



**Organization for Security and Co-operation in Europe  
The Representative on Freedom of the Media  
Dunja Mijatović**

**Address *in absentia* to the conference on  
Safeguarding Freedom of Expression through Media Self-Regulation**

*Baku, Azerbaijan, 6 September 2010*

By Dunja Mijatović

Excellencies, Ladies and Gentlemen, dear colleagues,

Let me first of all express my gratitude to all responsible for organizing this event on this very important topic at this very crucial moment. It is an event that I would have enjoyed addressing in person, but due to unforeseen circumstances, I am not able to. I am in contact with the Government of Azerbaijan and the OSCE Mission of Azerbaijan in order to find a new date to visit Azerbaijan and I sincerely hope that my visit will take place this year.

The topic of this conference is very significant for my Office. I wish to first congratulate my predecessor, Miklós Haraszti, for his tireless efforts to promote the decriminalization of defamation and the enhancement of media self-regulation in Azerbaijan.

Based on the set of OSCE commitments to media freedom, I am entrusted to pursue his campaign to abolish repressive defamation laws and promote independent media-accountability systems.

Let me start by saying that the existence of criminal defamation legislation, which is meant to protect honour and dignity of people, remains one of the most often applied means of legal pressure on independent media in the OSCE region. It undeniably hampers the work of journalists by protecting the powerful from criticism.

The danger of criminal defamation laws for the media is obvious. By generating fear of prosecution, they impede free discussion of important public issues. This so-called chilling effect prevents the media from playing their watchdog function necessary in a democratic society, namely from reporting on corruption, on the political process or from criticizing government officials.

This right of the society to scrutinize public officials has been enshrined by the abundant case law of the European Court of Human Rights. The Court recognizes that the limits of acceptable criticism are broader when applied to a politician acting in a public capacity than with a private person. Even false accusations should be tolerated by public figures.

Ladies and Gentleman,

Because an independent press-complaint mechanism is a good alternative to justice courts for handling defamation cases, combining the decriminalization of libel laws with the re-launching of an already existing self-regulation mechanism is a very timely initiative.

An independent complaint mechanism can protect journalists from judicial sanctions and allow them to be judged for professional mistakes by their peers. As well, media self-regulation can improve media quality and restore public trust in the media.

It is the position of my Office that media self-regulation, if established properly, can be the best regulatory system for the media. To promote and explain that concept, my Office published *The Media Self-Regulation Guidebook*, which was translated into the Azeri language.

However, I would like to warn this distinguished audience of a rising issue that jeopardizes the idea of media self-regulation in some new democracies. There is a growing tendency for some governments to promote the concept of self-regulation in

order to restrict media freedom from inside and in a more subtle manner than through media laws. By misusing the concept of self-regulation, some governments are trying to transform media self-regulation into a kind of convenient self-censorship.

This is why I would like to clarify that, as a matter of fact, ethical standards should only be adopted by media professionals and that a self-regulatory body should not include government representatives. Voluntary compliance to the system is an essential principle of media self-regulation.

Yet, let me underline that media quality and media self-regulation must not be treated by governments as preconditions to granting full media freedom. Only in a free-media environment can media be responsible. One should not forget that a non-free environment pushes media professionals into breaking the rules.

I believe that the recommendations offered by the OSCE Office in Baku should be thoroughly discussed by the Azerbaijani media community, but the success of a media-accountability system depends on the media professionals of that country. The role of international organizations is to provide assistance and expertise, not more. The role of the government is to sustain this endeavour by exerting self-restraint when dealing with media, not more.

The repealing of criminal defamation laws would be a substantial attestation of the good will of the government to exert self-restraint and improve media freedom in Azerbaijan. I hope that the government of Azerbaijan will follow other OSCE countries, including my home country, Bosnia and Herzegovina, in that trend, as did already Cyprus, Georgia, Moldova, the United-Kingdom, Ireland, Romania, Estonia, Armenia , Ukraine and the United States.

In the end, let me assure you that the status of media freedom in Azerbaijan will stay high on the agenda of my Office. I will not hesitate to openly and vigorously remind all

responsible of their responsibilities toward implementation of the OSCE media-freedom commitments.

I wish you successful and fruitful conference!