

4 October 2007

**HUMAN DIMENSION IMPLEMENTATION MEETING
(Warsaw, 24 September-5 October)**

Working Session 16: Freedom of Expression, Free Media and Information

Thank you Mr. Moderator,

My delegation has aligned itself with the EU Statement. With this national statement I would like to amplify our views on the following issues:

“Freedom of expression, freedom of thought, conscience and religion, respect for private life or human dignity, and the prohibition of discrimination are all among the foundations of a “democratic society”. Within a democratic society situations could, however, arise in which the rights or interests of one person compete with the rights or interests of another. For example, the right to freedom of expression from one person could compete with the rights to respect for private life or freedom of religion of another person. None of these rights potentially involved are absolute; they can be restricted under certain conditions. The challenge for authorities is therefore to strike a fair balance between these competing rights and interests. This is of particular importance in multicultural societies, which are characterised by a diversity of cultures, religions and ways of life.”

These are not my words. These are the views expressed by the Council of Europe Committee of Experts for the Development of Human Rights in its latest report on “Human Rights in a Multicultural Society and Hate Speech”.

I felt the need to quote this paragraph as it authoritatively places the principles we cherish in their right context, the context of human rights and fundamental freedoms which are indivisible and interdependent. A selective approach to these rights could make it all the more difficult to strike a fair balance between them.

Mr. Moderator,

Mr. Haraszti in his key-note speech spoke with conviction on a broad range of issues within his mandate.

We welcome Mr. Haraszti’s recommendations made at the opening of the HDIM to address the challenges of ensuring freedom of the media while respecting diversity in a multicultural world through self-regulation and codes of conduct. We encourage Mr. Haraszti to disseminate good practices in this field. We look forward to the side event on “freedom of expression and hate speech” after the session.

Mr. Haraszti in that part of his statement which dealt with decriminalization of defamation attempted a generalization of causes of assassinations of journalists. He sought to establish a causal relationship between the legislation and the act of murder. As a former journalist he may see himself at liberty for making such a generalization based on a self-professed hypothesis. Mr. Haraszti knows better. Such hypothesis is harmful to the objectives we all pursue, at least, in foreshadowing other possible causes that prosecutors would want to focus on and offers an easy explanation to the perpetrators.

Mr. Moderator,

Regarding the paragraph in the EU statement on Turkey, let me offer two points of elaboration. In a preceding intervention, you will recall, this delegation has expressed itself in much more profound and emphatic terms, stronger than concern, over the murder of Mr. Hrant Dink, shared information on legal action in progress.

In my interventions in Vienna on efforts by successive Turkish Governments, I also informed colleagues regarding the state of deep and detailed public debate on strengthening freedom of expression, open to contributions from all interested parties. This debate and statements by my authorities lay down evidence that a review of the articles related to freedom of expression, in particular Article 301 of the Penal Code, is not ruled out. The task is to do it in a way that reconciles the requisites of the prevention of disorder and crime and the respect for the reputation and rights of others and those of free public debate, both of which are necessary in a democratic society.

Thank you.