Compliance with commitments remains prime pursuit

COURTESY OF PLANTU

Against the backdrop of new threats and unprecedented challenges to the traditional concept of freedom of the media in the OSCE area, journalists, civil societies and governments can count on the dedication of the OSCE Representative on Freedom of the Media, Miklós Haraszti, to be a tireless advocate for keeping relevant commitments alive in participating States. On the occasion of the tenth anniversary of his Office, which is the youngest of the OSCE's three institutions, Mr. Haraszti shared his thoughts with the OSCE Magazine in an interview with Virginie Coulloudon, Deputy Spokesperson in the Secretariat.

Virginie Coulloudon: What makes the OSCE's freedom of the media institution special?

Miklós Haraszti: Ten years on, the Representative on Freedom of the Media is still the world's only intergovernmental press freedom "watchdog". There are of course NGOs that, using different benchmarks, intervene when violations against freedom of the media take place. They are mostly based in Western Europe and in the United States and are quite successful in raising public awareness.

Beyond interventions, what makes our institution special is the fact that the participating States themselves have vested us with the right to address governments directly to request action and to advise them on legislation and on the direction their reforms should take. We also have an obligation to co-operate with both governments and civil societies in a triangular relationship.

The institution was created at the end of 1997 on the initiative of Freimut Duve, your predecessor, two decades after the signing of the Helsinki Final Act. How has the spirit of Helsinki shaped the freedom of the media institution?

Paradoxically, as much as we like pointing to the continuity of the Helsinki Process, and as much as the Helsinki Accords were a driving force in my life, I believe it is also helpful to analyse discontinuity.

There has clearly been a "disruption" between the conception of the Conference on Security and Co-operation in Europe (CSCE) in the early 1970s, and the creation of the OSCE in the 1990s.

During the early Helsinki Process, both sides of the divide were convinced that their own brand of democracy was the only true one. Then, after the fall of the Iron Curtain, both sides seemed to have come to a common understanding of democracy.


OSCE/DIETER NAGL


OSCE/DIETER NAGL

Vienna, 29 February, event marking the tenth anniversary of the OSCE Representative on Freedom of the Media. (left photo) Plantu, editorial cartoonist of *Le Monde*, spoke about international tensions stemming from secular depictions of religious figures. (right photo) Thomas Hammarberg, Human Rights Commissioner of the Council of Europe (left), joined the appeal made by Miklós Haraszti (right) for the decriminalization of professional mistakes made by journalists and for offences such as insult and defamation to be dealt with exclusively in civil courts.

What was truly a novelty and what was revolutionary about the OSCE was that free and fair elections, a free civil society and free speech were acknowledged as commitments vital not only for democracy but also for international security. Human rights were seen as peacemaking tools.

The three OSCE institutions — the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media — came to embody these now-universal values.

Unfortunately, there was a backlash following the so-called "colour revolutions" in some ex-Soviet States. These events created a new "relativist" message at the State level. Just as in the pre-OSCE days, today's thinking is that different types of democracy exist, and that values and norms such as the right to speak freely should not necessarily be applied equally across different countries.

Despite this, do the commitments of participating States still form the cornerstone of your work?

More than ever. New types of threats and tensions keep emerging, posing difficult challenges to freedom of the media, both to the east and to the west of Vienna. Technology is a crucial factor, but in most cases, at the root of it all is the nature of power, whether it is in an "old" democracy or in a new one.

We should bear in mind, though, that we *can* tackle these challenges, relying on co-operation and dialogue, as long as the spirit behind our shared commitments is alive and well. But if this spirit weakens, if the right of the three OSCE institutions to request compliance with OSCE commitments is questioned, if interventions are regarded as intrusions into internal affairs, then it becomes a steep uphill battle.

Fortunately, even during our fiercest struggles, the participating States continue to be interested in maintaining international co-operation.

So, what is the most efficient way of dealing with the current situation?

