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EU statement in response to the report by the OSCE Representative on Freedom of the Media, Miklós Haraszti

The European Union welcomes Mr. Haraszti once again to the Permanent Council and thanks him for his latest report on media freedom in the OSCE area in the period under review.

As ever, Mr. Haraszti has provided us with considerable evidence that all is not well with regard to freedom of the media in the OSCE and that we, the participating States, are far from being able to say that we are fully implementing all our commitments. We welcome the fact that Mr. Haraszti has scrutinised the performance of all participating States and that his report focuses on issues and events which merit our concern, regardless of geographic location.

Mr. Haraszti is not a lone voice in the wilderness. The annual World Press Freedom Index for 2009, issued by Reporters without Borders recently, offers cold comfort to those who would characterise the OSCE as a haven for media freedom.

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We cannot afford to be complacent. It is clear that much more must be done to implement our commitments. The EU welcomes therefore the opportunity offered by the Corfu Process to reflect on how we might effect a tangible improvement in our performance on media freedom as on all other aspects of our OSCE commitments. We welcome also the draft Ministerial Council decision on fostering freedom of the media and enhancing pluralism, as circulated by the Chairmanship on October 28. We are ready to work with all participating States to get consensus on a decision which we hope will be forward looking and which will reinvigorate our resolve to promote media freedom throughout the OSCE area.

Turning now to the issues highlighted by Mr. Haraszti in this report, we regret very much that there has been no pause in the number of attacks, some fatal, on journalists, many of which have been highlighted by the EU in statements to the Permanent Council. The Representative has singled out two countries, Russia and Kyrgyzstan, and has urged their governments to take action to protect journalists and to curb the climate of impunity which permits these acts to continue. We fully support Mr. Haraszti's appeal.

We also remain deeply concerned about the imposition of disproportionately high fines on journalists and media workers who have been critical of their governments. Moreover, criminal offences and other charges not ostensibly connected to their journalistic activities have been used to silence critical voices, notably in Armenia, Azerbaijan, Kazakhstan and Uzbekistan. In Turkey, tax-related procedures opened against the leading national media group raise questions with regard to proportionality and fairness. The European Union does not condone criminal activities by anyone including journalists. However, in the instances highlighted by Mr.

Haraszi, we see a form of intimidation which effectively muzzles a free media.

The EU welcomes the progress on decriminalising defamation in a number of participating States and hopes that more will move in this direction. In particular we support fully Mr. Haraszi's view that any fines imposed must be proportionate and must not have the effect of closing down media outlets or silencing journalists.

Regulation of the internet is another issue which has been the subject of legislative attention in the recent past. On a number of occasions this year, most recently on 16 July, the EU has expressed its concerns with regard to the Law on Information and Communications recently enacted in Kazakhstan. We agree with Mr. Haraszi's view, expressed in this report, that this legislation is incompatible with OSCE media commitments and we renew our call on the Kazakh authorities to amend this prohibitive law to rectify this.

In conclusion, as Mr. Haraszi enters his final term, we take this opportunity to express our deep appreciation for his commitment, and that of his small team, to the cause of media freedom in the OSCE area. We know that his interest will not flag in these last few months. For our part, we will continue to offer our full support to the role and activities of the Representative on Freedom of the Media.

The candidate countries CROATIA* and the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA,

BOSNIA AND HERZEGOVINA and MONTENEGRO, as well as the European Free Trade Association countries and members of the European Economic Area ICELAND and NORWAY align themselves with this statement.

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