



EUROPEAN UNION

Human Dimension Implementation Meeting Warsaw, 26 September 2011

EU Statement – Session 1: Fundamental Freedoms I

Ms/Mr Moderator

I am honoured to speak on behalf of the European Union. The European Union attaches high importance to the freedom of the media and welcomes this opportunity to address this important topic. Freedom of expression, and its corollary, freedom of the media, play a crucial role in protecting democracy and the rule of law and in contributing to building and maintaining stability and security in all OSCE participating states. They are a precondition for a free exchange of opinions without which no democratic society can function. These freedoms also represent an essential part of our fundamental *acquis* in the OSCE. The EU remains concerned that implementation of OSCE commitments on freedom of the media continues to be deficient, and has even deteriorated in some cases.

As the OSCE Heads of State have reaffirmed at the Summit in Astana last December, the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. This includes the commitments on freedom of the media. The EU will therefore continue to monitor media issues and comment on them in the OSCE framework.

Strengthening the review of implementation of commitments and a more effective follow-up of recommendations made by OSCE Institutions are among the key priorities for the upcoming OSCE Ministerial Council in Vilnius. We support a decision to ensure the protection of journalists, notably against violence, threats and intimidation. In the light of technological changes and in order to ensure that the Internet remains an open and public forum, we are also in favour of adopting a decision on the topic of pluralism in the new media, aiming at reinforcing existing commitments and at enhancing their implementation.

Moderator,

The EU would like to express its strong appreciation to the Representative on Freedom of the Media, Ms Dunja Mijatovic, and her staff for their determined action and their transparent approach to making participating States observe the commitments they have undertaken in the field of freedom of the media. Under her leadership the office is continuing to vigorously fulfil its most valuable role as a critical “watchdog”. The EU supports the office’s approach to addressing relevant issues in all participating States, no matter where they occur. This includes member states of the EU, which have responded to concerns raised by the Representative in direct, bilateral contacts. The EU looks forward to further close co-operation. We call on all participating States to fully co-operate with Ms Mijatovic and her team.

Moderator,

Over the last year, in spite of progress achieved in some participating States with regard to freedom of the media, we again had to witness a range of serious violations:

Freedom of expression continues to be extensively limited in some participating States. In particular, we reiterate our appeal to Turkmenistan and Uzbekistan to address this problem effectively in accordance with existing commitments.

Violence against journalists has again occurred in some participating States. The Conference on Safety of Journalists in Vilnius last June as well as the Representative's recent reports show that there is a considerable need for further measures to ensure a safe working environment for journalists. The EU urges all participating States to prevent attacks on media professionals by fighting a climate of impunity. In this regard, we welcome recent progress on prosecuting perpetrators in the Russian Federation. We hope that those responsible for the murder of the Kyrgyz journalist Gennady Pavlyuk in Kazakhstan and of Georgy Gongadze in Ukraine will be convicted soon. In Kyrgyzstan, we hope that the ongoing process of establishing a new constitutional order based on the rule of law and the respect for human rights will eventually help to create a safer environment for media professionals in this country. The lack of progress in the investigations of the disappearance of Vasyl Klymentyev in Ukraine and of the assassination of Elmar Huseynov in Azerbaijan is worrying. The EU will also continue to follow closely recent reports on deficits of press and media freedom in Ukraine. In this context, we would like to repeat our call on all participating States, including the Russian Federation, Azerbaijan, Ukraine and Belarus, to ensure through their domestic law enforcement agencies the swift and comprehensive investigation of recent as well as still unresolved past cases of disappearances of and attacks on media professionals, in accordance with international obligations.

Extra-journalistic criminalisation of journalists and persons wishing to exercise their freedom of expression, and their imprisonment on questionable charges remain instruments of harassment and serious restriction of fundamental freedoms in some participating States, most notably in Azerbaijan, Kazakhstan, Tajikistan and Uzbekistan. Likewise, excessive compensation sentences issued by civil-law courts remain a method of intimidation against journalists and of repression against the mass media in some participating States, including Kazakhstan, Tajikistan and Turkey. The EU remains particularly concerned over

the deteriorated media freedom situation in Belarus. We condemn all harassment, arrests and intimidations of representatives of independent media by the authorities. We urge the authorities of Belarus to engage meaningfully with the Representative, including by finally meeting her request to visit the country without delay.

Finally, the EU emphasises the crucial importance of media plurality for the enjoyment of freedom of expression and of the media. One challenge is the increasing recourse by states to restrictions on the use of new technologies such as the internet, which undermines the potential these technologies have to promote the freedom of expression. The EU commends the Representative on Freedom of the Media for her recent comprehensive report, set up with the assistance of Istanbul Bilgi University, Turkey, on “Freedom of Expression on the Internet” in the OSCE area. Solutions related to the new media, including the internet and digital switchover, need to be found. Thank you for your attention.

Recommendations. Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the updating and strengthening of those commitments including to reflect technological developments such as the internet,
- extend open invitations to the Representative and her office,
- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,

- strengthen their commitment to ensure freedom of opinion and expression, and especially to protect journalistic activities from an inappropriate application of criminal law,
- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,
- act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity,
- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,
- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”),
- ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

The OSCE Representative on Freedom of the media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,
- continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation,
- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet can be ensured,
- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,

- in co-ordination with the ODIHR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders,
- continue to develop new media, including internet and digital broadcasting, as a focus area,
- continue to co-operate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.

The candidate countries CROATIA*, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO* and ICELAND**, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA and SERBIA, the European Free Trade Association country NORWAY, member of the European Economic Area, as well as SAN MARINO align themselves with this statement.

*Croatia, the Former Yugoslav Republic of Macedonia and Montenegro continue to be part of the Stabilisation and Association Process.

**Iceland continues to be a member of the EFTA and the European Economic Area.