OSCE

Office of the Representative on Freedom of the Media

**Expert workshop on public-private partnership
Engaging with the media in countering terrorism**

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Session 1

Cooperating with the media in reporting and countering terrorism

Roland Bless, *Director of the Office of the OSCE Representative on Freedom of the Media*

1) The role of the government in countering terrorism and protecting freedom of the media:
Establishing a Balance

- **New counter terrorism laws attempt to prevent the manipulation of the media for terrorists' purposes**

Since 2001, most of OSCE participating States have revised their legislation and policies related to fighting terrorism. Most of these revisions have expanded government powers in the name of effectively fighting terrorism and other crimes.

As is characteristic with the introduction of new legislation in democratic societies, a vigorous debate accompanied these changes. There was debate over the extent to which new laws undermine civil liberties, with particular consideration of freedom of expression and freedom of the media. The role of the Office of the OSCE Representative on Freedom of the Media is to help safeguard this very dimension in the OSCE area.[1]

Indeed, media professionals carry special responsibilities when addressing the question of terrorism, and must be careful in their judgments:
  - Perpetrators of terror seek to spread fear and intimidation, and rely on the dissemination of their images and messages through media outlets to accomplish this. Even with objective reporting this outcome is unavoidable; but sensationalist reporting can explicitly contribute to terrorists' objectives.
  - Journalists should be aware that terrorists try to utilise the media to reach a wide audience.

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[1] For a critical assessment of the effects of such legislation for civil liberties see:
David Banisar, Speaking of terror (Council of Europe, 2008)
http://www.coe.int/t/dghl/standardsetting/media/Doc/SpeakingOfTerror_en.pdf.

➢ Terrorists use new media, specifically the Internet, as a platform to fundraise and spread propaganda.

- **Free media are essential to countering terrorism**

Free media can:
➢ Help save lives by spreading information in the public interest.
➢ Pursue investigative journalism, and show the real face of terrorism.
➢ Counter the objective of terrorists to dismantle human rights and undermine freedom of expression.

2) The role of the Office of the OSCE Representative on Freedom of the Media: Ensuring that the fight against terrorism is not used by States to restrict Media Freedom

- **As a democratic collection of states, OSCE members must guarantee the security of their citizens in the fight against terrorism while remaining committed to the defense of universal liberties among which freedom of expression is a pillar.**

- **To ensure that anti-terror laws do not infringe upon media freedom**

a) *OSCE commitments* [2]

Governments need to find a balance between providing optimal security to the population, and protecting the freedom of the media. This concept is well reflected in various international documents adopted by the OSCE participating States.

- At the December 2001 Bucharest Ministerial Council, the OSCE participating States mandated the OSCE Representative on Freedom of the Media to, **"**Co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, **ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information."** (Paragraph 23 of the Bucharest Plan of Action for Combating Terrorism)

- At the December 2002 Porto Ministerial Council, the OSCE participating States acknowledged "the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness for the threat of terrorism"…and committed themselves "to combat hate speech and to take the necessary measures **to prevent the abuse of media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments**."

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[2] Freedom of expression, Free flow of information, Freedom of Media: CSCE/OSCE main Provisions 1975-2007 (Office of the Representative on FOM OSCE, 2007) 23-26
http://www.osce.org/publications/rfm/2008/03/30426_1084_en.pdf.

- At the <u>December 2004 Sofia Ministerial Council</u>, the OSCE participating States decided that they "will exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat, **while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression**."

- At the <u>December 2006 Brussels Ministerial Council</u>, the OSCE participating States, "remaining gravely concerned with the growing use of the Internet for terrorist purposes…reaffirming…**the importance of fully respecting the right to freedom of opinion and freedom of expression**…[invite] participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes…while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law."

