



EUROPEAN UNION

**OSCE Human Dimension Implementation Meeting 2013
Warsaw, 25 September 2013**

**EU statement – Working Session 4
FUNDAMENTAL FREEDOMS I, FREEDOM OF EXPRESSION,
FREE MEDIA AND INFORMATION**

Mister Moderator,

I am honoured to speak on behalf of the European Union. Freedom of expression and of the media in law and in practice is a longstanding top priority for the EU. Freedom of expression and free, independent and pluralistic media are cornerstones of any democratic society and represent an essential part of our OSCE commitments.

We have collectively agreed to remove restrictions inconsistent with the International Covenant on Civil and Political Rights; to condemn and to investigate effectively attacks on and harassments of journalists; to acknowledge the role of Internet in strengthening freedom of expression; to ensure that the Internet remains an open and public forum and to foster access to the internet. The EU remains deeply concerned that these commitments are increasingly called into question in parts of the OSCE region and will continue to closely monitor media issues and raise them in the OSCE framework.

The EU expresses its full support for the mandate of the Representative on Freedom of the Media. The EU supports the Representative's approach to addressing relevant issues in all participating States. We call on all participating States to fully cooperate with the institution and make good use of the RFoM's expertise.

The topic of freedom of the media is a key priority for the EU in view of the upcoming OSCE Ministerial Council. The EU welcomes the Chairmanship's intention to put forward a Ministerial Decision on this topic. The EU supports the strengthening of the implementation of respective OSCE commitments, also including the need to protect journalists against violence, threats and intimidation. In this context, the landmark resolutions of the UNHRC on Internet freedom and Safety of Journalists last year serve as excellent examples of how globally agreed standards could be reaffirmed within the framework of OSCE commitments. In addition, the EU would like to reiterate its strong support for the Draft Declaration on Fundamental Freedoms in the Digital Age.

Over the last year, we again had to witness a range of serious violations of commitments:

Restrictions on the use of Internet and blockages of websites are

continuously being introduced. National legislation is increasingly used as a means of restricting international human rights and fundamental freedoms. The EU remains concerned with a number of legislative measures taken by States, including Azerbaijan, Kazakhstan and Tajikistan. We also note with concern that independent media in Belarus continues to face significant pressure and regret that freedom of expression continues to be extensively limited in Turkmenistan and Uzbekistan.

Numerous incidents of violence, attacks, intimidation and harassment against journalists have again occurred in various participating States, including Azerbaijan, Armenia, Kyrgyzstan, Turkey, Ukraine and the Russian Federation. EU Member States have also been criticized. The EU further remains concerned that individuals are being harassed for their exercise of freedom of expression in parts of the OSCE region. The EU urges all participating States to strengthen the implementation of commitments, and calls on all governments to promote a safe and enabling environment for journalists to perform their work independently, without undue interference and without fear of censorship, persecution or prosecution. The EU also calls on participating States to investigate attacks against journalists, bring perpetrators to justice and provide adequate assistance to victims.

Finally, the EU emphasizes the crucial importance of media

plurality for the enjoyment of freedom of expression and of the media. The internet is developing into an ever more important tool to exercise the right to freedom of expression. Therefore, the EU is in the process of developing new Human Rights Guidelines on Freedom of Expression online and offline, to be used as tools and guidance for the EU's work on these issues in its external policy. We commend the RFoM for vigorously defending the full implementation of OSCE commitments related to media freedom online and offline and would also like to draw attention to the importance of the work of the OSCE field missions in this regard. Thank you for your attention.

Recommendations

Participating States should:

- reaffirm the existing principles and commitments in the field of freedom of expression and freedom of the media as well as their determination to implement them,
- consider how to enhance the implementation of commitments with regard to freedom of the media as well as to examine the strengthening of those commitments including to reflect technological developments such as the internet,
- extend open invitations to the Representative and her office,
- ensure that media laws are in line with international standards and OSCE commitments and are implemented subsequently,
- strengthen their commitment to ensure freedom of opinion and

expression, and especially to protect journalistic activities from an inappropriate application of criminal law,

- ensure that journalists in the OSCE area can work safely and without being threatened by physical violence, persecution, detention, harassment, intimidation, direct or indirect economic pressure or any other form of interference,

- act decisively to investigate thoroughly all acts of violence against journalists and bring offenders to justice, and fight the climate of impunity,

- ensure that press freedom is guaranteed by an independent judiciary to which journalists can appeal in cases of alleged violations,

- ensure the right of journalists to keep their sources of information confidential by enacting appropriate legislation (“shield laws”),

- ensure that these commitments equally apply to journalists who are also Human Rights Defenders.

The OSCE Representative on Freedom of the Media should:

- continue to assist participating states in achieving full implementation of the OSCE commitments,

- continue efforts to promote adoption of legislation which is in line with OSCE and other international standards notably in the field of libel and defamation,

- continue to elaborate how comprehensive and non-discriminatory access to information in particular to the internet

can be ensured,

- continue to strengthen freedom of the media through capacity building in the framework of training activities and media conferences,
- in coordination with the ODHIR's Point of Contact on Human Rights Defenders, assist the participating states in delivering on their commitments to protect the journalists who are also Human Rights Defenders,
- continue to develop new media, including internet and digital broadcasting, as a focus area,
- continue to cooperate with other regional and international organisations such as the Council of Europe or the United Nations on freedom of media issues.

The Candidate Countries, the former Yugoslav Republic of Macedonia*, Montenegro*, Iceland+ and Serbia*, the Countries of the Stabilisation and Association Process and potential candidates Albania and Bosnia and Herzegovina, align themselves with this statement.

** the former Yugoslav Republic of Macedonia, Montenegro and Serbia continue to be part of the Stabilisation and Association Process.*

+ Iceland continues to be a member of the EFTA and of the European Economic Area.