

■ COMMITMENTS

Freedom of the Media
Freedom of Expression
Free Flow of Information

Conference on Security and Co-operation in Europe (CSCE) and
Organization for Security and Co-operation in Europe (OSCE)

1975-2017

4th Edition

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To the Reader

I am pleased to present the 4th edition¹ — expanded and updated for this current edition — of the compilation of commitments of the participating States of the Organization for Security and Co-operation in Europe in the fields of freedom of the media, freedom of expression and the free flow of information, as well as the taskings of the mandate of the OSCE Representative on Freedom of the Media.

This guide, chronological in presentation, shows the advancement of free media and free expression principles over the more than 40 years of the CSCE/OSCE's existence. Many of the commitments prove how advanced the OSCE was in identifying and addressing issues in the past that we must address today, including those challenges resulting from the emergence of new digital technologies. These commitments are as equally applicable offline as they are online. They are a reminder that a comprehensive concept of security must include an equally comprehensive application of fundamental freedoms and international standards, among which freedom of the media, freedom of expression and the free flow of information are fundamental tenets, to achieve peace, security, and confidence-building among the participating States.

OSCE participating States can be proud of these commitments but they must ensure that they be fully implemented and adhered to. It was in pursuit of this very goal that the Office of the Representative on Freedom of the Media was established 20 years ago.

As Representative, I fulfil the responsibilities set out in my mandate in part by alerting authorities when commitments are violated. It is my role to ensure that authorities hear this alarm and, whenever needed, to provide resources and tools to assist participating States in fully implementing these commitments.

I hope you will use this publication as one such resource, providing clarity and substantive guidance on the objectives and mission of the OSCE and my Office.

Harlem Désir
OSCE Representative on Freedom of the Media

¹ The 1st edition: "Freedom of Expression, Free Flow of Information, Freedom of Media: CSCE/OSCE Main provisions 1975-2001" was published by the OSCE in 2001 (see <http://www.osce.org/fom/13881>); the 2nd edition was "Freedom of Expression, Free Flow of Information, Freedom of Media: CSCE/OSCE Main Provisions 1975-2007" in 2007, and the 3rd was "Freedom of Expression, Free Flow of Information, Freedom of Media: CSCE/OSCE Main Provisions 1975-2012" published in 2012 and again in 2013 (see <http://www.osce.org/fom/99565>).

Final Act of the Conference on Security and Co-operation in Europe

1 August 1975, Helsinki

1. (a) Declaration on Principles Guiding Relations between Participating States:

(...)

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

(...)

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and wellbeing necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavor jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

(...)

(b) Matters related to giving effect to certain of the above Principles

(i) The participating States,

(...)

Declare that they are resolved to respect and carry out, in their relations with one another, inter alia, the following provisions which are in conformity with the Declaration on Principles Guiding Relations between Participating States:

(...)

— To promote, by all means which each of them considers appropriate, a climate of confidence and respect among peoples consonant with their duty to refrain from propaganda for wars of aggression or for any threat or use of force inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States, against another participating State.

(...)

Co-operation in Humanitarian and Other Fields

(...)

2. Information

The participating States,

Conscious of the need for an ever wider knowledge and understanding of the various aspects of life in other participating States,

Acknowledging the contribution of this process to the growth of confidence between peoples,

Desiring, with the development of mutual understanding between the participating States and with the further improvement of their relations, to continue further efforts towards progress in this field,

Recognizing the importance of the dissemination of information from the other participating States and of a better acquaintance with such information,

Emphasizing therefore the essential and influential role of the press, radio, television, cinema and news agencies and of the journalists working in these fields,

Make it their aim to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State, and

Express their intention in particular:

(a) Improvement of the Circulation of, Access to, and Exchange of Information

(...)