In that respect, the Office of the OSCE Representative has been monitoring new media regulations related to terrorism and the Representative on Freedom of the Media has reported several examples of intransigence and violations in his regular reports to the OSCE Permanent Council.[3]

b)   *Joint Declaration of Global media freedom Rapporteurs*

Concerned about the proliferation of anti-terrorism laws, the three international Rapporteurs on Freedom of Expression (the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression) adopted <u>in December 2008 a Joint Declaration</u> stating that:

"While it may be legitimate to ban incitement to terrorism or acts of terrorism, **States should not employ vague terms such as 'glorifying' or 'promoting' terrorism when restricting expression.** Incitement should be understood as a direct call to engage in terrorism, with the intention that this should promote terrorism, and in a context in which the call is directly causally responsible for increasing the actual likelihood of a terrorist act occurring."[4]

c)   *To ensure the free flow of information concerning terrorism and to report violations of media freedom commitments*

It is the duty of the OSCE Representative on Freedom of the Media to defend the free flow of information under all circumstances. Freedom of expression and information are important features of the public right to be informed of sensitive matters, including terrorist acts and threats, as well as efforts of the state and international organizations to combat them.

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[3] Published reports to the Permanent Council can be found at:
http://www.osce.org/fom/documents.html?lsi=true&limit=10&grp=296.

[4] "Joint Declaration on defamation of religions, and anti-terrorism and anti-extremism legislation," <u>OSCE.org</u>, 9 December 2008, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information http://www.osce.org/documents/rfm/2008/12/35705_en.pdf

Various reports and interventions show that journalists have been under increasing pressure to comply with new media laws, and subject to detentions and prosecutions, as well as outright closure of operations.[5]

- o There have been several cases where new laws designed to protect national security from terrorism and other threats have limited journalists' ability to access information.

- o There have also been increased procedural powers granted to governments allowing them to obtain information or the disclosure of sources through surveillance and searches.

3) A solution promoted by the OSCE Representative on Freedom of the Media: Encouraging Media Self-Regulation

Effective media self-regulation will promote, raise, and ensure respect of ethical standards for media professionals. More importantly, media professionals would assume a regulatory role, independent of the government, and thereby reduce stipulations for state intervention.

The OSCE/FOM *Media Self-regulation Guidebook* addresses the issue of terrorism page 26.
It states that "*Acts of terrors should be reported accurately and responsibly. Special care must be taken with the wording, which should avoid praise for violent acts and eliminate terms that contain emotional or value judgments (…) The journalist's goal remains the same as in reporting any story: to let the readers make their own judgment .*"[6]

Ethical guidelines on terrorism:

- ▪ Most codes of ethics within self-regulatory bodies do not have a specific section dedicated to reporting about terrorism. But the issue is addressed indirectly through related guidelines including: respect for the privacy and human dignity of the victims, accuracy in reporting, use of reliable sources, etc.

- ▪ Public broadcasters carry more responsibilities and therefore follow detailed internal guidelines about reporting on terrorism. The BBC editorial guidelines address, for instance, the question of terrorism within a broad category defined as, "War, terror and emergencies". In France, the "Chartre de l'Antenne" also dedicates a section to "terrorism and hostages".

Some recommendations:

- ▪ Media should refrain from disseminating pictures or images of terrorist acts which violate the privacy and human dignity of victims.

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[5] Please refer to:
Permanent Council reports: http://www.osce.org/fom/documents.html?lsi=true&limit=10&grp=296.
"Access to information by the media in the OSCE region: trends and recommendations," OSCE.org, 30 April 2007 http://www.osce.org/documents/rfm/2007/05/24250_en.pdf.
David Banisar, Speaking of terror (Council of Europe, 2008)
http://www.coe.int/t/dghl/standardsetting/media/Doc/SpeakingOfTerror_en.pdf.
[6] Haraszti, Miklos, ed. Adeline Hulin and Jon Smith, "The Media Self-Regulation Guidebook," Office of the Representative on Freedom of the Media OSCE , 2008
http://www.osce.org/publications/rfm/2008/04/30697_1117_en.pdf.

- Events must be covered accurately and impartially.
- The reporting should be careful in its choice of terminology.
- Media should refrain from disseminating hate speech.
- Media should avoid contributing to the goal of terrorists by adding to the feeling of fear and intimidation.
- Media should avoid sensationalizing news content of terrorist acts in a race for economic gains or notoriety.