Even if commitments are universal, we should not, for example, mechanically condemn the fact that the print media in some OSCE countries are still State-owned. What should be unacceptable is a discriminatory attitude by the authorities against emerging non-governmental, independent media. We can all agree that bringing about freedom of the media remains a process as long as it is steered along the democratic path.

In this sense, we are "gradualist"; we do not demand that a participating State adopt a particular system overnight. But we do have to be strict when participating States abandon or violate their own commitments, which are what make the Organization unique.

Your mandate stipulates that you can address a violation either by publicly denouncing it or through silent diplomacy. Which approach do you prefer?

I believe the right combination works best. We do try to determine whom we are trying to reach and use cautious judgment in deciding which route to take.

In letters offering my congratulations to newly elected Heads of State or Government, I seize the opportunity to remind them about the country's commitments and any outstanding issues. We need to let politicians know at the outset that we are happy to co-operate with them and that we can help if they wish. These letters are made known to the governments only, as they are a strategic audience for us.

Later, however, if governments do not tackle their backlog of issues and if violations against freedom of the media continue, then going public can exert a powerful leverage in influencing the political process, civil society and the international community, especially in matters concerning reform, legislation and gross violations.

Increasingly, however, the issue seems to have become one of self-censorship, both to the east and to the west of Vienna. This must pose difficulties for your institution.

Behind most cases of self-censorship, one will find some kind of pressure. My mandate allows me to express criticism against any kind of pressure being exerted on journalists — whether it is harassment, violence or physical attacks. In some cases, I can also call for the law to be enforced.

However, there is a specific sort of self-censorship mentioned in chapter 6 of the mandate of the Representative on Freedom of the Media: This focuses on situations in which some journalists employ a certain type of language over-emphasizing a nationalist or patriotic cause. In fact, the only situation in which my mandate calls for me to directly intervene in matters dealing with journalistic content is when

OSCE/ERIC GOURLAN

Bishkek, 20 October 2006. Miklós Haraszti exchanges views with students of the OSCE Academy.

Miklós Haraszti, Hungarian writer, journalist, human rights advocate, professor and parliamentarian, was appointed OSCE Representative on Freedom of the Media in March 2004 and was reappointed in March 2007 for a second three-year term. He and his international 15-member team are based in Vienna.

Born in Jerusalem, he was a co-founder of the Hungarian Democratic Opposition Movement in 1976. In 1980 he became editor of *Beszélo*, a *samizdat* (underground) periodical. He was a participant in the 1989 roundtable negotiations on Hungary's efforts to launch free elections. Mr. Haraszti studied philosophy and literature at Budapest University and received an Honorary Degree from Northwestern University in the United States.

www.osce.org/fom

States encourage journalists to engage in hate language.

The cartoon crisis of a few years ago led to clear cases of self-censorship among normally outspoken journalists and editors. How do you see this issue?

I don't draw any distinction between mercenaries paid to kill journalists who are investigating corruption and fanatics who set out to kill a cartoonist to obey a *fatwa*. The aim is the same: to silence individuals for what they are saying, writing or drawing.

Unfortunately, in the two cases I mentioned, the international community has been quite lenient and has not demonstrated enough robustness.

At the same time, let me also be clear about one thing: When it comes to calls for incitement to crime and violence, I consider it crucial for the law to be enforced and for perpetrators — including media professionals — to be made accountable and brought to justice.

On a related matter, any country wishing to uphold freedom of speech needs to lift its ban on content. I was pleased to see the British House of Lords finally abolishing its blasphemy laws in early March. This positive development was the result of a long and legitimate campaign by Muslim groups who rightly pointed to the practice of double standards. One cannot condemn a *fatwa* issued by a radical imam while maintaining blasphemy laws.

Finally, I agree with those who say that editors need to learn this new wisdom: that there is no such thing as a small newspaper in a remote Danish town. Not any more! The global village has long become a reality, starting with the advent of television but even more so through the Internet. The power of images also needs to be given thoughtful consideration: Pictures can be even more "global" than words.