(ii) Printed Information

To facilitate the improvement of the dissemination, on their territory, of newspapers and printed publications, periodical and non-periodical, from the other participating States. For this purpose:

- they will encourage their competent firms and organizations to conclude agreements and contracts designed gradually to increase the quantities and the number of titles of newspapers and publications imported from the other participating States. These agreements and contracts should in particular mention the speediest conditions of delivery and the use of the normal channels existing in each country for the distribution of its own publications and newspapers, as well as forms and means of payment agreed between the parties making it possible to achieve the objectives aimed at by these agreements and contracts;
- where necessary, they will take appropriate measures to achieve the above objectives and to implement the provisions contained in the agreements and contracts.

To contribute to the improvement of access by the public to periodical and non-periodical printed publications imported on the bases indicated above. In particular:

- they will encourage an increase in the number of places where these publications are on sale;
- they will facilitate the availability of these periodical publications during congresses, conferences, official visits and other international events and to tourists during the season;
- they will develop the possibilities for taking out subscriptions according to the modalities particular to each country;
- they will improve the opportunities for reading and borrowing these publications in large public libraries and their reading rooms as well as in university libraries;
- they intend to improve the possibilities for acquaintance with bulletins of official information issued by diplomatic missions and distributed by those missions on the basis of arrangements acceptable to the interested parties.

(iii) Filmed and Broadcast Information

To promote the improvement of the dissemination of filmed and broadcast information. To this end:

- they will encourage the wider showing and broadcasting of a greater variety of recorded and filmed information from the other participating States, illustrating the various aspects of life in their countries and received on the basis of such agreements or as may be necessary between the organizations and firms directly concerned;
- they will facilitate the import by competent organizations and firms of recorded audio-visual material from the other participating States;

The participating States note the expansion in the dissemination of information broadcast by radio, and express the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth by this Conference.

(b) Co-operation in the Field of Information

To encourage co-operation in the field of information on the basis of short or long term agreements or arrangements. In particular:

- they [the participating States] will favor increased co-operation among mass media organizations, including press agencies, as well as among publishing houses and organizations;
- they will favor co-operation among public or private, national or international radio and television organizations, in particular through the exchange of both live and recorded radio and television programmes, and through the joint production and the broadcasting and distribution of such programmes;
- they will encourage meetings and contacts both between journalists organizations and between journalists from the participating States;
- they will view favorably the possibilities of arrangements between periodical publications as well as between newspapers from the participating States, for the purpose of exchanging and publishing articles;
- they will encourage the exchange of technical information as well as the organization of joint research and meetings devoted to the exchange of experience and views between experts in the field of the press, radio and television.

(c) Improvement of Working Conditions for Journalists

The participating States, desiring to improve the conditions under which journalists from one participating State exercise their profession in another participating State, intend in particular to:

- examine in a favorable spirit and within a suitable and reasonable time scale requests from journalists for visas;
- grant to permanently accredited journalists of the participating States, on the basis of arrangements, multiple entry and exit visas for specified periods;
- facilitate the issue to accredited journalists of the participating States of permits for stay in their country of temporary residence and, if and when these are necessary, of other official papers which it is appropriate for them to have;
- ease, on a basis of reciprocity, procedures for arranging travel by journalists of the participating States in the country where they are exercising their profession, and to provide progressively greater opportunities for such travel, subject to the observance of regulations relating to the existence of areas closed for security reasons;
- ensure that requests by such journalists for such travel receive, in so far as possible, an expeditious response, taking into account the time scale of the request;
- increase the opportunities for journalists of the participating States to communicate personally with their sources, including organizations and official institutions;
- grant to journalists of the participating States the right to import, subject only to it being taken out again, the technical equipment (photographic, cinematographic, tape recorder, radio and television) necessary for the exercise of their profession*;
- enable journalists of the other participating States, whether permanently or temporarily accredited, to transmit completely, normally and rapidly by means recognized by the participating States to the information organs which they represent, the results of their professional activity, including tape recordings and undeveloped film, for the purpose of publication or of broadcasting on the radio or television.

The participating States reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them. If an accredited journalist is expelled, he will be informed of the reasons for this act and may submit an application for re-examination of his case.

