

The OSCE Representative
on Freedom of the Media

The Internet: Keeping it free



A free, open and safe Internet for all

The benefits of the Internet are obvious. The platform has changed the way we communicate with each other, do business with each other and how people unite to fundamentally change the way they govern themselves.



Access to the Internet is prerequisite for receiving, seeking and imparting information.

In our information society an open and accessible Internet is essential to exercise the basic rights of free expression and free media.

In the 21st century, access to the Internet is a prerequisite for receiving, seeking and imparting information.

Unhindered Internet access

Governments now have the obligation to ensure their citizens have unhindered Internet access and to ensure that online media

have the same rights as afforded traditional media.

It is essential that governments live up to their obligations to allow for an independent, vibrant and pluralistic media environment – capable only with an open Internet.

Internet literacy

Internet literacy stems from education in new media technology and applications that enables users to make informed decisions about their use of online resources,

evaluate the accuracy and bias of information and to protect minors from harmful content.

Education's crucial role

Education plays a crucial role in bridging traditional and new media literacy, particularly as our societies move toward a fully online world.

Young people should particularly be taught and empowered to make sound judgments about their online activities. An educated mind is the best filter and best defense.

Internet regulation: the less, the better



A free Internet is imperative to exercise the basic human right to freedom of expression. Photo: iStockphoto.

Governments have a role to play in the Internet operations, protecting children, fighting incitement to violence and hatred, and prosecuting crimes committed online.

An act that otherwise would be a crime if it took place in the “real world” should not be protected because it involves the use of computers and networks. The issue is how and to what extent online content should be regulated.

Restrictions are legitimate only if they are in compliance with international standards, necessary in a democratic society and set forth clearly in law.

Laws and regulations restricting Internet content or access should be governed by the same principles articulated in existing international agreements which provide for the defense of human rights, including Article 19 of the International Covenant on Civil and Political Rights.

Shaping policies to advance media freedom

In February 2013 the OSCE Representative on Freedom of the Media organized a conference, “Shaping policies to advance media freedom”, to explore contemporary issues affecting Internet freedom in a multi-stakeholder environment.

Recommendations developed from the conference are available at www.osce.org/fom/100112.

Open journalism and the open road ahead

New platforms and tools equip practically everyone to produce and share sound, text and images.

The public is now participating in the news gathering and distribution through a growing number of alternatives to traditional media, contributing to the public debate.

These new activities are what we call Open Journalism – open because it is on a platform that allows for the participation of the public – those traditionally just observing the news process.

In order for the OSCE participating States to fully comprehend the ramifications of Open Journalism, the Representative called together policymakers and practitioners on several occasions to facilitate an understanding of the issues involved and best practices to ensure a free media environment.

Recommendations from these meetings are available at www.osce.org/fom/118873 and www.osce.org/fom/128046.

Online abuse of female journalists

Female journalists and bloggers are increasingly subjected to online attacks in the form of tweets, posts, emails and comments. The gendered-nature of this harassment goes beyond traditional vitriol, using threats of rape and graphic violence to silence women online.

OSCE participating States must ensure that all journalists be empowered to work freely and without fear and any effort to silence women online must be regarded as a direct attack on freedom of the media.

Pluralism must prevail

The diversity of views, called pluralism, should be more evident today than ever in the history of civilization.

However, online media is not immune from censorship and is neither free by nature nor by design. Governments need to keep this in mind when adopting rules for the Internet that might have unintended consequences.

Access to the public domain is important for full participation of the public in civil society and must not be endangered through the adoption of excessively restrictive provisions of patent and copyright laws.

Net Neutrality a basis for equal access

Top on the list of conditions precedent for an open Internet is equal access to the Net itself. This concept, usually referred to as Net Neutrality, is the basis for equal access. The Representative is a strong advocate of this concept and has recently intervened in rulemaking hearings at the US Federal Communications Commission in Washington on behalf of Net Neutrality. The Representative's FCC filing is available at www.osce.org/fom/119819.



The “right to be forgotten”

The European Court of Justice ruled in 2014 that search engines have an obligation to delete links to websites which publish “inadequate, irrelevant or no longer relevant” data.

The Representative believes this so-called “right to be forgotten” is a decision that could affect access to information and fragment the Internet.

While the Representative believes that adequate protection of personal data from public disclosure constitutes a basic right of every person, personal data related to public figures and matters of public interest should always be accessible by the media and no restrictions or liability should be imposed on websites or intermediaries such as mere search engines.

The Representative has also expressed concern regarding the ruling by the European Court of Human Rights in the case of news portal Delfi AS vs. Estonia.

The ruling should not be used by participating States to apply imprecise and vague regulations to limit free expression on the Internet by online media.



The “right to be forgotten” has implications for access to information. Photo: Shutterstock.

Publications

Recent publications of the OSCE Representative on Freedom of the Media on new media issues include:

2013 Social Media Guidebook

The Guidebook explores the potential and the challenges of social media and the right to freedom of expression as new media develops. The publication is available at www.osce.org/fom/99563

The Online Media Self-Regulation Guidebook (2013)

The Guidebook, written in a question-and-answer format, explores the best practices and mechanisms of self-regulation of Internet media in the OSCE region and considers the latest issues in journalism, self-regulation and ethics. The publication is available at www.osce.org/fom/99560

Freedom of Expression on the Internet (2012)

A study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in OSCE participating States. Authored by Prof. Yaman Akdeniz, Faculty of Law, Istanbul Bilgi University, Turkey. The publication is available at www.osce.org/fom/80723

Key resolutions

OSCE Permanent Council Decision No. 633 of 7 December 2004

states that “participating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and express, as enshrined in the Universal Declaration of

Human Rights, and to foster access to the Internet both in homes and in schools...”

United Nations Human Rights Council Decision A/HRC/RES/26/13 of 20 June 2014

“affirms that the same rights that people have offline must also be protected

online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.”

Follow the OSCE Representative on Freedom of the Media



Office of the OSCE Representative on Freedom of the Media

Wallnerstrasse 6,
A-1010 Vienna, Austria

E-mail: pm-fom@osce.org
www.osce.org/fom
www.osce.org/ru/fom