What challenges lie ahead in the realm of freedom of the media and freedom of expression across the OSCE region?

Two years from now, after I complete my second term in office, my successor will be dealing with a rather different media landscape.

Today, the Internet is still seen as a helping device, supporting print and broadcast media. Soon, the reverse will be true: The few remaining publishing houses will mostly support Internet operations. Digital television and a multitude of platforms will lessen the impact of national television broadcasters. In fact, the term "local media" will no longer be accurate, and every piece of national legislation allocating frequencies, for example, will be challenged by alternative formats of distribution.

Which means that we will finally witness the emergence of genuine pluralism in the media?

Obviously, pluralism in the media, which underpins freedom of expression, will be enhanced, although the concept behind pluralism itself might suffer: On the one hand, the proliferation of blogs is already challenging the traditional notion of the way public opinion is shaped; on the other hand, there will still be a need to fight monopolies as the Internet becomes a lucrative platform and super-portals develop.

Clearly, the digital information age and modern technology are posing a challenge to traditional journalistic ethics, and standards of responsible information are becoming less clear.

However, any attempt to rein in the Internet is an exercise in futility because it knows no national boundaries. In the long run, only self-regulatory measures at the international level stand a chance of being effective.

When confrontation ends and co-operation begins

The media and the Government

OSCE/ILIA DOHEL

Osh, Kyrgyzstan, March 2008. Journalists learn how to draw up a plan of action for the media coverage of a forthcoming event. Photos: OSCE/Ilia Dohel

BY ZOYA KAZANZHI

"It is like going on a trip to the land of fools." This is how many journalists I meet in the former Soviet countries describe what it is like dealing with members of official press and public information services. Perhaps the remark is an emotional exaggeration, but I must say that most press secretaries and spokespersons in these countries do seem incapable of interacting constructively with representatives of the media. And, since the feeling is very much mutual, what ensues is not co-operation but an exchange of accusations of lack of professionalism.

This is unfortunate because these supposed adversaries actually should be looking in the same direction: towards informing people about events and decisions and enabling them to be positively engaged in their country's development. The right to know is a fundamental principle of a democratic society; it is not a concept that is pursued on a journalist's whim.

As an ex-journalist and as the former spokesperson of the Central Electoral Commission of Ukraine, I am familiar with the view from both sides of the fence. Press officers continue to be hesitant about sharing information, as in the old days. It is almost as impossible to arrange a meeting with them as with the highest-ranking officials. As for journalists, they persist in seeking access to the most senior echelons of government, but often have no clue why.

Since 2005, this double dilemma has been the key concern in seminars organized by the Office of the OSCE Representative on Freedom of the Media. As a trainer in at least ten of them so far, I am struck by the fact that, whether in Azerbaijan, Belarus or Kyrgyzstan, there is nothing to distinguish the list of grievances coming from either side of the information divide.

It never ceases to surprise me, at the start of each two-day event, how people who work in

OSCE/ILIA DOHEL

Trainer Yevhen Hlibovytsky reviews the principles of journalism in Osh.

OSCE/ILIA DOHEL

Tbilisi, Georgia, March 2008. Trainer Zoya Kazanzhi (far right) emphasizes the highest professional standards.

the same trade have never crossed paths. At best, they would have spoken on the phone; half the time they would have come away with a negative impression.

When participants introduce themselves around the table, the feeling of mutual wariness is palpable. Journalists sit off to one side, press secretaries off to the other. After all, "aliens" do not feel at ease in the "enemy's camp".

My first task is to try to relieve the tension in the air and create a relaxed and friendly atmosphere. I encourage everyone to talk freely and openly, though this is obviously easier said than done: A journalist working for an official daily might "sanitize" the actual state of affairs to avoid any conflict with local authorities. A press secretary — inevitably, someone who is new at the job — might try and paint an idyllic picture of cozy camaraderie with members of the media.