(...)

* While recognizing that appropriate local personnel are employed by foreign journalists in many instances, the participating States note that the above provisions would be applied, subject to the observance of the appropriate rules, to persons from the other participating States, who are regularly and professionally engaged as technicians, photographers or cameramen of the press, radio, television or cinema.

Concluding Document of the Madrid Meeting (Second Follow-up Meeting to the Helsinki Conference)

9 September 1983, Madrid

Co-operation in Humanitarian and Other Fields

(...)

Information

The participating States will further encourage the freer and wider dissemination of printed matter, periodical and non-periodical, imported from other participating States, as well as an increase in the number of places where these publications are on public sale. These publications will also be accessible in reading rooms in large public libraries and similar institutions.

In particular, to facilitate the improvement of dissemination of printed information, the participating States will encourage contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements and contracts designed to increase the quantities and number of titles of newspapers and other publications imported from other participating States. They consider it desirable that the retail prices of foreign publications are not excessive in relation to prices in their country of origin. They confirm their intention, according to the relevant provisions of the Final Act, to further extend the possibilities for the public to take out subscriptions.

They will favour the further expansion of co-operation among mass media and their representatives, especially between the editorial staffs of press agencies, newspapers, radio and television organizations as well as film companies. They will encourage a more regular exchange of news, articles, supplements and broadcasts as well as the exchange of editorial staff for better knowledge of respective practices. On the basis of reciprocity, they will improve the material and technical facilities provided for permanently or temporarily accredited television and radio reporters. Moreover, they will facilitate direct contacts among journalists as well as contacts within the framework of professional organizations.

They will decide without undue delay upon visa applications from journalists and re-examine within a reasonable time frame applications which have been refused. Moreover, journalists wishing to travel for personal reasons and not for the purpose of reporting shall enjoy the same treatment as other visitors from their country of origin.

They will grant permanent correspondents and members of their families living with them multiple entry and exit visas valid for one year.

The participating States will examine the possibility of granting, where necessary on the basis of bilateral arrangements, accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries.

They will facilitate travel by journalists from other participating States within their territories, inter alia by taking concrete measures where necessary, to afford them opportunities to travel more extensively, with the exception of areas closed for security reasons. They will inform journalists in advance, whenever possible, if new areas are closed for security reasons.

They will further increase the possibilities and, when necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources.

They will, as a rule, authorize radio and television journalists, at their request, to be accompanied by their own sound and film technicians and to use their own equipment.

Similarly, journalists may carry with them reference material, including personal notes and files, to be used strictly for their professional purposes.*

(...)

The participating States will, where necessary, facilitate the establishment and operation, in their capitals, of press centers or institutions performing the same functions, open to the national and foreign press with suitable working facilities for the latter.

They will also consider further ways and means to assist journalists from other participating States and thus to enable them to resolve practical problems they may encounter.

(...)

* In this context it is understood that import of printed matter may be subject to local regulations which will be applied with due regard to the journalists' need for adequate working material.

Concluding Document of the Vienna Meeting (Third Follow-up Meeting to the Helsinki Conference)

15 January 1989, Vienna

Co-operation in Humanitarian and Other Fields

(...)

Information

(34) They [The Participating States] will continue efforts to contribute to an ever-wider knowledge and understanding of life in their States, thus promoting confidence between peoples.

They will make further efforts to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and to improve the working conditions of journalists.

In this connection and in accordance with the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and their relevant international commitments concerning seeking, receiving and imparting information of all kinds, they will ensure that individuals can freely choose their sources of information.

In this context they will

- ensure that radio services operating in accordance with the ITU Radio Regulations can be directly and normally received in their States, and
- allow individuals, institutions and organizations while respecting intellectual property rights, including copyrights, to obtain, possess, reproduce and distribute information material of all kinds.

To these ends they will remove any restrictions inconsistent with the above mentioned obligations and commitments.

