

Second day of the Twenty-Fifth Meeting
MC(25) Journal No. 2, Agenda item 7

DECISION No. 3/18

SAFETY OF JOURNALISTS

The Ministerial Council,

Reaffirming all relevant OSCE commitments on the right to freedom of expression, freedom of the media, and free flow of information, including the 1975 Helsinki Final Act, and the 1990 Copenhagen Document, where the participating States reaffirmed that the right to freedom of expression includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers,

Mindful that everyone has the right to freedom of opinion and expression, in accordance with the Universal Declaration of Human Rights, particularly Article 19, and the International Covenant on Civil and Political Rights (ICCPR), particularly Article 19, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Mindful also that any restrictions on the right to freedom of expression may only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of Article 19 of the ICCPR,

Reaffirming that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms, as stated in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE,

Acknowledging that journalism and technology are evolving and that this contributes to the public debate, while it may also expand the range of risks that undermine the safety of journalists,

Taking note of the importance of promoting and protecting the safety of journalists for the implementation of the relevant Sustainable Development Goal and Targets of the United Nations 2030 Agenda for Sustainable Development,

Recognizing that the work of journalists can put them, and their family members, at risk of violence, as well as of intimidation and harassment, including through digital technologies, which can deter journalists from continuing their work or lead to self-censorship,

Noting with concern that the use of undue restrictive measures against journalists can affect their safety, and prevents them from providing information to the public, and thus negatively affects the exercise of the right to freedom of expression,

Reaffirming that the media in their territory should enjoy unrestricted access to foreign news and information services, that the public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts, and that any restriction in the exercise of this right will be prescribed by law and in accordance with international standards, as stated in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE,

Concerned that violations and abuses of the right to be free from arbitrary or unlawful interference with privacy may affect the safety of journalists,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists, including those involving killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment and threats of all forms, such as physical, legal, political, technological or economic, intended to suppress their work,

Concerned by the distinct risks faced by women journalists in relation to their work, including through digital technologies, and underlining the importance to ensure their greatest possible safety and that the experiences and concerns of women journalists are effectively addressed,

Recognizing the crucial role of journalists in covering elections, in particular in informing the public about candidates, their platforms and ongoing debates, and expressing serious concern about threats and violent attacks that journalists can face in this regard,

Recognizing the importance of investigative journalism, and that the ability of media to investigate, and to publish the results of their investigations, including on the Internet, without fear of reprisal, can play an important role in our societies, including in holding public institutions and officials accountable,

Alarmed that targeted campaigns undermining the work of journalists are increasing, eroding public trust and confidence in the credibility of journalism, and recognizing that this can increase the risk of threats and violence against journalists,

Also alarmed at instances in which political leaders, public officials and/or authorities intimidate, threaten, condone or fail to condemn violence against journalists,

Expressing deep concern at the growing threat to the safety of journalists posed, *inter alia*, by terrorist groups and criminal organizations,

Emphasizing also the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of hacking or unlawful or arbitrary surveillance or interception of communications, undermining

enjoyment of their right to freedom of expression and their right to be free from arbitrary or unlawful interference with privacy,

Reiterating that participating States condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable, as stated at the 1994 Budapest CSCE Summit, and also recognizing that accountability for crimes against journalists is a key element in preventing future attacks,

Stressing the significance of commemoration of 2 November as the International Day to End Impunity for Crimes against Journalists (IDEI) proclaimed by the United Nations General Assembly,

Noting with concern the climate of impunity that prevails when violent attacks committed against journalists remain unpunished, and recognizing the role of governments, legislators and the judiciary in enabling a safe working environment and ensuring safety of journalists by, *inter alia*, publicly condemning and bringing to justice all those responsible for crimes against journalists,

Recalling United Nations Security Council resolutions 1738 (2006) and 2222 (2015), which condemn all violations and abuses committed against journalists, media professionals and associated personnel in situations of armed conflict, and which state that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

Calls on participating States to:

1. Fully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom, including by respecting, promoting and protecting the freedom to seek, receive and impart information regardless of frontiers;
2. Bring their laws, policies and practices, pertaining to media freedom, fully in compliance with their international obligations and commitments and to review and, where necessary, repeal or amend them so that they do not limit the ability of journalists to perform their work independently and without undue interference;
3. Condemn publicly and unequivocally all attacks and violence against journalists such as killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment, and threats of all forms, such as physical, legal, political, technological or economic, used to suppress their work and/or unduly force closure of their offices, including in conflict situations;
4. Also condemn publicly and unequivocally attacks on women journalists in relation to their work, such as sexual harassment, abuse, intimidation, threats and violence, including through digital technologies;
5. Urge the immediate and unconditional release of all journalists who have been arbitrarily arrested or detained, taken hostage or who have become victims of enforced disappearance;

6. Take effective measures to end impunity for crimes committed against journalists, by ensuring accountability as a key element in preventing future attacks, including by ensuring that law enforcement agencies carry out swift, effective and impartial investigations into acts of violence and threats against journalists, in order to bring all those responsible to justice, and ensure that victims have access to appropriate remedies;
7. Urge political leaders, public officials and/or authorities to refrain from intimidating, threatening or condoning – and to unequivocally condemn – violence against journalists, in order to reduce the risks or threats that journalists may face and avoid undermining trust in the credibility of journalists as well as respect for the importance of independent journalism;
8. Refrain from arbitrary or unlawful interference with journalists' use of encryption and anonymity technologies and refrain from employing unlawful or arbitrary surveillance techniques, noting that such acts infringe on the journalists' enjoyment of human rights, and could put them at potential risk of violence and threats to their safety;
9. Encourage State bodies and law enforcement agencies to engage in awareness-raising and training activities related to the need to ensure safety of journalists, and to promote the involvement of civil society in such activities, where appropriate;
10. Establish or strengthen, where possible, national data collection, analysis and reporting on attacks and violence against journalists;
11. Ensure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and interfere with their mission of informing the public and, where necessary, to revise and repeal such laws, in compliance with participating States' obligations under international human rights law;
12. Implement more effectively the applicable legal framework for the protection of journalists and all relevant OSCE commitments;
13. Co-operate fully with the OSCE Representative on Freedom of the Media, including on the issue of safety of journalists;
14. Encourage the OSCE Representative on Freedom of the Media's continued advocacy and promotion of safety of journalists in all OSCE participating States, in line with his/her mandate.

MC.DEC/3/18
7 December 2018
Attachment 1

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

The delegation of Austria, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

“In connection with the adoption of this decision on the safety of journalists, I would like to make the following interpretative statement under paragraph IV.1(A)6 of the OSCE Rules of Procedure on behalf of the European Union and its Member States, Albania, Canada, the former Yugoslav Republic of Macedonia, Ukraine and Montenegro:

We welcome the adoption of this important decision, which we believe will reinforce the efforts of the OSCE and all participating States on the pressing issue of safety of journalists.

As stated by the United Nations Human Rights Committee in its General Comment No. 34, journalism is a function shared by a wide range of actors. We regret that it was not possible to reach consensus on terminology that makes it explicitly clear that efforts to protect journalists should not be limited to those formally recognized as such, but should also cover support staff and others, such as ‘citizen journalists’, bloggers, social media activists and human rights defenders, who use new media to reach a mass audience. This remains the position of the European Union.

We also stress the importance of OSCE decisions on this topic being fully consistent with international standards including relevant resolutions adopted in the United Nations, in particular Human Rights Council resolution 39/6 of 27 September 2018 and General Assembly resolution 72/175 of 19 December 2017. We regret that consensus was not possible in this regard.

Mr. Chairperson, I request that this statement be attached to the decision and the journal of the day.”

MC.DEC/3/18
7 December 2018
Attachment 2

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the United States of America:

“We strongly support the safety of journalists and freedom of expression. We reiterate that any restrictions on the exercise of freedom of expression, including the freedom to seek, receive, and impart information and ideas of all kinds, for members of the media and members of the public, must be consistent with States’ obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which obligates States Parties to respect and ensure to all individuals within their territory and subject to their jurisdiction the right to freedom of expression. We understand any reference to ‘international standards’ in this regard to refer to such obligations. We understand the reaffirmation of language from the Document of the 1991 Moscow Meeting of the Conference of the Human Dimension of the CSCE to be in the context of the concerns addressed at that Meeting.

Thank you.

Mr. Chairperson, we request that this statement be attached to the decision and the journal of the day.”