



**HUMAN DIMENSION  
S E M I N A R**

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## **2013 OSCE HUMAN DIMENSION SEMINAR**

### **Media Freedom Legal Framework**

Warsaw, 13-15 May 2013

#### **ANNOTATED AGENDA**

##### **I. Introduction**

Human Dimension Seminars are organized by the OSCE/ODIHR pursuant to the CSCE Summit decisions in Helsinki (1992) and Budapest (1994). The 2013 Human Dimension Seminar is devoted to the Media freedom legal framework in accordance with PC Decisions No. 1078 of 2 April 2013 and 1082 of 9 May 2013.

OSCE participating States have agreed on numerous commitments on media freedom in the last almost four decades. In 1975, in the Helsinki Final Act, the participating States confirmed the right of the individual to know and act upon his rights and duties, and stressed the universal significance of human rights and fundamental freedoms.

In the 38 years following the Helsinki Final Act, the Conference on Security and Co-operation in Europe and, now, the OSCE, continued to build a legacy of support for free media. In 1994 in Budapest the participating States reaffirmed that free expression is a fundamental human right and a basic component of a democratic society, and they took it as their guiding principle that they would safeguard this right. At the same meeting they also agreed to condemn all attacks on and harassment of journalists and endeavour to hold those directly responsible for such attacks and harassment accountable.

Five years later, in 1999 in Istanbul the participating States reaffirmed the importance of independent media and the free flow of information as well as the public's right to access information and committed themselves to take all necessary steps to ensure the basic conditions for free and independent media. The Ministerial Council in 2004 in Sofia concluded by the participating States agreeing to ensure that the Internet remains an open and public forum for free expression and free opinion. More recently, at the Ministerial Council in 2012 in Dublin, participating States recognized that "freedom of information and access to information foster openness and accountability in public policy and procurement, and enable civil society, including the media, to contribute to preventing and combatting corruption, the financing of terrorism, and money-laundering and its predicate offences."

The Human Dimension Seminar will provide a platform for an exchange of views among different stakeholders on key aspects of the rule of law framework for media freedom. The OSCE

participating States and other stakeholders will be able to share best practices and challenges in the area of media law and policy, as well as strategies for better enforcement and implementation of OSCE commitments on the national level.

## **II. Aims**

The Human Dimension Seminar aims to serve as a platform for exchanging good practices between the participating States on the issues related to the media freedom legal framework. It will also provide an opportunity to discuss how monitoring efforts and reform processes could benefit from such exchanges of good practices. The discussions will be structured in three Working Groups as outlined in the Work Plan below.

## **III. Participation**

Representatives of the OSCE participating States, OSCE institutions and field operations, inter-governmental and non-governmental organizations will take part in the Seminar.

Participation of experts on various elements related to its topic such as but not restricted to access to information, free expression, safety of journalists will be particularly encouraged. In this regard, participating States are requested to publicise the Seminar within expert communities and in academic circles focused on media law and policy and the rule of law and to include in their delegations, wherever possible, experts on relevant issues.

The Mediterranean Partners for Co-operation and the Asian Partners for Co-operation are invited to attend and share their views and ideas on the media freedom legal framework.

All participants are encouraged to submit in advance written interventions outlining proposals regarding the subject of the Seminar, which will be distributed to the delegates. Participants are also encouraged to make brief oral interventions during the Seminar. While prepared interventions are welcomed during the plenary session, free-flowing discussion and exchanges are encouraged during the Working Group sessions.

## **IV. Organization**

The Seminar venue is Sofitel Victoria Hotel, Ul. Krolewska 11, Warsaw.

The Seminar will open on Monday, 13 May 2013, at 10 a.m. It will close on Wednesday, 15 May 2013, at 6 p.m.

All plenary sessions and working group sessions will be open to all participants. The plenary and working group sessions will take place according to the Work Programme below.

Three working groups will be held consecutively. They will focus on the following topics:

1. International framework for media freedom
2. National frameworks for media freedom – best practices

### 3. Implementation of existing OSCE commitments

The closing plenary session, scheduled for the afternoon of 15 May 2013, will focus on practical suggestions and recommendations for addressing the issues discussed during the working group sessions.

