



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

***Freedom of expression in the fight against terrorism
Address at the OSCE Human Dimension Committee, 9 February 2016***

Excellencies, dear Colleagues,

I am pleased to be back at the Human Dimension Committee to address you on an issue that is very timely and very high on the agenda of my Office.

Over the last few years we have witnessed a dramatic change taking place in many of our societies about the role of media freedom and freedom of expression in our efforts to fight terrorism.

A few governments have long regarded the protection of free expression and the fight against terrorism as a difficult match of two highly important responsibilities. However, now throughout much of the entire OSCE region, and beyond, they are regarded as opposite sides of a coin; two values that cannot be upheld simultaneously; two values that mutually weaken each other and, therefore, we need to choose between them.

I would like to dedicate the next few minutes to discuss why this approach is not only misleading, but highly dangerous if we want to live in safe and free societies. Let us also recall that the Office of RFoM was established to remind participating States especially in times of crisis to the commitments they made in the field of freedom of expression and media freedom.

We probably all agree that we are living in more dangerous times than a few years ago. Recent terrorist attacks in several participating States and new lines of conflict are fundamentally altering and challenging the way we think about our basic human rights such as freedom of expression, media freedom, and also privacy. In this process, and in an alarmingly short time, we saw our right to free expression being extensively questioned. Indeed, it has become regarded by many governments as one of the threats to fighting terrorism.

We must confront this notion before it undermines the fundamental freedoms that we fought for. We should never take these freedoms for granted. They are called fundamental precisely due to the importance they play – we need all of them to guarantee the stable foundation of our democracies.

I am therefore pleased to have your attention in this very important issue. The authorities of the participating States need to realize the dangers that lie in hastily writing laws that promise quick victory over terrorism.

What we see in our everyday work is that such legislative changes are often carried out at the expense of curbing pluralistic discussion in our societies.

I trust that you already know my position on this issue, but allow me to emphasize it once again: I do not challenge the right and important role of governments to fight terrorism and protect our societies. But free media and freedom of expression should not become suppressed in this process.

Unfortunately, this is what we see in many parts of the OSCE today, including in some of the oldest democracies in Europe. Security laws are being misused in order to take down critical content online, and in some cases even imprison critical journalists on fabricated charges of terrorism.

Of course, we should always keep in mind the terrible terrorist attacks that have created a momentum for European lawmakers and policymakers to rethink the concept of security and surveillance powers. Questions whether intelligence and law enforcement agencies should get better access to our digital communications are being debated continuously. We are faced with the dilemma whether we should be willing to give up a little bit on our fundamental rights such as privacy and freedom of expression in order to feel safe and secure.

What we also need to keep in mind, however, is that 10 months after the brutal terrorist attacks in Paris, despite massive security arrangements and expanded surveillance powers in France, terrorists have managed to strike again.

The challenge is for all of us to understand that security is a component of human rights. Without the full enjoyment of human rights, there is no security.

I trust that we all respect the importance of any government's legitimate security efforts and preventive measures. Surveillance is not a problem per se. Some degree of surveillance is necessary in order for our societies to be safe.

But in these efforts, all necessary mechanisms protecting free expression and media freedom must be preserved, in order not to obstruct freedom of expression, and within that, journalistic work.

Today, these mechanisms are under serious threat and they require your immediate attention and response. With increasing surveillance power to monitor citizens' activities, it is becoming more difficult for journalists to report about issues, including public issues that can directly affect our lives; and to get information and protect the confidentiality of their sources.

If you follow our work, you are aware how many times I had to address several initiatives undertaken by participating States that can obstruct the work of journalists. My office follows very closely the negative legislative trends where several countries have adopted, or are in the process of adopting, security driven legislation that can easily infringe upon free expression and lead to the disclosure of journalistic sources.

The more targeted surveillance upon journalists is very much on the rise. It poses a risk to investigative journalism, despite the European Court of Human Rights' clear rulings in this area.

One of the most essential roles of investigative journalism is to show a mirror to our governments, to our societies. Tracking journalists' activities, uncovering their sources and trying "to know what they know" is a dangerous step towards totalitarianism, and can not be justified on any grounds.

In this climate of intolerance, fear and anxiety, we need to fight for the values we believe in, for the freedoms that we fought for.

This requires firm, long-term thinking and a principled approach. Allow me to also quote Swedish Foreign Minister Margot Wallström at our recent Ministerial Council in Belgrade, "If we give up our core principles now, we will have less security, not more." I could not agree more.

It is crucial that governments take all possible measures to fight pressure, harassment and violence aimed at preventing opinions and ideas from being freely expressed and debated.

They can start so by acknowledging the essential role that freedom of expression plays in fighting terrorism, and in creating security.

I am pleased to say that positive examples do exist. Only a few weeks ago the Norwegian government initiated a comprehensive approach to promote freedom of expression in its foreign development policy, a strategy built on awareness-raising, dialogue and training, to foster independence of media, journalists' safety and access to information.

Authorities must accept that free media and free expression cannot stop at views deemed appropriate by those in power. Freedom of expression was not invented to enhance, or protect, or not to offend those in power. It is first and foremost a tool for the minority, for those who do not have backing from the establishment; for those who dare to criticize and question government policies and mainstream thinking. Those who dare to offend, shock and disturb.

Only by allowing free speech to flourish can we make well-informed decisions and live in safe and free societies.

Thank you for your attention.