



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



## **Recommendations**

The 6<sup>th</sup> OSCE South East Europe organized by the Office of the OSCE Representative on Freedom of the Media, in co-operation with the OSCE Mission to Bosnia and Herzegovina, was held in Sarajevo on 18-19 June 2019. The conference gathered around 200 media professionals, journalists, government representatives, civil society and media associations from the region.

The event focused on challenges to free media in South East Europe, and offered a platform to discuss and share best initiatives to foster quality of information and media freedom.

This year, particular focus was placed on media sustainability and development, and safety of journalists in the context of the newly adopted OSCE Ministerial Council Decision on Safety of Journalists. The conference also provided an overview of the legal environment for media freedom and the role of Public Service Media in the 21<sup>st</sup> century.

### **Session 1 Media freedom developments and sustainability in the region**

Amongst the main challenges to media freedom identified in this panel was the lack of transparency of media ownership and of funding for private and public media. The participants and experts discussed the difficulties in finding new business models that would ensure sustainability and independence of the media.

Some media are subject to the phenomenon of “media capture”, where the state or political parties secure influence through paying for advertising. In a number of cases, publicly available funds for the media are not distributed transparently. There is also the practice of cross-financing, where business owners subsidize their media.

In addition, participants elaborated on the need for investment in safety and preventative measures. Internet security threats, attempts to avoid cyberattacks, as well as lawsuits and fines can have a crucial impact on the financial survival of media outlets.

**The following recommendations were discussed:**

- The need for better legal regulation and transparency of the advertising market.
- The establishment of a legal framework for crowdfunding of media outlets.
- The support for the creation of a Media Trust Fund, an independent body that would receive both public and private donor funds for media development.
- A reform of taxation to stimulate crowdfunding and philanthropic donations.
- Working together on developing successful models for economic sustainability, such as memberships and subscriptions.
- Encourage co-operation on a common online platform among several smaller or regional media outlets, in order to attract more advertising revenue.

**Session 2 Safety of Journalists**

Journalists from the region testified about armed and physical attacks, orchestrated campaigns to discredit their work and integrity, and online treats from radical groups. Women are especially targeted for abuse online, but also subjected to physical attacks. Investigative journalists are intimidated by politicians and powerful business owners. Defamation cases are also used to intimidate or silence journalists in the region. The absence of completed investigations and prosecutions for attacks on journalists and their property was also highlighted.

The polarisation of societies is reflected in the acrimonious public debate. Such a hostile environment creates a chilling effect on freedom of expression and inspires threats and intimidation against journalists. Many choose to leave the profession, and to close independent media.

**Recommendations discussed:**

- As agreed in the decision on safety of journalists in Milan last year, the OSCE Ministerial Council calls on participating States to bring their laws, policies and practices, pertaining to media freedom, fully in compliance with their international obligations and commitments and to review and, where necessary, repeal or amend them so that they do not limit the ability of journalists to perform their work independently and without undue interference.

- To establish or strengthen, where possible, national data collection, analysis and reporting on attacks and violence against journalists, including gender based ones.
- To create long-term campaigns to end impunity, involving international organizations, civil society, journalists, media organizations and the relevant media industries.
- To encourage law enforcement authorities, such as prosecutors, police, and judges to establish regular communication with journalists' and media organizations, in order to create better systems for ensuring safety of journalists and creating a better environment for free and independent media.
- To decriminalise libel, slander and shaming, and ensure that defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists.

### **Session 3 Role of the Public Service Media (PSM) in the 21<sup>st</sup> century – the regional reality and the road ahead**

The PSMs' editorial independence is under constant threat and most are in a very difficult financial situation. There is no single solution that can be applied to all PSM, and each needs to find their own model to solve their problems. The panellists in this session focused on role of public service media in today's fragmented media environment. At a time when media and journalism are under attack, there is a pressing need for production of good public interest media content, investigative journalism and educational material. The panellists addressed the issues of the role of PSMs in informing and educating the societies, including what is their role in strengthening journalism, countering disinformation, and improving media literacy? Can they play a cohesive role in divided societies?

However, their professional solidarity across the region is important for their future survival. They also need to develop a coherent and common message why PSM are needed in today's societies now more than ever.

#### **Recommendations:**

- Authorities must ensure that PSMs are independent and adequately resourced, as well as strong and independent providers of news and information to the population. This includes legal protections of their independence and adequate financial means to perform their mission.
- The traditional mission of the Public Service Media to inform, educate and entertain is needed more than ever in today's societies. PSMs need to be given strong editorial independence and financial means to deliver this mission.
- PSMs should fully embrace the digital media revolution in order to re-establish their relationship and build trust with the populations they serve.
- PSMs should engage the public and adapt to the needs of each generation, both from a content and technical point of view.  
PSMs need to be strong defenders of journalism by setting the highest journalistic standards and adhering to ethical standards. They should be the centres of excellence.

- Better co-operation and solidarity among PSMs in the region is important for their future development and possibilities share costs of content production.

#### Session 4 **Legal framework and challenges – How to implement best international standards?**

Panellists in this session discussed recent challenges in the implementation of international standards in the South East Europe region. While in general it was assessed that laws are good, the issue of implementation and regulation within the legal framework were problematic. Countries of the region have thus far tried to implement prescribed international standards, without going through a needs analysis, stakeholder involvement and adapting laws to the national needs and contexts. One of the conclusions was that the region has no comprehensive strategy with regard to media freedom, but adopts laws that create a patchy framework that is not harmonized within a system.

#### **Recommendations:**

- Draft comprehensive media strategies within which individual laws based on the fundamental freedom of expression are drafted (i.e. online media not separate, the same issues of upholding media freedom hold true)
- Create inclusive processes, together with civil society, in working groups, whole-of-government approaches, and various stakeholders, to adapt media laws according to local realities and the economic, social and political context (instead of top-down approaches)
- Involve the international community in a co-ordinated manner and foster more co-ordination among the various actors and donors on the ground.
- Build the capacity of regulatory authorities to enforce media laws (but also police, prosecutors and Courts to, for example, prosecute hate speech against journalists or attacks on journalists).