(35) They will take every opportunity offered by modern means of communication, including cable and satellites, to increase the freer and wider dissemination of information of all kinds. They will also encourage co-operation and exchanges between their relevant institutions, organizations and technical experts, and work towards the harmonization of technical standards and norms. They will bear in mind the effects of these modern means of communication on their mass media.

(36) They will ensure that official information bulletins can be freely distributed on their territory by the diplomatic and other official missions and consular posts of the other participating States.

(37) They will encourage radio and television organization, on the basis of arrangements between them, to broadcast live, especially in the organizing countries, programmes and discussions with participants from different States and to broadcast statements of and interviews with political and other personalities from the participating States.

(38) They will encourage radio and television organizations to report on different aspects of life in other participating States and to increase the number of telebridges between their countries.

(39) Recalling that the legitimate pursuit of journalists' professional activity will neither render them liable to expulsion nor otherwise penalize them, they will refrain from taking restrictive measures such as withdrawing a journalist's accreditation or expelling him because of the content of the reporting of the journalist or of his information media.

(40) They will ensure that, in pursuing this activity, journalists, including those representing media from other participating States, are free to seek access to and maintain contacts with public and private sources of information and that their need for professional confidentiality is respected.

(41) They will respect the copyright of journalists.

(42) On the basis of arrangements between them, where necessary, and for the purpose of regular reporting, they will grant accreditation, where it is required, and multiple entry visas to journalists from other participating States, regardless of their domicile. On this basis they will reduce to a maximum of two months the period for issuing both accreditation and multiple entry visas to journalists.

(43) They will facilitate the work of foreign journalists by providing relevant information, on request, on matters of practical concern, such as import regulations, taxation and accommodation.

(44) They will ensure that official press conferences and, as appropriate, other similar official press events are also open to foreign journalists, upon accreditation, where it is required.

(45) They will ensure in practice that persons belonging to national or regional cultures on their territories can disseminate, have access to, and exchange information in their mother tongue.

(...)

Report on Conclusions and Recommendations of the Meeting on the Protection of the Environment of the Conference on Security and Co-operation in Europe

5 November 1990, Vienna

(...)

The participating States reaffirm their respect for the right of individuals, groups and organizations concerned with environmental issues to express freely their views, to associate with others, to peacefully assemble, as well as to obtain, publish and distribute information on these issues, without legal and administrative impediments inconsistent with the CSCE provisions.

(...)

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

29 June 1990, Copenhagen

I.

(...)

(7) (...) the participating States will

(...)

(7.7) —ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) —provide that no legal or administrative obstacle 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.

(...)

II.

(9) The participating States reaffirm that

(9.1) —everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards. In particular, no limitation will be imposed on access to, and use of, means of reproducing documents of any kind, while respecting, however, rights relating to intellectual property, including copyright;

(...)

(10) In reaffirming their commitment to ensure effectively the rights of the individual to know and act upon human rights and fundamental freedoms, and to contribute actively,

individually or in association with others, to their promotion and protection, the participating States express their commitment to

(10.1) —respect the right of everyone, individually or in association with others, to seek, receive and impart freely views and information on human rights and fundamental freedoms, including the rights to disseminate and publish such views and information.

(10.2) —respect the rights of everyone, individually or in association with others, to study and discuss the observance of human rights and fundamental freedoms and to develop and discuss ideas for improved protection of human rights and better means for ensuring compliance with international human rights standards;

(...)

IV.

(32) (...) Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will.

(...)

(40) The participating States (...) will

(40.1) —take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(...)

Charter of Paris for a New Europe

(Summit of Heads of State or Government)

19-21 November 1990, Paris

Human Rights, Democracy and Rule of Law

We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government. Respect for them is an essential safeguard against an overmighty State. Their observance and full exercise are the foundation of freedom, justice and peace.

Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law.

We affirm that, without discrimination, every individual has the right to

- freedom of thought, conscience and religion or belief,
- freedom of expression,
- freedom of association and peaceful assembly,
- freedom of movement;

(...)