A representative of ODIHR will open the Seminar and the OSCE Representative on Freedom of the Media will chair the plenary sessions.

The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (Permanent Council Decision No. 476) will be followed, *mutatis mutandis*, at the Seminar. Also, the guidelines for organizing OSCE meetings (Permanent Council Decision No. 762) will be taken into account.

Discussions during the Plenary and Working Group sessions will be interpreted from and into the six working languages of the OSCE.

Registration will be possible during the Seminar days from 8:00 until 18:00.

By prior arrangement with the OSCE/ODIHR, facilities may be made available for participants to hold side events at the Seminar venue. A table for display/distribution of publications by participating organizations and institutions will also be available.

#### **WORK PROGRAMME**

Working hours: 10 a.m. – 1 p.m. and 3 – 6 p.m.

	<b>Monday 13 May 2013</b>	<b>Tuesday 14 May 2013</b>	<b>Wednesday 15 May 2013</b>
<b>Morning</b>	Opening plenary	Working group II	Working group III
<b>Afternoon</b>	Working group I	Working group II	Closing plenary

#### **V. WORK PLAN**

*13 May 2013, Monday*

**10:00-13:00 Opening Plenary Session**

**Opening remarks by ODIHR:**

**Mr. Douglas Wake**  
First Deputy Director, ODIHR

**Welcoming remarks and introduction from the Seminar Chair:**

**Ms. Dunja Mijatović**  
OSCE Representative on Freedom of the Media

**Opening statements:****Ambassador Ihor Prokopchuk**

Chairperson of the OSCE Permanent Council  
Permanent Representative of Ukraine to the OSCE

**Ms. Krystyna Żurek**

Director of the United Nations and Human Rights Department  
Ministry of Foreign Affairs, Republic of Poland

**Ms. Isabel Santos**

Vice-Chair of the Committee on Democracy, Human Rights and Humanitarian Questions  
OSCE Parliamentary Assembly

**Keynote Speaker:****Ms. Dunja Mijatović**

OSCE Representative on Freedom of the Media

Statements by delegations

**15:00-18:00 Working group I: International framework for media freedom**

*Introducer:*

**Prof. Kaarle Nordenstreng**

Professor Emeritus, University of Tampere, Finland

*Moderator:*

**Mr. Taras Shevchenko**

Director of the Kyiv Media Law Institute (MLI), Member of the Public Council under the Ministry of Justice, Secretary of the Public Council under the Committee of the Verkhovna Rada of Ukraine on Freedom of Speech and Information

*Rapporteur:*

**Ms. Katharina Stoffl**

Political Adviser, Swiss Delegation to the OSCE

- Existing international frameworks for freedom of expression and freedom of the media;
- The right to freedom of expression, including the right of the media to collect, report and disseminate information, news and opinions, and the restriction in the exercise of this right in accordance with international law and international standards;
- Media freedom, access to information and protection of privacy;
- Terminology on freedom of the media and freedom of expression adopted by relevant international organizations: best practices.

Participants in this working group will discuss international (including regional) instruments to ensure the freedom of the media to perform its essential role for democracy and for the right of the public to have access to information. Best international models for providing the right of the media to collect, report, and disseminate information, news and opinions will be reviewed.

Recent decisions and recommendations adopted by the UN and Council of Europe bodies, as well as other international organizations, will give food for thought on contemplating the legal and political challenges to media freedom and freedom of expression in the OSCE region. As media freedom and freedom of information are sometimes competing with the need to protect other human rights such as the right to privacy there is a need to discuss international standards on how to balance those rights.

**Questions to be addressed in this session could include:**

- What are the most recent instruments suggested by the international organizations to promote media freedom and freedom of expression in the 21<sup>st</sup> century?
- What are the new challenges to the profession of journalist?
- What legal and political obstacles still prevent the media from obtaining, reporting and disseminating information, news and opinions in accordance with international law and international standards?
- Which OSCE commitments in the sphere of freedom of expression and freedom of the media are to be considered in national policy-making? What constitutes the enabling environment for the freedom of expression in the OSCE region?
- What is the new notion of the media, including the latest contributions by the Council of Europe?

