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Freedom of Media
**Contribution of the Office of the Commissioner for Human Rights
of the Council of Europe**

Protection of journalists

Freedom of expression and media has been part of the work of the Council of Europe Commissioner for Human Rights, Mr Thomas Hammarberg, since he took up his office in 2006. He has focused on the protection of media professionals and he remains deeply concerned that journalists in Europe are still being harassed, threatened or even killed. Their deaths silence the truth, may make other journalists more cautious and cause self-censorship. During country visits, in his reports, through exchanges of letters, in speeches, interviews, meetings and other conversations, the Commissioner has called upon governments to protect threatened media professionals and to fight impunity by conducting effective investigations into killings or other acts of violence and punish all perpetrators.

Defamation

During his encounters with authorities, media professionals and civil society, the Commissioner has made clear his position that criminal law is generally not a helpful tool to improve the quality of the media - with certain exceptions (e.g. to combat child pornography or hate speech with incitement to violence). The mere existence of criminal defamation laws can intimidate journalists and result in undesirable forms of self-censorship. To address the problem, the Commissioner has reacted to charges brought against individuals if they reflect a larger problem. He also has expressed his concern at laws criminalising libel even if not applied but which exist still in Council of Europe member states.

Media diversity

Ownership concentration of private media, closures of newspapers, cutbacks and de-staffed newsrooms, targeted political pressures on public service media, arbitrary tax inspections and random searches of newsrooms weaken the diversity and independence of the media. Some of the 'public' broadcasters serve as the mouthpiece of the government instead of operating in an impartial manner, reporting on all segments of society and serving the public at large.

To raise awareness the Commissioner published a Human Rights Comment on Press Freedom Day this year, where he stressed that in times when information pluralism is under threat we need, more than ever, “journalists who can collect information, analyse a complex world and be watchdogs for human rights, exposing corruption and misuse of power.”

When meeting with authorities the Commissioner has pointed out the importance of media diversity for an open-minded, pluralist democracy. He has reminded officials and media owners that any measures taken need to conform with the European Convention on Human Rights, especially the right to freedom of expression. He has encouraged governments in their important role to make a free, independent and diverse press possible.

Ethical journalism

Surveys indicate that the public trust in media is low in several European countries. Media markets are growing fast but offer a more superficial coverage. Internet and other new communication technologies have a great potential to improve the free flow of information but coincide with the outpouring of an extraordinary amount of undigested and unchecked facts, rumours and low quality analysis. Yet, for the sake of democracy and human rights, free, independent and high quality journalism and journalists who can analyse and explain a complex world are still needed.

When meeting journalists, editors, media managers and owners, the Commissioner underlines that journalists themselves must be the key defenders of and be ready to rebuild confidence in quality journalism. To improve and maintain ethical journalism, he has highlighted best practices and reminds authorities and other stakeholders that self regulatory mechanisms within the media are of great importance. He also has pointed out, that co-regulatory frameworks involving the media, civil society and the public authorities should also be developed. The Commissioner plans to publish an issue paper on ethical journalism in spring 2011.