We will ensure that everyone will enjoy recourse to effective remedies, national or international, against any violation of his rights. Full respect for these precepts is the bedrock on which we will seek to construct the new Europe. Our States will co-operate and support each other with the aim of making democratic gains irreversible.

Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States

28 May – 7 June 1991, Cracow

(...)

Reaffirming their commitment to the full implementation of the provisions relating to the cultural dimension in the Helsinki Final Act and other CSCE documents, the participating States agree on the following:

I. Culture and Freedom

(...)

(6) The participating States recall their respect for freedom of expression and, in connection with the exercise of that freedom in the artistic and cultural fields, state as follows:

(6.1) The publication of written works, the performance and broadcasting of musical, theatrical and audiovisual works, and the exhibition of pictorial or sculptural works will not be subject to restriction or interference by the State save such restrictions as are prescribed by domestic legislation and are fully consistent with international standards.

(6.2) They express their conviction that the existence, in the artistic and cultural fields, of a diversity of means of dissemination independent of the State, such as publishing houses, radio broadcasting, cinema and television enterprises, theatres and galleries, helps to ensure pluralism and the freedom of artistic and cultural expression.

(...)

Report of the CSCE Meeting of Experts on National Minorities

19 July 1991, Geneva

(...)

VI.

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone.

(...)

They will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

Further, the participating States will take effective measures, including the adoption, in conformity with their constitutional law and their international obligations, if they have not already done so, of laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism, and policies to enforce such laws.

Moreover, in order to heighten public awareness of prejudice and hatred, to improve enforcement of laws against hate-related crime and otherwise to further efforts to address hatred and prejudice in society, they will make efforts to collect, publish on a regular basis, and make available to the public, data about crimes on their respective territories that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. These data should not contain any personal information.

They will consult and exchange views and information at the international level, including at future meetings of the CSCE, on crimes that manifest evidence of prejudice and hate.

VII.

Convinced that the protection of the rights of persons belonging to national minorities necessitates free flow of information and exchange of ideas, the participating States emphasize the importance of communication between persons belonging to national minorities without interference by public authorities and regardless of frontiers. The exercise of such rights may be subject only to such restrictions as are prescribed by law and are consistent with

international standards. They reaffirm that no one belonging to a national minority, simply by virtue of belonging to such a minority, will be subject to penal or administrative sanctions for having had contacts within or outside his/her own country.

In access to the media, they will not discriminate against anyone based on ethnic, cultural, linguistic or religious grounds. They will make information available that will assist the electronic mass media in taking into account, in their programmes, the ethnic, cultural, linguistic and religious identity of national minorities.

(...)

Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE

3 October 1991, Moscow

(...)

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned. They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

The participating States express their collective determination to further safeguard human rights and fundamental freedoms and to consolidate democratic advances in their territories. They also recognize a compelling need to increase the CSCE's effectiveness in addressing human rights concerns that arise in their territories at this time of profound change in Europe.

In order to strengthen and expand the human dimension mechanism described in the section on the human dimension of the CSCE in the Concluding Document of the Vienna Meeting and to build upon and deepen the commitments set forth in the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the participating States adopt the following:

(...)

(24) The participating States reconfirm the right to the protection of private and family life, domicile, correspondence and electronic communications. In order to avoid any improper or arbitrary intrusion by the State in the realm of the individual, which would be harmful to any democratic society, the exercise of this right will be subject only to such restrictions as are prescribed by law and are consistent with internationally recognized human rights standards.

(...)

(26) The participating States reaffirm the right to freedom of expression, including the right to communication and the right of the media to collect, report and disseminate information, news and opinions. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards. They further recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms.

(26.1) They consider that the print and broadcast media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards.

(26.2) The participating States will not discriminate against independent media with respect to affording access to information, material and facilities.

(...)

(28.9) The participating States will endeavor to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the 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.

(...)

(34) The participating States will adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These measures will include tracing missing journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.

