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## Swedish Presidency of the European Union

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### **EU Statement in response to the address by the Representative on Freedom of the Media, Miklós Haraszti**

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The EU welcomes Mr. Haraszti once again to the Permanent Council and thanks him for his latest report.

We would like to take this opportunity to emphasise the importance which the EU attaches to the work of the Representative and his team. Free and independent media are at the core of democracy and without them a democratic society cannot flourish. The EU welcomes the fact that the Representative exercises his mandate impartially throughout the OSCE as is evidenced by the geographic balance of his latest report and we would like to assure Mr. Haraszti and the other participating States that EU Member States take careful note of his comments and recommendations.

This latest report reflects on developments in the period under review and, while there have been some positive developments, there are a number of worrying trends which give rise to concern.

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Foremost among these are the continued instances of violence against journalists. We regret that this is a recurring feature of Mr. Haraszi's regular reports to us. As we have said on previous occasions, assaults on journalists undermine the basic democratic value of free expression and impair the sustainability of a free and independent media. In this latest report, the Representative refers to incidents in Armenia, Croatia, Georgia, Kyrgyzstan, the Republic of Moldova, Montenegro and Russia which he has felt compelled to raise with relevant authorities, seeking the application of the full rigour of the law to identify and take action against the perpetrators. The EU was particularly concerned by the reports of intimidation and obstruction, by the law enforcement authorities, of journalists in the Republic of Moldova following the parliamentary elections. In light of the forthcoming elections in July, the EU is looking forward to the RFoM's timely assessment regarding the handling by the Republic of Moldova of journalists' complaints in this context.

Most of the countries in question have provided detailed responses to Mr. Haraszi and in many cases have been able to report on investigative and legal processes which have yielded convictions. This is commendable and we call on all participating States to act decisively to protect media workers and to investigate thoroughly all acts of violence against them.

While there have been some welcome advances in the decriminalisation of defamation and libel, these are counterbalanced by the ongoing imprisonment for libel or defamation of journalists, as for example in Azerbaijan, and the continued inappropriate use of fines to penalise journalists who have been critical of public figures, as recently in Kazakhstan.

Journalists should also not be subject to the same obligations with regard to non-disclosure of official government information sometimes imposed on public servants and state officials. The EU aligns itself with Mr. Haraszi's appeals to

both Serbia and Turkey to reconsider recent legal actions taken against investigative journalists.

Regarding legislative developments, the EU shares Mr. Haraszti's concerns at the progress through the Kazakh parliament on June 24 of the draft law on Information and Communications Networks, which has been submitted to President Nazarbayev for signature. In our statements to the PC on 12 February, 7 May and 4 June this year, which remain pertinent, we had called on Kazakhstan to remedy the shortcomings in this legislation, taking into account suggestions offered by the Representative. It is with great concern that we learn from Mr. Haraszti's latest report that these calls have gone unanswered. As Mr. Haraszti has pointed out, the law contravenes OSCE commitments and international standards, inter alia by allowing for unjustified limitations of freedom of the Internet by equating forums, blogs, chats and other Internet resources with traditional media outlets. As Kazakhstan approaches its chairmanship of the OSCE, the EU reiterates its expectations and appeals to President Nazarbaev to take these concerns into account when considering the legislation now in front of him.

The RFOM has highlighted deficiencies in broadcasting legislation in both Armenia and Azerbaijan and we call on the respective authorities to act on his recommendations. We also take note of his request to the EU to accord priority to media governance in assessing Bosnia and Herzegovina's convergence towards European standards.

Mr. Haraszti has identified a number of other continuing challenges to media freedom, including continued denial of access for foreign journalists and media outlets as in Belarus and the non-renewal of licences for independent broadcasters instanced in the Republic of Moldova. As we have said on previous occasions such restrictions are in violation of participating States commitments to freedom of the media and we encourage States which impose

these measures to rescind them.

The media landscape has transformed itself dramatically in recent years and nowhere is this more obvious than in the electronic media. This presents a major challenge to Participating States to adapt their legislative frameworks at a time of accelerating technological change. The RFOM has been quick to identify and respond to new threats and opportunities which impact on media freedom. In this regard we welcome the RFOM's initiative to commission a guide to assist participating States in the digital switch over and we very much look forward to its publication this summer.

In conclusion, the EU would like to reaffirm the value we place on the regular activities of the Representative. We commend his promotion of media freedom through publications, visits, seminars and training activities, in particular the annual Central Asia and South Caucasus Media Conferences which are supported by a number of EU Member States. We wish Mr. Haraszti and his team every success in these and all their endeavours.

The candidate countries CROATIA\* and FORMER YUGOSLAV REPUBLIC OF MACEDONIA\*, the countries of the Stabilisation and Association Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA and MONTENEGRO as well as the European Free Trade Association countries and members of the European Economic Area ICELAND and NORWAY align themselves with this statement.

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