

HDIM 2013

Working Session 4: Fundamental freedoms I, including:

- Freedom of expression, free media and information, including best practices for protection of journalists;
- Address by the OSCE Representative on Freedom of the Media.

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The Working Session 4 was devoted to the right to freedom of expression, free media and information, including best practices of protection of journalists. The OSCE Representative on Freedom of the Media (RFOM), Ms. Dunja Mijatović, addressed the delegations and civil society as introducer.

Overlooking the past year, Ms. Mijatović stated the lack of progress in numerous participating States towards guaranteeing the freedom of expression and media. Two journalists were killed for doing their work in this time frame, and one died as a result of his earlier injuries. Journalists also continue to be subjected to beatings, threats, intimidation, and harassment; in some cases police assaulted media workers while they were reporting about public demonstrations.

Moreover, the practice of screening excessive amounts of online conversations and other personal data gives rise to concern and can negatively affect free expression. While she welcomed recent examples of dropping charges against journalists, and finding some perpetrators, Ms. Mijatović urged participating States to step up efforts towards safe working conditions for journalists and thus the full implementation of common OSCE commitments. Journalists fulfill a vital democratic function in disseminating information to the public, she stated, which is why they require special protection.

Ms. Mijatović continued to remind participating States that the obligation to protect the freedom of expression extends beyond merely the editorial office and includes online media and open journalism. The increasingly common practice of filtering and blocking websites in parts of the OSCE, often aimed at silencing critical voices under the pretext of national security, represents another major challenge to the participating States in living up to the commonly agreed standards of open societies. Ms. Mijatović concluded by calling on all participating States to muster up the political will and courage to jointly counter these worrisome trends.

The ensuing interactive part of the session saw 62 interventions, 42 of which by non-governmental organizations. 12 participating States exercised their right to reply.

Numerous speakers commended the work of the RFOM, with some interventions calling for her continued or stronger assistance to participating States in implementing their commitments. Numerous speakers concurred with her call for the universal respect for the freedom of expression, including with regard to online media, with some expressing their support for the 2011 MC Draft Decision on the Fundamental Freedoms in the Digital Age. The MC Draft Decision on the Protection of Journalists in the OSCE Area, tabled by the Chairmanship-in-Office, was welcomed by numerous speakers.

Appeals to participating States to foster safe working environments for journalists went hand in hand with calls for an end to harassment of media workers, immediate release of imprisoned journalists in

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a number of participating States and the consistent investigation of cases where violations of the freedom to expression have occurred in order to end impunity. The vital role that the freedom of expression plays in democratic societies as a multiplier for other human rights was often invoked.

A particular focus was repeatedly put on the obligation of participating States to ensure that the freedom of expression is upheld also in situations of crises and social unrest.

One delegation and a few CSOs voiced their disapproval of a tendency for widespread and indiscriminate collection of online data by participating States, amounting to violations of the right to privacy, and of the ensuing prosecution of those who unearth such practices.

Numerous speakers called attention to the potentially conflicting relation between the freedom of expression on the one hand and efforts to combat intolerance and non-discrimination on the other. Some organizations expressed concern over the presumably restricting effect of hate crime legislation on the freedom of expression, in particular due to the often imprecise and controversial scope of application of such legislation.

Other speakers identified a duty for media to contribute to a respectful environment, in particular for religious groupings, and reasoned that (self-) restrictions of the freedom of media may be justified in exceptional cases to prevent libel or hate speech. Security concerns may also represent – and have in fact represented – grounds for legitimate restrictions, as was occasionally argued.

A number of delegations and organizations called for the decriminalization of defamation across the OSCE region.

Recommendations to the participating States:

- To repeal provisions criminalizing and restricting the exercise of the freedom of expression both online and offline;
- To create safe working conditions for journalists and shield them from undue restrictions and intimidation;
- To immediately release imprisoned journalists;
- To carry out effective investigations into former violations of the right to freedom of expression with the aim of putting an end to impunity;
- To closely co-operate with RFOM and other international organizations with the aim to more effectively ensure freedom of expression;
- To facilitate the active participation of civil society in monitoring the situation of the freedom of expression and in reviewing relevant legislation;
- To reform hate speech legislation with the aim of rendering it consistent with freedom of expression;
- To ensure that the right to freedom of expression is respected at all times, including in situations of ongoing conflicts, social unrest, and in the fight against terrorism.

Recommendations to the OSCE/RFOM:

- The RFOM should continue to monitor and document violations of the freedom of expression and assist participating States in fulfilling their commitments;
- The RFOM should continue to co-operate closely with other international organizations such as the CoE and the UN in fulfilling her mandate.