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**EUROPEAN UNION**

**OSCE Review Conference  
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## **EU Statement – Session 1: Freedom of Media**

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Dear Mrs. Moderator

I am honoured to speak on behalf of the European Union.

The European Union attaches high importance to the freedom of the media and welcomes the opportunity to address this important topic in preparation of the OSCE summit on 1 and 2 December of this year.

Freedom of expression, and its corollary, freedom of the media play a crucial role in protecting democracy and the rule of law and in contributing to building and maintaining stability and security in all OSCE participating states. These freedoms represent an essential part of our fundamental acquis in the OSCE. The EU remains concerned that implementation of OSCE commitments on freedom of the media continues to deteriorate.

Monitoring media issues and commenting on them is a matter of direct and legitimate concern to all OSCE participating States. Free media, including

press, radio, TV and the internet, and the right to free speech are a precondition for a free exchange of opinions in any democratic society.

Strengthening the implementation, better follow-up and updating, as necessary, of OSCE norms, principles and commitments related to human rights and fundamental freedoms, including freedom of the media, is one of the EU's key priorities for the OSCE summit.

Madam Chairwoman,

The EU would like to express its strong appreciation to the Representative on Freedom of the Media, Ms Dunja Mijatovic, and her staff for their determined action and their well-balanced and transparent approach to making participating States' commitments matter in the field of freedom of the media.

We welcome the fresh input Ms Mijatovic has brought to the office of the Representative and we are confident that under her leadership the office will continue to vigorously fulfill its most valuable role as a critical "watchdog". The EU supports the office's approach to addressing relevant issues in all participating States, including in member states of the EU. The obligation to implement our joint commitments applies equally to all participating States.

The EU looks forward to further close cooperation with Ms Mijatovic and her team and encourages her to continue her support to participating

States. We call on all participating States to fully cooperate with Ms Mijatovic and her office.

Madam Chairwoman,

Over the last year, in spite of progress achieved in some participating States with regard to freedom of the media, we again had to witness a range of serious violations:

Freedom of expression continues to be extensively limited in some participating States. In particular, we reiterate our appeal to Turkmenistan and Uzbekistan to address this problem effectively.

Violence against journalists, including their killing, have again occurred in some participating States. In the Russian Federation, the situation in the North Caucasus region remains a particular source of concern. In Kyrgyzstan, we hope that the ongoing process of establishing a new constitutional order based on the rule of law and the respect for human rights will also help to create a safer environment for media professionals in this country. In this context, the EU welcomes the ongoing dialogue between the Representative and Kyrgyzstan on media reform. The EU will also continue to follow closely recent reports on deficits of press and media freedom in Ukraine.

In this context, we would like to repeat our call on all participating States, including the Russian Federation, Azerbaijan, Ukraine and Belarus, to

ensure through their domestic law enforcement agencies the swift and comprehensive investigation of recent as well as still unresolved past cases of disappearances of and attacks on media professionals.

Extra-journalistic criminalisation of journalists and persons wishing to exercise their freedom of expression, and their imprisonment on questionable charges remain instruments of harassment and serious restriction of fundamental freedoms in some participating States, most notably in Azerbaijan, Uzbekistan and Kazakhstan.

Likewise, excessive compensation sentences issued by civil-law courts remain a method of intimidation against journalists and of repression against the mass media in some participating States, including Kazakhstan, Tajikistan, Albania, Montenegro and Turkey.

Finally, the EU emphasizes the crucial importance of media plurality for the enjoyment of freedom of expression and of the media. One challenge is the increasing recourse by states to restrictions on the use of new technologies such as the internet, which undermines the potential these technologies have to promote the freedom of expression. Solutions related to the new media, including the internet and digital switchover, need to be found, including through the creation of appropriate legal bases that are in line with international standards and guarantee media pluralism, in a number of participating States, including Belarus, Armenia, Turkey and Kazakhstan.

Thank you for your attention.

The candidate countries CROATIA\*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA\* and ICELAND\*\*, the country of the Stabilisation and Association Process and potential candidate country BOSNIA AND HERZEGOVINA, as well as ANDORRA and SAN MARINO align themselves with this statement.

\*Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

\*\* Iceland continues to be a member of the EFTA and the European Economic Area.

## ANNEX

### Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them at the OSCE summit 2010,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments as part of an action plan to be set in motion by the OSCE summit including to reflect technological developments such as the internet,

- extend open invitations to the Representative and her office,
- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,
- strengthen their commitment to ensure freedom of opinion and expression, and especially to decriminalize libel and defamation,
- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,
- act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity,
- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”),
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

The OSCE Representative on Freedom of the Media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,
- continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation,

- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured,
- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,
- in co-ordination with the ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders,
- continue to develop new media, including internet and digital broadcasting, as a focus area,
- continue to cooperate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.