This is why we tell participants that whatever they say will not go beyond the room's closed doors. They realize we mean it when we ask them not to record any part of the sessions and not to quote their counterparts in any of their publications. Everyone agrees to comply: Cooperation looks set to begin.

The list of complaints about press officers is endless, the most common being: The agencies and ministries they represent are extremely tight-lipped, and prying the simplest bit of information out of them is virtually impossible. State press services are slow to comment on accidents and other breaking news. Official press releases are poorly written. Experts are never available for comment. And to top it all off, official press operations seem to be paralyzed during emergencies.

Grievances against journalists are equally wide-ranging: They distort information and misinterpret facts. They are totally off the mark — or have scant familiarity with many issues. For them to gain a basic grasp of a particular topic, they almost need to take part in a special "literacy campaign". They ignore the importance of research, and some refuse to settle for comments coming from anyone less than a top official.

OSCE/ILIA DOHEL

Trainers, journalists and press secretaries lighten up in Osh.

OSCE/ILIA DOHEL

OSCE/ILIA DOHEL

OSCE/ILIA DOHEL

Oleg Panfilov, Director of the Moscow-based Centre for Journalism in Extreme Situations (right, standing), and **Zoya Kazanzhi** (above) regularly share their expertise and experience with journalists and press officers in the former Soviet countries.

We write down the exchange of recriminations on the board and talk them through one by one, analysing solutions offered and seeking consensus. My goal is to go beyond imparting the positive aspects of the Western experience by encouraging participants to also learn how to come up with creative solutions. Through it all, the most important thing is to be polite and not to breach the principles of professional and personal ethics.

The seminar then breaks up into two separate groups: This is when we teach — or review — the techniques of journalism, focusing on practical exercises and emphasizing the highest professional standards. For press officers, we use management games simulating real-life situations aimed at demonstrating how the relationship with journalists is shaped and nurtured.

I should point out that many of us media trainers for the CIS region did not have any initial grounding in the democratic standards of journalism. Most of us studied at a Soviet-style *zhurfak* — a university's department of journalism — and, after the democratic changes of the late 1980s, pursued a long path of professional "re-education". So my fellow trainers and I know only too well how hard it is for today's journalists to adapt to modern practices and to shed ingrained propaganda-style methods.

At the same time, even with the best will in the world, press officers and spokespersons often confess to feeling at a loss about what precisely is expected of them. This is not surprising, given that these posts are relatively new and responsibilities are not well defined. At the seminars, press and public information officers often make it a point to tell us that life would be so much easier if participation in the same training sessions would be made mandatory for their own bosses, usually heads of public agencies and institutions.

What remains after the training events? Most importantly, human contact. I often overhear participants exchanging parting words: "So you're the kind of people one can talk to after all!" "I will be calling you from now on!" "Drop in for a cup of coffee!"

Perhaps learning to listen and to slip into the other's skin is not such a great achievement in itself, but for our seminar participants, it marks the point when confrontation ends and co-operation begins.

Zoya Kazanzhi, from Odessa, Ukraine, is a graduate of Kiev State University. She has completed study programmes under the auspices of IREX ProMedia, the World Bank and the BBC. She is the co-author of a handbook for journalism teachers and media trainers.

