

OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2006

EU statement for the working session 1: Fundamental freedoms I

2 October, Warsaw

Mr./Ms. Moderator,

The EU reaffirms the utmost importance of the free flow of information as well as the public's access to information. We therefore reiterate the commitment of the OSCE Istanbul Summit "to take all necessary steps to ensure the basic conditions for unimpeded transborder and intra-State flow of information".

High standards in ensuring the freedom of expression, free media and free access to information remain a cornerstone of our common system of values and obligations. Their implementation is key for a functioning democratic, free and open society built on human rights and the rule of law.

We therefore welcome positive developments in the OSCE area, such as the decision of the Parliament of **Moldova** to reject a draft law on a national register for periodicals. Over the past twelve months, the European Union has also taken note of positive developments concerning the freedom of the media in **Ukraine**, of the generally positive media environment in **Kyrgyzstan**, as well as achievements in the decriminalization of defamation in a number of participating States.

However, in many ways the situation of media freedom in the OSCE area remains problematic. Physical violence, harassment and intimidation sadly continue to occur, as do more sophisticated but no less harmful restrictions on media freedom.

In **Belarus**, we witnessed ongoing harassment of independent media, especially before and during the presidential elections of 19 March 2006. On several occasions, authorities confiscated independent newspapers such as *Noonday Volga and Tovarishch* and harassed the distributors. Foreign as well as local journalists were intimidated and in some cases imprisoned. Several foreign journalists were not allowed to enter Belarus despite valid visa. Independent voices and opposition politicians have no access to TV and radio stations controlled by the Belarusian State, except for very restricted circumstances at election periods. Major independent newspapers have been banned from distribution through the state network. The already low number of independent newspapers continues to decline as a result of pressure on them. Remaining independent papers face obscure registration and criminal slander procedures which appear designed to intimidate editors or to lead to their closure.

In Central Asia, **Turkmenistan** continues to have one of the lowest degrees of media freedom and freedom of opinion and expression. Journalists continue to work under extremely difficult conditions. Also, the death of Mrs Muradova on 14th September is of particular concern. In **Uzbekistan**, in

particular following last year's events in Andijan, journalists, especially those reporting on the events, have been silenced systematically by court action or other means. As to **Kazakhstan**, we have repeatedly expressed our regret at the new amendments to the Kazakh media law. We call upon the Government of Kazakhstan to accept the Representative's offer of legal assistance. We also encourage **Tajik** authorities to take the necessary steps to ensure the freedom of the media – in particular to allow the BBC to resume its broadcast as soon as possible - and to grant better media access to non-governmental political parties. This is particularly pertinent during the upcoming presidential elections.

Freedom of the media remains a cause of particular concern in the Caucasus. The murder of journalist Elmar Huseynov in **Azerbaijan** yet remains to be solved. We lament the still widespread harassment of journalists in the country, particularly during election periods, and call upon the government of Azerbaijan to closely cooperate with the OSCE office in Baku and the office of the Representative of the Freedom of the Media in order to improve the situation. With regard to **Armenia**, the EU encourages the competent authorities to further pursue efforts to ensure the independence of the media. The European Union also closely follows the situation of media freedom in **Georgia**. Despite remarkable progress since the Rose Revolution we are concerned about continuing state interference in the media. A focus of Mr. Haraszi on independent media in Georgia could be to assist authorities in promoting pluralism.

We observe that the media in **Russia** tend to be cautious and to practice self-censorship. Moreover, corruption and the concentration of media outlets in the hands of government-connected owners represent serious problems. We thus call on Russian authorities to promote the development of free and pluralistic media. In his speech at the World Newspaper Congress President Putin stressed the fact that the freedom of the media guarantees the continuation of the democratic process of a country.

In conclusion, the European Union would once again like to thank the **Representative on Freedom of the Media** for his dedicated work. We welcome the fact that he exercises his mandate professionally and impartially throughout the entire OSCE area. We pay careful attention to recommendations of the Representative concerning members of the European Union, e.g. in cases of alleged breaching of state secrets. Observing relevant media developments, exercising an early-warning function and responding rapidly to serious non-compliance with OSCE principles and commitments is a vital catalyst for promoting media freedom in all participating States. We attach equal importance to his work on horizontal topics, such as internet regulation, libel laws, legislation concerning access to information, administrative regulations concerning the media, media responsibility, self-regulatory mechanisms of and for the media and the issue of economic sustainability of media businesses. These are elements that can work in favour of media freedom or can be abused to work against it. Mr. Haraszi's undertakings to define standards and compile best practices in these areas are highly appreciated, and we encourage further co-operation with national authorities, lawmakers, media associations, NGOs, human rights defenders and other relevant actors in this regard.

The EU encourages all state and non-state actors in the OSCE area to further build and defend these precious core values and commitments which are an essential component of any democratic, free and open society.

Recommendations

Participating States should

- strengthen their political commitment to ensuring freedom of opinion and expression, and especially to decriminalize libel;
- review best practices in raising awareness among journalists about religious and cultural sensitivities and diversity among these groups;
- ensure the freedom of the media in the context of the fight against terrorism and in acting as a watchdog to ensure the respect for human rights and fundamental freedoms in countering terrorism;
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”)
- ensure that governance and regulation of the internet are not misused in order to restrict freedom of expression.

The OSCE Representative on Freedom of the Media should

- identify good practices in adopting new legislation in line with OSCE and other international commitments, especially with regard to defamation;
- explore how freedom of the press and respect for cultural sensitivities can be simultaneously preserved;
- identify good practices in strengthening transparency and public access to information;
- explore how self-regulatory mechanisms of the media (press councils, codes of conduct etc.) are more effective than regulation by state interventions into the freedom of the media and expression;
- elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured in the digital age.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia ¹ and the former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Albania and Montenegro, EFTA countries Iceland and Norway, members of the European Economic Area, align themselves with this statement.

¹ Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process