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Swedish Presidency of the European Union

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EU Statement, Working Session 12-13: Freedom of Expression, Free Media and Information

Mr. Chairman/Madame Chairperson,

The EU welcomes the opportunity to address freedom of expression, free media and information extensively here today as one of the specifically selected topics at this year's Human Dimension Implementation Meeting. These issues have always been high on our Human Dimension agenda.

Freedom of expression and freedom of the media play an essential role in protecting democracy, peace and stability. They belong to our fundamental acquis in the OSCE and are some of our most sensitive commitments.

Therefore, 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

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the right to free speech are a precondition for a free exchange of opinions in any democratic society.

Mr. Chairman/Madame Chairperson,

The EU is pleased to welcome the OSCE Representative on Freedom of the Media, Mr Miklós Haraszti. Since its creation, the office of the Representative has been one of the leading OSCE institutions in the Human Dimension. It has always played its valuable role as a critical “watchdog” and thus given high visibility to our organization. Its approach to addressing relevant issues in all participating States is most welcome, including in member states of the EU.

The EU would like to stress that we perceive the work of Mr Haraszti and his dedicated staff as highly professional, transparent and, above all, well-balanced and objective. In this regard, we are aware that Mr Haraszti has to address problems in some participating States more often than in others – not because his work is imbalanced, but due to the fact that the obligation to implement our joint commitments applies equally to all participating states.

The EU looks forward to further close cooperation with Mr Haraszti and his team and encourages him to continue his support to participating States. We call on all participating States to fully cooperate with Mr Haraszti and his office, to enable them to travel unhindered and to provide them with full access to information. Failure to do so would be in violation of our common OSCE commitments.

Mr. Chairman/Madame Chairperson,

Since the last HDIM, we have seen progress regarding freedom of the media in some OSCE participating States. However, serious shortcomings persist:

- In some participating States, limitations to media freedom continue to be extensive. This is notably the case in Turkmenistan and Uzbekistan. We have not seen substantial improvement in this regard over the past year and therefore urgently appeal to these participating States to address this problem effectively.
- Killings of journalists represent the most serious form of violent infringement upon media freedom. We have seen such cases in Croatia, Kyrgyzstan and Russia. We commend the Croatian authorities for swiftly bringing the perpetrators to justice. We are aware that violence against journalists may occur in any OSCE participating State. However, in those participating States where killings of journalists happen repeatedly and perpetrators have not been brought to justice, we see a clear lack of adequate and effective protection for journalists.
- We regret that other forms of harassment, including physical violence, intimidation and imprisonment against journalists, also persist in a number of OSCE participating States such as Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan and Russia.
- Administrative limitations such as restrictive media legislation, excessive licensing practices or the closing of individual media channels, which are unacceptable and in violation of our common commitments, have continued to occur in various forms in a number of participating States including Armenia, Azerbaijan, Belarus, Moldova, Montenegro and Russia.

- Of particular concern are trends to regulate and limit the use of the internet in some participating States such as recently in Kazakhstan – given that the widespread use of the internet is more and more becoming an indispensable source of information and instrument of political as well as private discourse in most OSCE participating States.
- Finally, criminal proceedings or the use of fines against critical journalists based on libel and defamation continue to be used as instruments to limit media freedom in some participating States such as Kazakhstan, Montenegro, Serbia and Turkey.

Mr. Chairman/Madame Chairperson,

the EU stands ready for further close cooperation and dialogue with other OSCE participating States on all aspects of media freedom and would like to ensure the Representative of the Freedom of the Media of our continued support for his activities.

The Candidate Country the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, EFTA country Iceland align themselves with this statement.

* The former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

ANNEX

EU Recommendations

Participating States should

- 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,
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders,
- 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”).

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 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.