More than 400 journalists and staff of State press operations have benefited from 15 seminars organized by the Office of the Representative on Freedom of the Media designed to improve media coverage of government affairs and enhance public trust in civil servants and in the media. So far, the programme has covered:

Baku, **Azerbaijan**: 18-20 July 2005
Sary-Oy, Issyk-Kul region, **Kyrgyzstan**: 7-8 September 2005
Baku, **Azerbaijan**: 17-19 July 2006
Sevastopol, Kharkiv, Donetsk and Odessa, **Ukraine**: throughout 2006
Kokshetau, **Kazakhstan:** 8-9 September 2006
Almaty, **Kazakhstan:** 24-25 November 2006
Minsk, **Belarus:** 4-5 June 2007
Lviv, **Ukraine**: 11 September 2007
Yerevan, **Armenia**: 19-20 September 2007
Dushanbe, **Tajikistan**: 11-12 December 2007
Tbilisi, **Georgia**: 18-19 March 2008
Osh, **Kyrgyzstan**: 26-27 March 2008
Khujand, **Tajikistan**, 19-20 June 2008

The fight for online freedom

Tackling attempts to censor the Internet

BY GRAHAM PATTERSON

"The Net interprets censorship as damage and routes around it."

This bold — not to say utopian — and often-quoted statement was made by Internet activist John Gilmore in 1993, when the World Wide Web was just beginning to take off.

In those early, heady days of the Web, the idea that freedom of expression was on the march was taken for granted. Governments that did not uphold the fundamental human right to speak and write freely, it was assumed, would be powerless against the creeping spread of those values via the Internet.

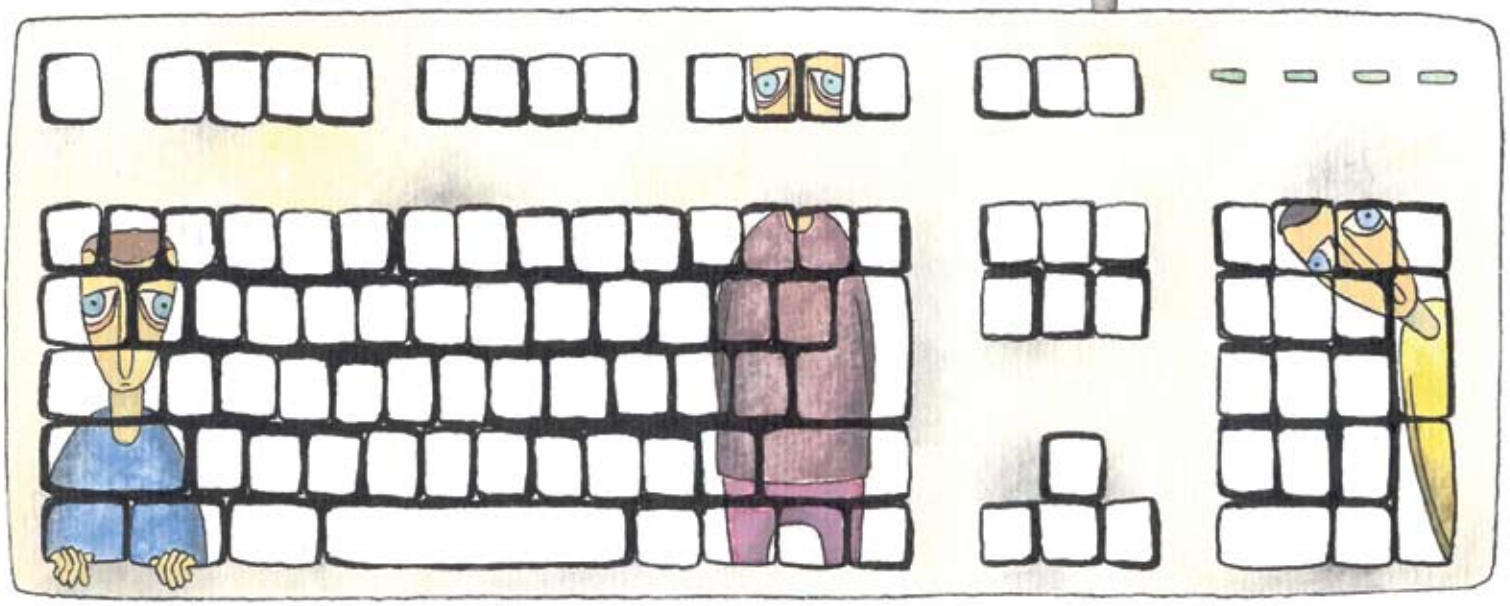


Illustration by Macej Michalski, courtesy of Rafal Rohozinski, The SecDev Group

But despite those early dreams, says Christian Möller, former Project Officer with the Office of the OSCE Representative on Freedom of the Media, the reality today is that Internet filtering and censorship are alive and well, both in the OSCE region and elsewhere.

