

**Keynote speech by Dunja Mijatovic,
the OSCE Representative on Freedom of the Media**

Vienna, 13 September 2010

Excellencies, Ladies and Gentlemen, dear Colleagues, dear Press Freedom Heroes,

Tonight, I feel very privileged for being given this unique and honourable opportunity to address you at the beginning of my mandate as the OSCE Representative of Freedom of the Media on this very special occasion marking the 60th anniversary of IPI.

Five months have passed since I took office as the new Representative on Freedom of the Media of the OSCE. Even though five months may sound short, this period has proven more than enough to gain a deep insight, and, unfortunately, also voice concerns, about the decline of media freedom in many of the 56 countries that today constitute the OSCE.

Although the challenges and dangers that journalists face in our countries may differ from region to region, one sad fact holds true everywhere: the freedom to express ourselves is questioned and challenged from many sides. Some of these challenges are blatant, others concealed; some of them follow traditional methods to silence free speech and critical voices, some use new technologies to suppress and restrict the free flow of information and media pluralism; and far too many result in physical harassment and deadly violence against journalists.

Ever since it was created in 1997, my Office has been calling attention to the alarming increase of violent attacks against journalists. The high number of violent attacks against journalists a cause for concern. Equally alarming is the authorities' far-too-prevalent willingness to classify many of the murders as unrelated to the journalists' professional activities. We also see that more and more often critical speech is being punished with questionable charges brought against the journalists. Impunity of perpetrators and the responsible authorities' passivity in investigating and failing to publicly condemn these murders breeds further violence.

There are numerous cases that need to be raised over and over again. We need to continue to loudly repeat the names of these courageous individuals who lost their lives for the words they had written. I will not mention their names today; but I will call again upon those governments that have not brought the perpetrators of horrifying murders to justice to do so.

By highlighting murder and imprisonment cases, by no means do I intend to neglect other forms of harassment or intimidation that also have a threatening effect on journalists. Let me just recall that, with the heightened security concerns in the last decade, police and prosecutors have increasingly raided editorial offices, journalists' homes, or seized their equipment to find leaks that were perceived as national security threats.

My job currently, as set forth in the Mandate for this Office that was created in 1997, is to remind the 56 OSCE participating States to live up to the set of commitments to uphold and foster media freedom that they agreed to as members of this international body. In declaration after declaration, dating back to the Helsinki Accords of 1975, the nations that make up the

OSCE have agreed to create societies that respect the universal right to free expression and free speech.

Unfortunately, the practice in many countries falls far short of the ideal.

We do not always appreciate the importance of these freedoms until they are tampered with by state interference and control. Without the expression of ideas and opinions and the publication and distribution thereof in the media no society can develop effectively. As citizens we should protect our freedom of speech and the freedom of the media to ensure that all other human rights are protected.

Too many nations around the world know that, like democracy, freedom of the media and freedom of speech are not given once and for all. They must be constantly justified, reaffirmed and strengthened.

The OSCE commitments oblige all participating States to provide safety to journalists, not just for the sake of justice but also for the sake of democracy, which becomes an empty name without fearless fact-finding and discussion by and within the media.

Today, safety may be the biggest issue. That is because, perhaps now more than ever, it is dangerous to be a journalist.

My dear colleague, Alison Bethel McKenzie, said during the opening of this conference that “In the first eight months of 2010, 52 journalists were killed because of their work. That’s only four fewer than in the same period last year and it’s 52 too many. Last year 110

journalists lost their lives because of their work and now in 2010 we're well on our way towards a similarly grim toll."

The courageous men and women we honour here this evening are the vanguard for free speech, freedom of expression and, ultimately, a free and democratic society. Many we honour here have risked their futures, have been beaten, have been harassed, have been imprisoned and too many have even paid the ultimate sacrifice – with their lives – in pursuit of the story, the truth and the right to be heard.

Nineteen of the 60 press heroes come from countries that are member states of the Organization for Security and Co-operation in Europe. Five are here this evening: Jiri Dienstbier of the Czech Republic and Nedim Sener of Turkey are two new members. They join Veran Matic of Serbia, Harold Evans of the United Kingdom and Kemal Kurspahic of my home country, Bosnia and Herzegovina.

These people, along with other press heroes, represent thousands of members of the media worldwide whose jobs put them in harm's way in the cause of an open and democratic society.

They deserve our admiration for their courage to tell the truth and make our societies freer even in the situations where their life is at stake.

I always wanted to be a journalist but, unfortunately, I am not one.

I always worked with media and promoted media freedom in difficult times in my home country and abroad. I also wrote many articles related to promoting free speech, new media, and the need to protect journalists, but that does not necessarily make me a journalist.

Why do I mention this? Definitely not because I want to talk about my wishes and desires, but in an attempt to point out the importance of this profession. For me, journalism is a skill, a talent, a passion in a way. A passion to tell the truth, to inform, to reach others, to communicate the news using whatever means.

