



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Dunja Mijatović**

SPEAK UP!2

**Freedom of Expression and Media in the Western Balkans and Turkey
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Excellencies, Ladies and Gentleman, dear Colleagues and Friends,

Commissioner Füle, thank you for inviting me to speak UP here today.

Allow me to immediately start with the main messages that I would like to share with you today, since my time is limited and we have many issues that we want to discuss.

Since the last time I spoke at this event two years ago, the media freedom situation has worsened in the Western Balkans and Turkey. Equally alarming is that the political will by the authorities, without which development cannot be achieved, also continues to be absent.

Just to paint a very clear picture to you, I have been compelled to intervene in media freedom violation cases more often than any previous OSCE media freedom representative had ever done before. This includes the Western Balkans and Turkey and also member States of the European Union and beyond.

There are many types of problems that media outlets and media professionals face, and the overall situation is not improving. This should ring alarm bells in Vienna, in Strasbourg and in Brussels, as much as it should be a wake-up call in the capitals of the Western Balkans and in Turkey. Let us recall that international agreements are not a choice; they are an obligation of participating governments.

In candidate and potential candidate countries I am constantly raising issues with authorities on instances of journalists being threatened or attacked in public, imprisoned for their work, beaten and harassed, media outlets being closed down, their property damaged or confiscated, media legislation being hastily drafted without transparency, and so on. Some laws are not being implemented effectively; defamation and libel cases are widespread and, unfortunately, we still see elements of impunity from prosecution.

This is severe, but in theory we know what needs to be done, since other societies in transition – many of which are now members of the EU – have gone through similar experiences. In addition to bringing the entire legal framework in line with European standards, I believe that constant reminders by the European Commission, Council of Europe, OSCE Office of the Representative on Freedom of the Media, and other international actors from the governmental and non-governmental sector, are vital.

So are the voices of civil societies in the countries at stake.

Let's strengthen those voices, let's support them and let us synchronize the international mechanisms for their crucial work.

Turning to the question of the rule of law, we must also look at the quality of legislation and how it is implemented.

What do I mean by this? Improving media freedom is not only a question of legislation. Transparency and inclusiveness when drafting and adopting laws, as well as judicial independence when implementing them, should be guided by one core element when it comes to media: this element is freedom.

It is not freedom for journalists or freedom for editors or publishers. Freedom of expression and media freedom are individual rights. They are something like the verbal equivalent to habeas corpus. This needs a joint effort of civil society, politicians and the international community alike.

And let me emphasize the crucial importance of political leadership in this process. Efforts are clearly not missing – we have numerous events, conferences and meetings in order to try to tackle the problems. Just to name a few that are happening this fall: the upcoming Media Law Academy organized by RCC, OSCE and the Friedrich Ebert Stiftung, and the self-regulation conference organized by UNESCO in Sarajevo, regional forum organized by SEEMO, and the South East Europe Media Conference my Office is organizing in Tirana.

But let us be clear: what is missing to make these efforts worthwhile, is the political will from governments to improve the current situation both in the Western Balkans and in Turkey.

Too many countries simply deny the clear fact that they have problems related to media freedom and freedom of expression. I still hear from many governments that such problems do not exist in their countries.

I strongly disagree. Denying that there are problems only creates gridlock and blocks countries from further developing.

Too often politicians look at the media as a means of political brinkmanship, as an element of political horse-trading, as an element of give and take.

This, too, is wrong and it must change. Media and media freedom are common goods. They are like clean water or the air we breathe. They belong to the society as a whole.

I feel that it is this notion which has not yet sunk-in sufficiently in the Western Balkans and in Turkey.

This is a challenge for political leadership and it requires political maturity and courage. And it is an obligation for international organizations to keep up and increase the pressure in this respect.

At the same time, all elements of society, including media professionals and NGOs, must also assume responsibility to advance our democracies.

Let me shortly list a few specific cases, as I am sure that these and other issues will come up later as well in panel discussions.

We have seen violent attacks and threats against journalists across the region, such as the ones on Predrag Lucic and Stefica Galic in Bosnia and Herzegovina; or the assault on Olivera Lacic in Montenegro; and impunity in the cases of Milan Pantic, Slavko Curuvija, and Dada Vujasinovic in Serbia. Yes, there are steps forward to be found everywhere, and this is something that I recognize, but it is hardly enough.

In the former Yugoslav Republic of Macedonia, journalist Tomislav Kezarovski was detained for 30 days for an article that he wrote.

