OSCE

Supplementary Human Dimension Meeting
PROMOTION OF PLURALISM IN NEW MEDIA

7-8 July, 2011
Hofburg, Vienna

ANNOTATED AGENDA

Background

The emergence of new media, particularly the Internet, has profoundly changed the way people communicate and share and receive information. Digital terrestrial broadcasting and new media also have changed the traditional conception of "information boundaries". New media have not just helped develop a globalized world, but they also provide us with "globalized" news, accessible often in real time and any time by one-third of the world's population. In this regard, the Internet and new media bring people closer to each other, while at the same time increasing transparency and generating a new understanding of what is the public sphere. New media also present challenges to national jurisdiction over media outlets and content. With a server located in one country, content being produced in a second and read or downloaded in a third, the questions of the origins of news or other media content and their target audience arise. This can have an impact on media pluralism domestically and in the trans-national context.

Numerous OSCE commitments are aimed at ensuring freedom of expression, of information and of the media. The OSCE has rightfully recognized that independent media and freedom of expression are cornerstones for stable and peaceful societies.[1]

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[1] Relevant OSCE commitments include the 1990 Copenhagen Document; the 1991 Moscow Document; the 1994 Budapest Summit Document; the 1996 Lisbon Summit Declaration; and the Charter for European Security, adopted at the 1999 Istanbul Summit
- In the 1990 Copenhagen Document, the participating States affirmed that they "will provide that no legal or administrative obstacles stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process."
- The 1991 Moscow Document states that participating States "will, in conformity with international standards regarding freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession, other than those strictly required by the exigencies of the situation."
- In the 1994 Budapest Summit Document, "[t]he participating States reaffirm that freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government. They take as their guiding principle that they will safeguard this right."
- At the 1996 Lisbon Summit, the OSCE participating States declared that "[f]reedom of the press and media are among the basic prerequisites for truly democratic and civil societies. In the Helsinki Final Act, we have pledged ourselves to respect this principle. There is a need to strengthen the implementation of OSCE commitments in the field of the media, taking into account, as appropriate, the work of other international organizations."

Freedom of the media is the collective embodiment of freedom of expression. Pluralism in the media is, therefore, a prerequisite for the expression of different opinions and a guarantee of individuals' abilities to express their opinions without interference. With media in the hands of society, and not the custody of the state, pluralism is a safeguard for the marketplace of ideas.

The Supplementary Human Dimension Seminar will provide a forum for the discussion of the development of electronic media and the implications of that development on media freedom and pluralism. Among topics will be the switchover from analogue terrestrial to digital terrestrial broadcasting and maintaining freedom of expression and the free flow of information on the Internet.

Day 1

15:00 – 16:00   **Opening Session**

16:00 – 18:00   **Session I: Challenges and opportunities for new media to foster pluralism**

This session will discuss the main developments related to new media, such as the media-freedom implications of the switchover to digital broadcasting, media pluralism and freedom of expression on the Internet. It will provide an overview of changes in the ways people communicate, including how they access, share and receive news and other information. In this context, new forms of media and hybrid platforms and their impact on media pluralism will be discussed.

The session also will address how new technologies necessitate new approaches to safeguarding existing OSCE commitments on media freedom and freedom of expression. It will address governments' handling of challenges posed by new technologies and underline prospective threats to media freedom by government attempts to curb the rights of those who use new or traditional media to present critical views.

The discussion also will highlight the basic connection between the development of new media and the level of freedom of expression: If the free flow of information is restricted, people's right to freedom expression will undoubtedly suffer.

The following questions may be considered for the discussion**:**

- In the 1999 Charter for European Security, the participating States in "reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society."

- What is the situation regarding freedom of new media, such as digital broadcasting and the Internet, in the OSCE region?
- What is meant by and what are the indicators of "media pluralism"?
- How might the role of the civil society be increased to more strongly advocate media freedom and freedom of expression?
- How can existing OSCE commitments on media freedom and freedom of expression be implemented better, particularly in view of the challenges posed by new media?
- How can we ensure that commitments are interpreted in a similar way by participating States?

Day 2

10:00 – 12:00   **Session II: Regulatory aspects of digital switchover**

The switchover to digital terrestrial broadcasting is a technological process that enables us to gain access via television and radio to a previously unimaginable amount of information. If carried out properly, the experience of switching from analogue to digital terrestrial broadcasting can further strengthen plurality of content, opinion, programming, electronic-media outlets and freedom of expression.

