



Organization for Security and Co-operation in Europe

The Representative on Freedom of the Media

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**Closing remarks
at the Reinforced Plenary Session of the 2010 Review Conference**

Astana, 28 November 2010

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

The simple words in the Helsinki Final Act regarding the free flow of information, which express the core values upon which the OSCE was founded, has dictated and defined the work of the OSCE Representative on Freedom of the Media since 1997, when the participating States wisely decided to create this unique Office.

The challenge today remains: to realize the full breadth of free expression and media freedom as envisioned by OSCE participating States through its declarations.

As we approach the Summit in Astana, now more than ever, for the benefit of millions of citizens of our countries in the OSCE region, it is essential that we all renew, revitalize and reinvigorate our basic commitments in the human dimension – including our many proclamations regarding media freedom – that we have made over the decades. It is time for the participating States to recommit to their original commitments.

In the run-up to the Helsinki Final Act, the negotiators agreed on the by now famous decalogue of 10 principles guiding the negotiations. Here is my media freedom decalogue for the Astana Summit:

- 1) The OSCE region sees itself as a club of democracies. Still, year after year journalists are killed in some participating States of the OSCE, others are beaten, harassed, threatened or assaulted. This violence must stop.
- 2) Only 11 of 56 participating States decriminalized criminal libel and defamation laws. Criminal libel and defamation is still the most often used tool to punish journalists or even to put them behind bars. Criminal libel should be abolished! Civil law provisions are sufficient to deal with cases where someone's reputation is damaged by media.
- 3) Prison can never be a response to a manifestation of the human mind, be it written or spoken, or in the form of satire or caricature. People should not be put in prison for expressing their views.
- 4) A major challenge these days is the safeguarding and fostering of media pluralism. Although not a new commitment, it is a particular challenge today as we still see state control over many media outlets on the one hand, and economic distress for many outlets on the other. By this, either the editorial independence is undermined or the economic independence is endangered. Governments are called to address both issues, if free media are to keep their role as a pillar of democracy.
- 5) Pluralism and the free flow of information are long-standing commitments within the OSCE. The Internet as the first truly global medium is the embodiment of these commitments. Hence, I call upon participating States to stop legislating on the content of Internet and to keep it free.
- 6) We are at the eve of a technological revolution, namely the switch from analogue to digital terrestrial broadcasting. Governments should use this opportunity to foster pluralism in broadcast, and thereby bring the national broadcast systems in line with their obligations under the OSCE commitments.
- 7) Often we hear that the approach from the Representative on Freedom of the Media is to be balanced. I disagree. Of course, I have to be unbiased, but I have to point my finger to where the problems are. As these problems are not emerging according to an even geographical distribution, but are mainly provoked by governmental action, my interventions can not be called balanced. I look at all of you with the same RFOM glasses, and if I see a problem or a potential infringement of media freedom commitment, I call upon the relevant Governments - no matter if they are located east, west, south or north of Vienna.
- 8) The OSCE commitments are universally applicable in all 56 participating States. The tendency to apply them under the caveat of "accordance with national legislation and tradition" is

undermining this universality. My role is to uphold the principle and to call for changes to national legislations or court practices if they violate media freedom commitments.

- 9) Technological change in the domain of media is rapid, some call it the digital revolution. But the commitments remain the same. Governments need to re-commit themselves to the commitments, not only in media but in all aspects of human rights. This is the essence of the OSCE process.
- 10) My appeal to the Summit is that the leaders collectively reinforce the media freedom commitments they have subscribed to over the last 35 years, and roll them over in today's reality of technological change. This updated political impetus is needed if we want to establish and consolidate media freedom in all 56 States.

I call upon the Delegates present here today to forward this decalogue of media freedom to their governments.

The Representative's office acts as a monitor – it provides a clarion call and is a guardian of the rights of the people of the participating States to freely express themselves. Because of its very mandate, much of the work undertaken by this Office has not been easy. Calling out countries that fail to live up to basic commitments regarding free expression or fail to provide adequate safeguards for media to work freely and safely is often contentious, argumentative and challenging work.

To reinforce the commitments is essential, and I have faith that participating States recognize this.

That's because free expression and free media provide the cornerstone for liberty, democracy and security among our nations. That's also because free media can foster more tolerant and interconnected societies, goals all participating States should share.

If we look at the role of free media across all aspects of society, we see a cornerstone upon which communities are built. Not only does it directly affect other human rights issues, such as elections and minority rights, free media also plays a crucial role in debating hard-core security matters and new challenges to security linked to transnational threats. If we touch upon other issues, such as migration or climate change, a meaningful debate without free and independent media is unthinkable.

The issues facing this Office today differ in form, but not in substance, from those faced in its first years of existence. Rapid technological changes, including the development of the Internet, have created an opportunity for an unprecedented flow of information throughout the world. We are exposed to more information than ever, yet transparency is still lacking at many levels of government. And sadly, many participating States have used the very technological advances that have opened the world to more information to block websites and suppress information that should be available to their citizens.

And there is no turning our back on the technological revolution. More, not less news is the way of the future. More, not less freedom of expression is the right of people of our region.

I pledge that under my stewardship, this Office will remain committed to its core duties, which includes demanding that participating States adhere to their basic commitments, while pursuing imaginative ways to help people in the OSCE region to express themselves freely. Above all else, we must continue to recognize the importance of free media to free societies.

Those values never should be underestimated because they are the essence of the OSCE.

What we need now is a clear-sighted understanding of the wide chilling effects of censorship and its impairment on media freedom. Knowing these effects should enable us to improve the situation in line with the commitments.

I hope that our leaders will have this vision in mind during the Summit.