And now I need to mention a new category of harassment that we see these days in Turkey – the almost indiscriminate and excessive use of force by law enforcement personnel against media who report on public demonstrations.

In all countries of the Western Balkans the state of public service broadcasters remains critical and the independence of regulators is constantly challenged. Public broadcasters still do not enjoy full editorial and financial freedoms. The digital switchover, which has still not been fully carried out across the region, and therefore risks creating an analogue black hole in the middle of Europe, will not automatically guarantee pluralism unless governments put in place actions to ensure it.

Bosnia and Herzegovina is in the process of introducing restrictions to their access to information law and the former Yugoslav Republic of Macedonia has drafted a media law that can potentially further limit free expression. Albania adopted a law on broadcasting and it still needs to be seen how its implementation will ensure free media and free expression.

Why is all this happening?

I would invite representatives of governments present here today to try to explain this.

The European Commission, Council of Europe and the Office of the OSCE Representative on Freedom of the Media are constantly providing legal analyses and advice that offer recommendations on how to improve and harmonize the laws; in most of the cases the reviews are dismissed, sometimes even not considered by the authorities.

Why is this happening?

Croatia will become a full member of the European Union in a few days – it is great news for all of us, but I also have to ask: has the country fulfilled all their necessary media freedom criteria?

Turkey.

The media freedom issues that we face in Turkey are clearly of a much greater magnitude. Currently there are more than 60 journalists in prison. Yes, the authorities are telling me that these people are not imprisoned for journalistic activities. I listen to the authorities, but I also listen to the civil society and the journalists themselves. Some of them I even visited in prison.

And again I need to ask a question.

How can it be that so many journalists are facing terrorism charges in Turkey? And how can the continued blocking of close to thirty thousand Internet sites in the country be explained?

Yet I am receiving suggestions for more training, seminars, legal reviews, and so on.

Training for what, I ask? Here in the room, there are highly skilled professionals that do not need to be trained but they need to be allowed to work freely. Training, seminars, legal reviews should be supported, but nothing will change unless there is a strong political will.

Looking at these examples, I wonder if we all are not stuck as characters in the parable of the six blind men and the elephant, where we are often blind to the perceptions of others around us and prefer to consider media freedom and freedom of expression as just what we feel in front of us.

It is important to note that media freedom concerns are not specific to candidate and potential candidate countries. We must be honest and accept that problems also exist in several member States of the European Union. In the quarterly report that I presented last week to the 57 participating States of the OSCE, I raised significant media freedom problems in nine EU member States.

Apart from the danger that inadequate media freedom causes in the democratic development of the given country, disregarding the values of free media and free expression by a European Union member State does NOT set a good example to the countries that are currently in negotiations to join the European Union.

So what I request from EU member States is to lead by example and recognize that freedom starts at home.

From the Western Balkan countries and Turkey what I request is an increased and manifest demonstration of political will that allows the media to become free. What needs to be seen is the simple political will to stop using media as your tools for personal conquest and start showing the character of real leaders who create solid foundations for a free media today which last the test of time.

International organizations very often achieve something in a collective way which, individually, cannot be achieved, even with the best intentions. The European integration process is an example of this.

If we apply this to media, I think it is essential that media freedom must remain a non-negotiable qualifying criterion for European integration. In this respect, I am aware of the responsibility this entails for representatives of international organizations, including myself, and I pledge to keep reminding governments of this fact.

To conclude, let me again emphasize that the situation must change, and it must change immediately. And, to make it happen, all that is necessary is, to use the phrase again, the political will to make it happen.

Is this going to happen? I do not know. This is something that all of us would like to hear today.

There is no need for many new laws. There is no need for new intense work of additional fact-finding commissions and complex regulations that govern conduct.

It is time for the countries to act, to show the will to embrace democratic values in order to start solving the problems. Governments must realize that the only way forward is “hands off the media”.

It is also important to point out to journalists and media workers that it is not enough to say “hands off the media”. They must continue to strive for the highest professionalism. I know that this is not easy to do when you face economic hardships, and when you are continually suppressed or even threatened. But there is no other way.

Again, what we aim at here today is not a job that one organization can do alone. And with this in mind, I would like to thank the European Commission for organizing this event in such an inclusive manner.

We must work together, build bridges, because our shared values are at stake. While defining the future, it is important to bear in mind that the role of the media is vital in generating the democratic culture. This is the final aim of our right to free speech.

Thank you.