*14 May 2013, Tuesday*

**10:00-13:00 Working Group II: National frameworks for media freedom – best practices**

*Introducer:*           **Mr. Nico van Eijk**  
Professor of Media and Telecommunications Law, Director of the Institute for Information Law (IViR), Faculty of Law, University of Amsterdam

*Moderator:*           **Mr. Dainius Radzevičius**  
TV and radio journalist and spokesperson, Chairman of the Union of Journalists of Lithuania

*Rapporteur:*           **Mr. Patrick O'Reilly**  
First Secretary, Permanent Mission of Ireland to the OSCE

**15:00-18:00 Working Group II: National frameworks for media freedom – best practices**  
(continued)

*Introducer:*           **Ms. Helena Mandić**  
Director of Broadcasting, Communications Regulatory Agency, Bosnia and Herzegovina

*Moderator:*           **Mr. Jan Malinowski**

Head of Information Society Department, Directorate General of Human Rights and Rule of Law, Council of Europe

*Rapporteur:* **Mr. Patrick O'Reilly**  
First Secretary, Permanent Mission of Ireland to the OSCE

- Existing national frameworks for freedom of expression and freedom of the media;
- Safety of journalists;
- Voluntary professional standards for journalists: best practices;
- Public and private sources of information: respect for professional confidentiality of journalists;
- Safeguarding interests of minors in the sphere of media.

The two sessions devoted to Working Group II will allow experts to discuss national frameworks on such issues as safety of journalists, including attacks against and harassment of journalists; countering hate speech while ensuring media freedom – the range of responses across the OSCE; protecting the confidential sources of journalists; safeguarding of fundamental freedoms online; transparency of media ownership; plurality of the media; wide public access to information; respect for the honour and dignity of citizens, as well as protecting children from harmful content.

**Questions to be addressed in this session could include:**

- What legal instruments enable safety of journalists?
- How protection of sources and working places of the journalists from unwarranted police searches is implemented in the national law and court decisions?
- What is the relation between media concentration, state ownership of the media and pluralism?
- Why and how does transparency of media ownership benefit the public?
- What is the best practice in preserving media freedom while combating hate speech and protecting interests of children?
- How can increased professionalism of those working in the media contribute to media freedoms?
- What is the importance of decriminalizing defamation for freedom of the media?

*15 May 2013, Wednesday*

**10:00-13:00 Working Group III: Implementation of existing OSCE commitments**

*Introducers:* **Ms. Dunja Mijatović**  
OSCE Representative on Freedom of the Media

**Ms. Helen Darbshire**  
Founder and Director, Access Info Europe, Spain

*Moderator:* **Mr. Boris Navasardian**  
President of the Yerevan Press Club, Armenia

*Rapporteur:*        **Mr. Umut Topçuoğlu**  
 Counsellor, Permanent Mission of Turkey to the OSCE

- Implementation and follow-up of commitments in the area of freedom of expression, including freedom of the media;
- Practical steps to guarantee the right to freedom of expression, including the right of the media to collect, report and disseminate information;
- Challenges in the implementation of the existing OSCE commitments.

The session will review implementation practices related to the current OSCE commitments with a view toward the possible need for follow-up at a political level. It will debate the positive impact of OSCE commitments on the state of media freedom in the region as a whole and in the OSCE participating States. Harmonization of various approaches towards crucial issues of media freedom and pluralism, freedom of expression will be sought during the discussion.

**Questions to be addressed in this session could include:**

- How have existing OSCE commitments on freedom of the media and freedom of expression helped to shape national legal frameworks?
- Which procedures are in place at the national level to ensure that freedom of the media and freedom of expression are compliant with the rule of law and human rights (including judicial review and appeal mechanisms)?
- Which guidance exists for practitioners at the national level to ensure effective implementation of media law, and in which areas is more guidance needed?
- What challenges do participating States face in this context?

**15:00-18:00 Closing Plenary Session**

Rapporteurs' summaries from the Working Groups

Statements by Delegations

**Concluding remarks**

**Ms. Dunja Mijatović**  
 OSCE Representative on Freedom of the Media

Closing of the Seminar