

Prohlášení
Statement
Déclaration

Vienna 2 April 2009

Permanent Council No. 757
**EU Statement in response to the Representative for the Freedom
of the Media Miklos Haraszti**

The European Union welcomes Mr Haraszti once again to the Permanent Council and thanks him for his latest report.

As ever, Mr Haraszti has provided us with a very thorough overview of relevant developments throughout the OSCE area in the period under review. In this regard, the EU would like to express its concern at the continuing deterioration of freedom of the media in a number of participating States and the failure of a number of them to address shortcomings which have been identified in previous reports.

The participating States have committed themselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. The EU values highly the work of Mr Haraszti and his team in promoting and defending this fundamental freedom and the assistance and advice offered to all participating States to enable them to comply with their OSCE commitments in this area. By freely entering into these commitments, we have acknowledged the essential role that a free and independent media can play in democratic societies and it behoves us to take careful note of his comments and to act on his recommendations in a timely manner. We would like to assure the Representative and all other

participating States that this is certainly the approach of the EU member states.

The EU deplores the continued climate of impunity prevalent in a number of OSCE participating States which has done nothing to prevent attacks against journalists and indeed in many cases has encouraged the perpetrators to act, secure in the knowledge that they will not be held to account for their deeds. All acts of violence are to be condemned but assaults on journalists also undermine the basic democratic value of free expression and impair the sustainability of a free and independent media. Journalists and media workers must be free to report on all issues of interest to the public, including instances of government corruption and abuses of human rights and should not feel compelled to engage in self-censorship. We urge all participating States to act decisively to protect journalists and to identify and to take effective action against those who attack them, as is the case in the EU member states.

Regarding regulation of the Internet, we support the work of the RFOM in promoting freedom of expression and access to the Internet, in line with Permanent Council Decision 633 which called on participating States to ensure that the Internet remains an open and public forum for freedom of opinion and expression. We encourage therefore all participating States to have in place the necessary legislative and administrative framework to foster a plurality of Internet Service Providers.

The EU notes with concern the other forms of constraints on media freedom itemised in Mr Haraszti's report. These may take the form of legislative measures which permit interference by government with the media in ways that are not compatible with OSCE commitments.

Another mechanism increasingly resorted to is to place restraints on national as well as international broadcasting. Again it is our view that such restrictions are in violation of participating States commitments to freedom of the media and we urge the Governments concerned to review their actions.

The EU welcomes the positive developments in a number of countries with regard to an easing in defamation laws. However in a number of countries they continue to be used to penalise journalists who have been critical of public figures. We all accept that journalists and media workers have a duty to ensure that their reports are grounded in facts rather than speculation. However they should not be subject to criminal prosecution or suffer disproportional financial consequences for mistakes honestly made or for the truth uncomfortably told. Nor should they be subject to the same obligations with regard to non-disclosure of official government information sometimes imposed on public servants and state officials.

Finally, on a positive note, the EU would like to congratulate Mr Haraszi on receiving the Chydenius Medal for merit in the promotion of openness internationally in Helsinki on 2 December 2008, "Freedom of Information Day" in Finland. Mr Haraszi received the award for his work as OSCE media freedom representative in paying attention to the principle of freedom of information and for the reports from his Office which were recognised as contributing significantly to the development of a legislative basis for open governance in the OSCE region.

The candidate countries CROATIA* and the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, the countries of the Stabilisation and Association

Process and potential candidate countries ALBANIA, BOSNIA AND HERZEGOVINA, MONTENEGRO and SERBIA, the European Free Trade Association countries and members of the European Economic Area ICELAND, LIECHTENSTEIN and NORWAY, as well as UKRAINE, the REPUBLIC OF MOLDOVA and GEORGIA align themselves with this statement.

*Croatia and the Former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.