"Internet filtering is a growing phenomenon both east and west of Vienna," he says. "Established western democracies filter Internet content too. In Germany for example, one district ordered Internet service providers (ISPs) to filter out right-wing content. British Telecom initiated CleanFeed, a system that filters out a blacklist of sites to protect children from sexual content. Countries in Central Asia also engage in Internet filtering activity."

Mr. Möller says that the OSCE Representative on Freedom of the Media and his staff routinely scrutinize rules being drafted by States aimed at regulating the Internet. Currently, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan and Ukraine are engaged in drafting such legislation.

"Sometimes legislators think they are doing the right thing," he says, "but since they don't fully understand the technical complexities of the Internet, they end up unintentionally limiting freedom of choice by excessively filtering out or blocking content. For example, while blocking one piece of content that they consider undesirable or offensive, they can end up blocking a whole website or even a whole domain."

Arnaud Amouroux, who has recently taken over Christian Möller's Internet responsibilities in the OSCE Representative's Office, cites the case of Turkey's repeated blocking of YouTube.

Mr. Möller points to various studies showing that Internet filtering typically results in a combination of "over-blocking", meaning that more content is blocked than intended and — at the same time — "under-effectiveness", meaning that, since such measures can easily be circumvented by the average experienced Internet user, attempts at filtering can be self-defeating.

Nevertheless, he adds, the recent experiences of countries outside the OSCE region, such as Saudi Arabia or China, have shown that the Internet is by no means uncensorable. "We cannot rely on the Internet as a self-healing mechanism that can defeat censorship or filtering measures by itself. We need to actively promote and guarantee freedom of the media on the Internet."

With this in mind, the Representative's Office is working in partnership with the OpenNet Initiative, an academic network of information technology institutes from the Universities of Toronto, Cambridge and Oxford, and the Harvard Law School. The network is developing software and hardware tools that are capable of accurately assessing the degree of Internet filtering and censorship in specific countries, including OSCE participating States.

The project is all part of the efforts of the Representative on Freedom of the Media to remind governments that the benefits of the Internet far outweigh the dangers of abuse, and to assist them in fulfilling their OSCE commitments concerning the free flow of information.

"There is obviously illegal content too, but the challenge is to differentiate between material that is legitimately illegal everywhere, such as child pornography, and 'unwanted' content that governments may be trying to suppress for political reasons," says Arnaud Amouroux.

In some countries, the Internet is the only source of pluralistic and independent information. "There might be low penetration by the Internet in those countries, but it nevertheless has a great impact because it is the only source of independent information," he says.

In the final analysis, perhaps the best solution to counter 'bad content' is the one that Professor Frederick M. Lawrence of the George Washington University Law School proposed at an OSCE meeting in Warsaw in 2005: "The educated mind is the best filter imaginable."

Graham Patterson is a Web Editor in the OSCE Secretariat's Press and Public Information Section.

www.osce.org/fom
http://opennet.net

Efforts to filter or censor the flow of information on the Internet, or to use legislation to suppress content that some governments may consider undesirable, run counter to a number of CSCE/OSCE freedom of information commitments, dating back to the Helsinki Final Act.

In the concluding document of the Follow-up Meeting of the CSCE, held in Vienna in 1986-1989, it was noted that the participating States would "take every opportunity offered by modern means of communication, including cable and satellites, to increase the freer and wider dissemination of information of all kinds".

