



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Dunja Mijatović**

OPEN JOURNALISM
The Third Expert Meeting
DECEMBER 9, 2015
Ratsaal
Hofburg

Annotated Agenda

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The first meeting of the project on Open Journalism on 5 May 2014 brought together experts from throughout the OSCE region to discuss the practice of and terminologies related to the notion and effect of user-generated materials on traditional media, as well as the challenges it brings to traditional print and broadcast journalists.

The Second Meeting on 19 September 2014 focused on human rights and legal implications of Open Journalism. Presentations and discussions stressed the need for protection of new voices as well as exploring the best ways to protect media freedom online.

During these previous discussions, the presence and role of intermediaries in Open Journalism was raised on several occasions as a relevant issue for further discussions. The notion of intermediaries includes several different actors of the Internet value chain. In the context of this meeting discussions will focus on intermediaries who play a direct and effective role in the distribution of and access to journalistic content.

Intermediaries have become one of the main platforms facilitating access to media content as well as enhancing the interactive and participatory nature of Open Journalism.

The progressive establishment of different terms of use or community standards by social media platforms has increased their influence in the way content is distributed. A discussion about the relationship between intermediaries and media on the one hand, and between these platforms and users on the other hand is needed in order to properly

understand the implications of their activities and their corporate responsibility. Human rights issues in this area are of special importance, particularly when it comes to content decisions adopted by private actors.

The emerging importance of intermediaries as content hubs has also caused, in some cases, a higher level of intervention by State authorities. Intermediaries are often faced with a number of different requests and requirements by law enforcement and regulators. In addition, new liability norms are under consideration in the OSCE region, and recent supra-national Court decisions in areas like the so-called “right to be forgotten” (*Google Spain SL and Google Inc. v. Agencia Española de Protección de Datos and Mario Costeja González*, Court of Justice of the European Union, 13 May 2014¹) or the responsibility of online media vis-à-vis third party content (*Delfi AS v. Estonia*, European Court of Human Rights, 16 June 2015²) have raised important debates and concerns in this area.

OSCE delegations are kindly invited to attend the meeting and raise questions of their concern and interest. This expert meeting does not envisage statements from OSCE delegations.

The expert meeting on 9 December will be webcast live on www.osce.org and all information related to the event, including documents and information about the speakers, is available at www.osce.org/event/open-journalism. The expert meeting can also be followed via Twitter. Please use the hashtag #OpenJournalism to follow the event and to pose questions to the moderator and experts.

8:30 – 9:00 Registration with Coffee

9:00 – 9:15 Opening Remarks: Dunja Mijatović, OSCE Representative on Freedom of the Media

9:15 Session 1 – Role and Importance of Intermediaries in Open Journalism

- What is the role of intermediaries in Open Journalism? How can they facilitate and open and transparent dialogue between media and new actors?
- What is the role of the “terms of use” and/or “community standards”? Is there any sort of “corporate social responsibility” for intermediaries when facilitating Open Journalism?
- How human right issues should be dealt with by intermediaries? Is it possible to think of a basic set of principles applicable to all platforms?
- How sensitive issues such as anonymity, online harassment, hate speech and content take-down should be handled at the intermediaries’ level? How to avoid “private” censorship?

¹ <http://www.osce.org/fom/118632>

² <http://www.osce.org/fom/164836>

Moderator: Yaman Akdeniz, Professor of Law, Istanbul Bilgi University

Speakers:

- **Gabriella Cseh**, Head of CEE Policy, Facebook
- **Bill Echikson**, Founder and Director, E+Europe
- **Miquel Peguera**, Professor of Law, Open University of Catalonia

10:15 – 10:30 Coffee break

10:30 – 12:00 Session 1 - Discussion

12:00 – 14:00 Lunch Break

14:00 – 15:15 Session 2 – Relationship between intermediaries and State authorities in the area of Open Journalism

- **How intermediaries should be protected from pressure coming from State authorities?**
- **How intermediaries should handle requests coming from State authorities?**
- **What are the implications in this area of the rulings on the “right to be forgotten” and the Delfi case?**
- **Are there possible forms of fair cooperation between intermediaries and State authorities?**

Moderator: Wolfgang Kleinwächter, Professor of International Communication Policy and Regulation, Aarhus University

Speakers:

- **Ben Wagner**, Director, Center for Internet and Human Rights
- **Irina Levova**, Founder and Strategy Director, Internet Research Institute
- **Tim Karr**, Senior Director of Strategy, Free Press

15:15 – 15:30 Coffee break

15:30 – 17:00 Session 2 - Discussion

17:00 – 17:15 Closing Remarks: Dunja Mijatović, OSCE Representative on Freedom of the Media

17:15 – 18:00 Closing reception