

OSCE Vienna Roundtable, 12-13 December 2010

Session on Security and Human Rights

By Dunja Mijatović

OSCE Representative on Freedom of the Media

One of the outstanding features of the OSCE is the comprehensive multi-dimensional concept of security developed within the Helsinki process. The Astana Summit Declaration reaffirms these fundamentals and by this supports and endorses the work of the Representative on Freedom of the Media. The Declaration reinvigorates this Office. It charts the road ahead and allows me to pursue the Mandate of my Office with even more determination – all in the spirit of the Helsinki Final Act.

Human rights issues and media freedom issues did not sidetrack the Summit. Indeed, the Summit was an endorsement of and a clear sign for OSCE Institutions such as my Office to redouble their efforts to engage with and assist the participating States in meeting their OSCE commitments. To those of us who work in the media-freedom field of the human dimension, the Astana Summit was a landmark event. Why? Because the Summit participants, the participating States, in their tense negotiations that came down to the final hours, recommitted their nations to the fundamental principles that guide this Office.

Consider also the ringing words in Paragraph 6: *“We reaffirm categorically and irrevocably that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.”*

The Summit is, in my view, a call to action to complete the still-unfinished work of the participating States to achieve the goals – the commitments – proclaimed during the past 35 years. Throughout the Declaration, the message rings clear: **Commitment to and respect for fundamental freedoms guides this Organization today and into the future.**

But let’s be honest with each other. Dynamic words do not always translate into dynamic actions.

Human rights should not be seen as obstacles to effective intelligence, police and military action. Human rights principles always give way to emergency and security in order to protect society, to preserve its institutions and to overcome emergencies so that, in the long term, rights and freedoms are protected. The truth is that there are many areas around the world, particularly in conflict or post-conflict zones, where it is dangerous, even life-threatening, to practice journalism. Conflict situations are clearly a source of intense public interest and it is vital that the media are permitted full access to the affected areas to act as a conduit for information to the public. Conflict zones are a breeding ground for human rights abuses. It is therefore critical that objective observers are able to record events so that public bodies can scrutinize rights abuses and promote accountability.

We must remember that human rights, though they may be temporarily suppressed, will always rebound and that there is no security without the free flow of information. Freedom of expression

and a free media play important roles in fostering meaningful debate on security issues and can help us to effectively address new challenges. By pitting human rights concerns and security issues against each other we run the risk that both will be conquered. We may find ourselves with no security and no rights. Consequently, all measures that aim to increase security must be accompanied by meaningful counterweights that protect human rights. In short, we must have effective and transparent mechanisms for civilian oversight of new security measures.

Human rights, in which media freedom and freedom of expression and access to information and security are interdependent, intertwined and interrelated. We should be thinking in terms of new ways to connect and bring closer human rights and security in the 21st century.

What we are now witnessing in many countries is the enactment of laws that seriously undermine the importance of human rights. These measures – as well as the bureaucratic, military, intelligence and police apparatus that they create – are not necessarily temporary, proportional, necessary or in conformity with the relevant legal standards. In such a context, human rights defenders, journalists and the media generally often find themselves in opposition to their governments. They decry the individual cases of rights violations and insist that effective and transparent oversight mechanisms be created to ensure that laws and systems integrate and respect human rights.

That brings me back to the unique role of the OSCE. One of the outstanding features of this organization is the comprehensive multidimensional concept of security, developed within the Helsinki process. And, on numerous occasions, human rights and fundamental freedoms are linked in the Astana Declaration. The fundamental principles of human rights not only have to be supported and developed by institutional, political and legal instruments; it is crucial that human rights are also internalized in the minds, bodies and souls of people, especially in the coming generations. Legal frameworks, necessary as they are, should be designed in a manner that furthers freedom, with restrictions permitted that are not beyond what is necessary in a democratic society.

I trust we will move forward from the impetus gained in Astana to see real progress in the coming years. Commitments in human dimension endorsed in Astana Declaration will lead us. But governments do not bear this responsibility alone. All elements of society, including human rights defenders and media, must assume responsibility as well. Because, in the creation of security, human rights defenders and democratic governments have a common interest. We must work together, build bridges, for our shared values are at stake. While defining the future, it is important to bear in mind that the role of the media is vital in generating a democratic culture. That is the final aim of our right to free speech.

“While we have made much progress, we also acknowledge that more must be done to ensure full respect for, and implementation of, these core principles and commitments that we have undertaken in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.”

– Astana Commemorative Declaration, Paragraph 1