Along with threats directed to freedom of speech and freedom of the media in general, today the freedom to be and to call yourself a journalist and to perform your job freely is also threatened.

Today, in the 21st century, it is dangerous to be a journalist, a photographer, a member of the media. It is dangerous to be a journalist and to have lunch with your source in a restaurant. It is dangerous to be a friend or neighbour of a journalist. It is dangerous to write about corruption. It is dangerous to investigate stories. In many parts of the world it is dangerous to be a monitor of our time and it is dangerous to be a human being who speaks his or her mind freely.

But the love for freedom is much stronger than fear!

We honour you tonight. You are the ones that believe, can and want to push borders and build bridges. For you, freedom and justice are not just empty words. Because of you we gathered here tonight. Because of you, I do and I believe in job I am performing.

If murder is the most extreme form of censorship, it is not the only one being practiced.

Throughout the region, journalists are beaten on a regular basis. Their attackers often are not caught or punished.

As my distinguished predecessor, Miklós Haraszti, recently said, “Impunity breeds further violence, and practically blesses the most brutal type of censorship without saying so.”

Jail also remains a popular option to quash free speech in some parts of the OSCE region.

Throughout the OSCE region, journalists are behind bars today for practicing their craft – which often is reporting on corruption and corrupt public officials.

No one should fear being jailed for exposing the truth. As long as journalists are afraid for their lives and the lives of their families while doing their job, we do not live in a free society.

Not all the news is bad.

Not all nations believe that killing and beating journalists are just “garden-variety” crimes, to be treated as any other.

Many now are acting quickly to investigate and seek justice for murdered journalists, and leaders in those countries are speaking out, condemning violence against the media as an act that strikes at the very heart of their society.

I must note that there are few greater friends of free media and freedom of expression in the OSCE region than the European Court of Human Rights, whose rulings often have struck blows for freedom of expression. Though slow, the cases that wind their way through the system stand as concrete rulings that further the cause of media freedom.

I am pleased to report that the campaign against criminal defamation is gaining steam.

This summer, Armenia became the 11th participating State to decriminalize defamation. Many of the participating States have, in effect, done away with criminal defamation by following the European Court of Human Rights' holdings on the matter, even though criminal provisions still exist in their country's statutes.

This problem needs urgent reform not only in the new, but also in the old democracies of the OSCE. Although the obsolete criminal provisions have not been used in Western Europe for decades, their "chilling effect" remains. Furthermore, the mere existence of these provisions has served as a justification for other states that are unwilling to stop the criminalization of journalistic errors, and instead leave these offenses solely to the civil-law domain.

Currently, defamation is a criminal offence in all but 11 OSCE countries – Armenia, as I mentioned, Bosnia and Herzegovina, Cyprus, Estonia, Georgia, Ireland, Moldova, Romania, Ukraine, the United Kingdom and the United States.

Shield laws, which protect journalists from the coercion of courts to reveal confidential sources, are in place in several countries throughout Western Europe. Indeed, some progress even has been made in the United States for passage of a Federal Shield Law. The House of

Representatives passed a bill in 2009, though it meets an uncertain fate in the Senate. And time is short for passage as Congress recesses to run for re-election.

We must tip our cap to Iceland, where in June the parliament unanimously passed a resolution that requires the government to draft media regulations to strengthen the protection of journalists' sources, shield reporters from foreign libel judgments, boost access to information provisions in their statutes and exempt intermediaries, such as Internet service providers, from content responsibility. If enacted, these measures would become the world's strongest protection for free speech and journalism.

Ladies and Gentlemen, we're still left to ponder the question, "Thinking the Unthinkable: Are we losing the news?"

It is not clear that what we have talked about this evening, violence against journalists, is losing the news. But we do know that losing reporters by murder, harassment, intimidation and imprisonment destroys the fabric of the profession. It must be stopped.

As for the media itself, one famous reporter summed up the issue best more than 50 years ago when speaking about a relatively new invention at that time, television. Today, it seems to be even more valid.

"To those who say people wouldn't look, they wouldn't be interested, they're too complacent, indifferent and insulated, I can only reply: There is, in one reporter's opinion¹, considerable evidence against that contention. But even if they are right, what have they got to lose?"

¹ *Edward R. Murrow: Address to the Radio-Television News Directors Association & Foundation, 1958*

Because if they are right, and this instrument is good for nothing but to entertain, amuse and insulate, then the tube is flickering now and we will soon see that the whole struggle is lost.

This instrument can teach. It can illuminate and, yes, it can even inspire. But it can do so only to the extent that humans are determined to use it towards those ends.

Otherwise, it is merely wires and lights -- in a box.”

Ladies and Gentlemen,

Good night and good luck.