This session will introduce the *Guidebook to Digital Switchover,* commissioned by the OSCE Representative on Freedom of the Media, which offers practical help to those OSCE participating States in which the switchover will be a challenge in coming years. By providing a list of the "do's and don'ts" of the process, the Guide focuses attention on the main difficulties and opportunities associated with the switch. Well-designed switchover policies and a sound legal framework are necessary to ensure a successful transition. The session will, therefore, cover a wide range of regulatory aspects to be considered by all stakeholders involved in the digitalization process.

The session also will highlight existing experiences that show how the switchover to digital has affected media pluralism in countries where it has already occurred. As 2012 is the year in which analogue terrestrial broadcasting is to end in the European Union, digital broadcasting is already in place in a number of OSCE participating States. By highlighting both good practices and potential risks associated with the switchover in relation to pluralism of content and ownership, the session aims to provide practical suggestions to countries currently carrying out this process.

The following questions may be considered for the discussion:

- What are the main regulatory aspects to be considered by the authorities to guarantee that the transition to digital enhances media pluralism?
- What are the main challenges that have been faced and good practices developed in those OSCE countries where the switchover to digital has already taken place?

- How can participating States prevent the switchover to digital terrestrial broadcasting from consolidating the characteristics of the analogue broadcasting landscape?
- How can easy access to the media landscape for new broadcasters be ensured?
- How can the switchover to digital be carried out to strengthen, rather than weaken, public-service broadcasters?

12:00 - 14:00   Lunch break

14:00 – 16:00   **Session III: Internet regulation in the OSCE area: Introduction of the first OSCE Internet matrix**

Questions such as how to ensure freedom of information on the Internet and how and to what extent the Internet should be regulated have been high on the agendas of many countries across the OSCE region. As more people gain access to the Internet, it seems more governments are trying to find ways to regulate certain aspects of the web. While the Internet is primarily a telecommunications infrastructure with media-like content, and not a media, *per se*, the web is indeed different in that – unlike traditional media – it was born free of regulation. Now, however, there are increasing calls for it to be protected from over-regulation.

Legislation is often aimed at regulating technical aspects of the Internet that, however, might become outdated within a few years or at transforming regulation of off-line behaviour to apply it to the Internet without taking into consideration the specifics of the medium or the technology. The call by many media advocates and civil society representatives for a free Internet always implies the call to preserve a global web rather than shifting toward a number of national or regional "Internets" or national "Intranets".

Discussion will be based on the introduction of the findings of the first comprehensive OSCE study on Internet legislation. The study includes an overview of legal provisions related to freedom of the media on the Internet, the free flow of information and media pluralism on the Internet in the OSCE region.

The session will also provide for discussion of the effectiveness of Internet legislation and regulation, as well as the efficiency of alternative methods of dealing with unwanted content. The session will further elaborate on whether or to what extent legislation drafted for off-line media can be transferred to the Internet without negatively impacting on the free flow of information.

The session will also reiterate previous commitments in the field, such as the Charter for European Security adopted by the OSCE participating States at the 1999 Istanbul Summit, in which the participating States committed themselves to ensuring "unimpeded transborder and intra-State flow of information" and PC Decision No. 633, where they

pledged to take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression.[2]

The following questions may be considered for the discussion:

- Where do we stand in terms of Internet regulation across the OSCE region?
- How do newly adopted or amended laws aimed at regulating new media affect freedom of expression and the free flow of information on the Internet?
- How can we ensure that national Internet legislation or regulation does not lead to a "nationalization" of the Internet, which contradicts the global nature of the web?
- How can we assess the efficiency and applicability of international norms or treaties aimed at regulating online content?
- What measures can be provided by the relevant players, i.e., governments of participating States, international governmental organizations, non-governmental organizations, journalists' associations and media organizations, to support a free Internet?

16:00 – 16:30   Break

16:30 – 17:30   **Closing Session**

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[2] In the Charter for European Security, the participating States in 1999 "reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society."

OSCE Permanent Council Decision No. 633 was endorsed by OSCE Ministerial Council Decision No. 12/04 on 7 December 2004 at the Sofia Ministerial Council at states that "[p]articipating States should take action to ensure that the Internet remains an open and public forum for freedom of opinion and expression, as enshrined in the Universal Declaration of Human Rights, and to foster access to the Internet both in homes and in schools." OSCE PC Decision 633 further asks the participating States to "study the effectiveness of laws and other measures regulating Internet content".