The Human Dimension Conference of the CSCE in Copenhagen in 1990 reaffirmed that "everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

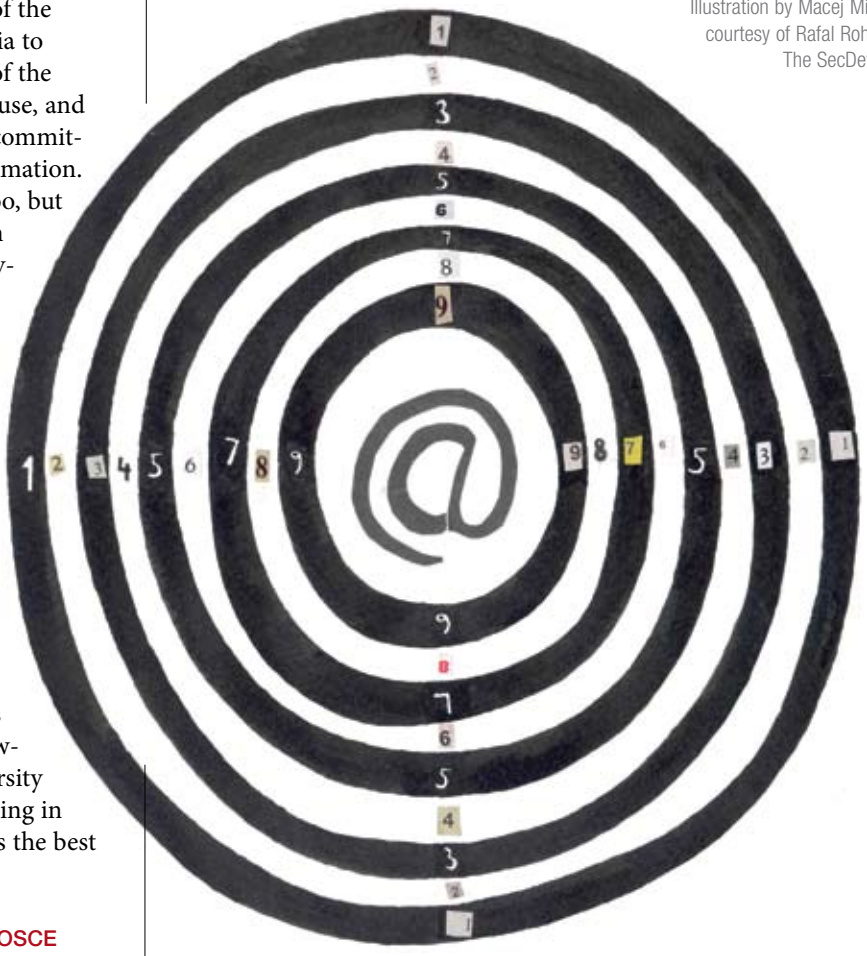


Illustration by Macej Michalski, courtesy of Rafal Rohozinski, The SecDev Group

UN Internet Governance Forum: The way ahead?

The Office of the Representative on Freedom of the Media is a joint founder of the "dynamic coalition" on freedom of expression and freedom of the media online. This is an informal structure within the framework of the United Nations Internet Governance Forum, which aims at putting issues related to the freedom of the media high on the international agenda. Other participants include Amnesty International, Reporters Without Borders and the Council of Europe.

Internet-related publications

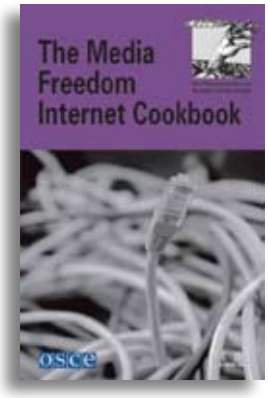
www.osce.org/fom/publications

Since 2003, the Office of the Representative on Freedom of the Media has been issuing a series of publications highlighting good practices in the area of freedom of expression on the Internet.

