions of others.

45 participants made interventions following the introducer, including 31 made by non-governmental organizations. 8 States made use of their right of reply.

Many participants shared the view that freedom of expression and freedom of media are essential, mutually supportive and contribute directly to other OSCE commitments and democracy. Some also expressed concern with what they see as a general deterioration of these freedoms in the region since the last HDIM session, and that implementation of commitments remains lacking in several participating States.

A large number of participants identified problems faced by journalists and media workers in the OSCE region, including monitoring, intimidation, harassment, violence and torture committed against them for their work. These actions clearly undermine OSCE principles of freedom of expression and freedom of the media, and participating States were encouraged to ensure that journalists do not face threats or violence, that attacks are investigated and that impunity of perpetrators does not prevail.

Particular concerns were expressed by many participants with regard to the treatment of libel and defamation under criminal law, which stifles freedom of expression and freedom of the media. Only one quarter of OSCE participating States have so far decriminalized these laws and concerns were expressed at recent moves in a few States towards re-criminalization of speech offences.

Some participants spoke on striking a balance between rights and responsibilities and a few mentioned the need to ensure that journalists can receive training, including on standards and ethics. One participant also spoke of striking a balance between freedom of expression and addressing legitimate security concerns, notably in the context of fighting terrorism, while ensuring that OSCE commitments are met.

With regard to digital technologies and digital freedom, a number of participants expressed concerns at restrictions imposed on internet freedoms through measures such as arbitrary blocking of websites or content without a clear procedure or justification.

A number of participants raised the issue of media pluralism and the need to ensure access to multiple and alternative sources of information, including in the context of the digital switchover. Some participants encouraged States to facilitate access to media in the language of national minorities.

Some participants stated that there is no need to develop new commitments in the field of media freedom, as these commitments already exist. Instead, human rights and existing commitments should be considered equally valid online and offline.

Several participants expressed their support for the work of the OSCE Representative on Freedom of the Media and her staff. Many called on all participating States to fully cooperate with her office, including through consultations when developing relevant national legislation.

Many participants thanked the OSCE Chairmanship-in-Office, Ireland, for hosting the Conference on Internet Freedom in Dublin on 18-19 June, 2012 and for its innovative use of social media. They also expressed their support for the Chairmanship's proposed Ministerial Decision on freedom of the media, a priority for many participating States as they prepare for the Dublin Ministerial.

Recommendations to the OSCE, its Institutions and Field Offices

- Ensure that all issues related to freedom of the media and freedom of expression continue to be monitored across the OSCE region;
- Assist participating States in fully implementing their OSCE commitments in this field;
- Support the adoption of national legislations in line with OSCE commitments and international standards;
- Ensure continued cooperation between the RFoM and OSCE Field Operations;
- Conduct capacity building through training activities and media conferences.

Recommendations to participating States

- Ensure that OSCE commitments towards freedom of expression and freedom of the media are fully met and take practical measures towards that objective;

- Co-operate fully with the Representative of the Freedom of the Media and her office;
- Provide a safe environment for media workers, in particular by publicly refuting threats and violence against them and by conducting transparent and swift investigations when attacks occur;
- Decriminalize libel and defamation and move these speech offences to the realm of civil code;
- Promote media pluralism and access to information, including through the internet and in digital media;
- Enable or facilitate media sources in national minority languages.