



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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**Communique on freedom of expression and freedom of the media as a vital condition
for tolerance and nondiscrimination**

The world is mourning the horrific terrorist attack on the satirical magazine Charlie Hebdo in which 12 people were murdered and several people wounded. Eight of the victims were Charlie Hebdo staff: Stéphane Charbonnier aka Charb, Jean Cabut aka Cabu, Bernard Verlhac, aka Tignous, Georges Wolinski, Bernard Maris, aka Oncle Bernard, Philippe Honoré, aka Honoré, Elsa Cayat and Mustapha Ourrad. This is the worst single attack against journalists in the OSCE region since the establishment of this Office.

It is encouraging that the political leaders from all corners of the world and leaders of major religious communities condemned this brutal cold-blooded murder. Condemnation is not sufficient. Action speaks louder than words. I call on all political leaders to honor the memory of the victims by improving the safety of journalists and ensuring that freedom prevail.

The conclusions from the roundtable “Freedom of expression for tolerance and non-discrimination,” organized by my Office on 18 December 2014, have unfortunately become even more relevant today. I hereby reiterate some of the main issues:

The space for discussion and debate has transcended national boundaries and become global. Speech is also more abundant than ever. Opinions and thoughts that were expressed only within small communities and walled gardens now can reach a global audience in a matter of seconds. We need to avoid a vision of free speech as something opposite to the prevention of intolerance or other threats to social cohesion. In fact, separating them damages both.

Free expression and free media are precious instruments in order to facilitate the dissemination and discussion of all kinds of beliefs, thoughts and creeds. Nothing makes an idea more accountable than the fact that it has been widely discussed, questioned and criticized.

In a democratic society we need to accept being shocked, disturbed or even offended. Violence against those holding a different opinion is unacceptable. Discussion and public exposure reinforce pluralism.

It is more important than ever that governments take all possible measures to fight pressure, harassment and violence aimed at preventing opinions and ideas from being expressed and disseminated.

Legal approaches to speech have also transformed. National laws have incorporated a panoply of instruments and measures to deal with certain forms of intolerant or discriminatory speech. There is also an array of laws at the international level.

However, even the most articulated and proportionated legislation cannot always prevent some forms of intolerant speech. General notions such as “hate speech” should preferably be avoided as they are open to subjective and arbitrary interpretation. Legal measures should not focus on the sentiments or intentions of a certain speech but on the damage that it can cause. In this context defamation, insult and blasphemy should be fully decriminalized.

Discussions about possible limits on free speech to fight intolerance become almost irrelevant. Yet, in exceptional cases, some types of speech, such as calls to violence or harassment against communities or certain parts of the society, are not acceptable.

Intolerant speech should be primarily fought with more speech and media literacy. This needs a diverse, inclusive and vibrant civil society, both at the national and the international level. The media can support this by observing ethical standards, giving a voice to different parts of society and facilitating dialogue among different groups.

As well, governments should directly engage in different forms of tolerant speech or even counter-intolerant speech. They should also facilitate the conditions for a pluralistic speech and media environment as well as adopt measures aimed at enriching discussions and influencing emotions in order to avoid all forms of aggression.

Conclusions and recommendations:

- Freedom of expression and freedom of the media are vital for the promotion of tolerance and non-discrimination.
- Participating States should continue to improve the safety of journalists and ensure that freedoms prevail.
- Participating States should fully investigate all attacks and prosecute the perpetrators and masterminds to the full extent of the law. There must be no impunity for attacks on journalists.
- Participating States should refrain from banning any form of public discussion or critical speech, no matter what it refers to.
- Participating States must take all the possible measures in order to fight all forms of pressure, harassment or violence aimed at preventing opinions and ideas from being expressed and disseminated.
- Participating States should eliminate restrictions to freedom of expression on the exclusive grounds of hatred, intolerance or potential offensiveness. Legislation should only focus on speech which can be directly connected to violent actions, harassment or other forms of unacceptable behavior against communities or certain parts of society.

- Intolerance should primarily be dealt with in a discursive and therefore tolerant way. The role of civil society, media, international watchdogs and the effect of counter-intolerant speech must be particularly considered.

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