Governing the Internet: Freedom and Regulation in the OSCE Region

July 2007, 231 pages. Christian Möller and Arnaud Amouroux (editors)

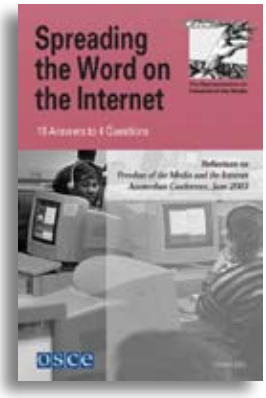
Case studies across the OSCE region on how governments, civil society and the telecommunications industry can co-operate in Internet governance.
Source: Expert Workshop on Internet Governance in the OSCE region, hosted by the *Forum des droits sur l'Internet*, Paris,15 December 2006



The Media Freedom Internet Cookbook

December 2004, 276 pages. Christian Möller and Arnaud Amouroux (editors)

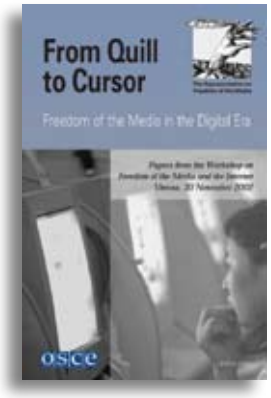
Recommendations and best practices supplemented by expert papers on legislation and jurisdiction; self-regulation, co-regulation and State regulation; hate speech on the Internet; education and development of Internet literacy; access to networks and to information; and future challenges of the information society.
Source: OSCE Second Internet Conference in Amsterdam, 27-28 August 2004



Spreading the Word on the Internet

September 2003, 226 pages. Christiane Hardy and Christian Möller (editors)

Articles on the situation regarding freedom of the media and the Internet in the OSCE region; regulation of decentralized networks; the technical and economic framework; freedom of the media on the Internet; and ensuring freedom of the media on the Internet in the OSCE region.
Source: OSCE First Internet Conference in Amsterdam, 13-14 June 2003



From Quill to Cursor: Freedom of the Media in the Digital Era

January 2003, 118 pages

Series of expert papers on the topic of freedom of the media in the digital era.
Source: Workshop on Freedom of the Media and the Internet, Vienna, 30 November 2002

Now available: The Media Self-Regulation Guidebook

April 2008, 100 pages. English, French and Russian. Edited by Adeline Hulin and Jon Smith. Published by Miklós Haraszti, OSCE Representative on Freedom of the Media. Financed by the Governments of France, Germany and Ireland.

What should be the ethical guidelines in reporting on terrorism? What kinds of sanctions should a self-regulatory body use? What challenges does the Internet pose for the self-regulation of the media? What are the duties of a press council? What criteria should be used in recruiting an ombudsman?

These questions — and more — are answered clearly and concisely by renowned experts and practitioners in *The Media Self-Regulation Guidebook*, the latest publication of the OSCE Representative on Freedom of the Media.

The *Guidebook* explains the merits of media self-regulation and how to go about establishing a journalists' code of ethics, self-regulatory bodies, a press council and the post of ombudsman. Case studies describe how self-regulatory bodies have resolved complaints ranging from breach of privacy to inaccuracy on a website.

OSCE/ADELINE HULIN

Paris, 17 April. The *Media Self-Regulation Guidebook* was launched at the Eurasia Regional Forum for Media Development, which brought together 130 participants.

Presenting the publication at the Eurasia Regional Forum for Media Development in Paris in mid-April, OSCE media watchdog Miklós Haraszti said, "I hope that this practical product will encourage the development of self-regulation mechanisms for the media, boost the quality and standards of journalism, and thus help improve media freedom."

He warned, however, that self-restraint by journalists must be preceded and accompanied by self-restraint on the part of governments when dealing with media matters. This is why the target audience of the *Guidebook* includes not only journalists, editors, publishers, and students of the media, but also government officials.