(35) The participating States reaffirm that guaranteeing the freedom of artistic creation and preserving the cultural heritage form part of the human dimension of the CSCE. They consider that independent intellectual and cultural life is crucial for the maintenance of free societies and democratic institutions. They will implement their commitments in the cultural field, as laid down in the Document of the Cracow Symposium on the Cultural Heritage, and express the view that cultural issues, including cultural freedom, creativity and co-operation, should be further considered in the CSCE.

(...)

(38.1) They condemn all acts of discrimination on the ground of race, colour and ethnic origin, intolerance and xenophobia against migrant workers. They will, in conformity with domestic law and international obligations, take effective measures to promote tolerance, understanding, equality of opportunity and respect for the fundamental human rights of migrant workers and adopt, if they have not already done so, measures that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred.

(...)

Document of the Fourth Meeting of the CSCE Council of Ministers

30 November – 1 December 1993, Rome

CSCE and the New Europe – Our Security is Indivisible

Decisions of the Rome Council Meeting

IV. The Human Dimension

(6) (...) The Ministers expressed their appreciation of the work carried out at the Seminar on Free Media to stimulate editorially independent broadcast media and a free press. The reiterated their commitment to safeguard freedom of expression, a basic right, that stressed the necessity of independent media for a free and open society. To this end the Ministers decided that better use should be made of the CSCE human dimension instruments to promote open and diverse media, including exploring the possibility of utilizing CSCE missions.

(...)

X. Declaration on Aggressive Nationalism, Racism, Chauvanism, Xenophobia and Anti-Semitism

(1) Recalling their decision taken at the Stockholm Council Meeting, the Ministers noted with deep concern the growing manifestations of aggressive nationalism, such as territorial expansionism, as well as racism, chauvinism, xenophobia and anti-Semitism. These run directly counter to the principles and commitments of the CSCE.

(2) The Ministers also noted that these phenomena can lead to violence, secessionism by the use of force and ethnic strife, and in their worst instances to the barbaric practices of mass deportation, ethnic cleansing and violence against innocent civilians.

(3) Aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism create ethnic, political and social tensions within and between States. They also undermine international stability and worldwide efforts to place universal human rights on a firm foundation.

(...)

CSCE Budapest Document 1994

Towards a Genuine Partnership in a New Era

(Summit of Heads of State or Government)

5-6 December 1994, Budapest

Budapest Decisions

(...)

VIII. Human Dimension

(...)

Tolerance and non-discrimination

(25) The participating States condemn manifestations of intolerance, and especially of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, and will continue to promote effective measures aimed at their eradication. They request the ODIHR to continue to pay special attention to these phenomena, collecting information on their various manifestations in participating States. They will seek to strengthen or adopt appropriate legislation to this end and take the necessary measures to ensure that existing legislation is effectively implemented, in a way that would deter manifestations of these phenomena. They also stress that action to combat these phenomena should be seen as an integral part of integration policy and education.

(...)

Freedom of expression/Free media

(36) The 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.

(37) They condemn all attacks on and harassment of journalists and will endeavor to hold those directly responsible for such attacks and harassment accountable.

(38) They further note that fomenting hatred and ethnic tension through the media, especially by governments, can serve as an early warning of conflict.

(...)

Lisbon Document 1996 (Summit of Heads of State or Government)

2-3 December 1996, Lisbon

Lisbon Summit Declaration

(...)

(9) The OSCE's comprehensive approach to security requires improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms. This will further anchor the common values of a free and democratic society in all participating States, which is an essential foundation for our common security. Among the acute problems within the human dimension, the continuing violations of human rights, such as involuntary migration, and the lack of full democratization, threats to independent media, electoral fraud, manifestations of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism, continue to endanger stability in the OSCE region. We are committed to continuing to address these problems.

(...)

(11) Freedom 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. We therefore task the Permanent Council to consider ways to increase the focus on implementation of OSCE commitments in the field of the media, as well as to elaborate a mandate for the appointment of an OSCE representative on freedom of the media to be submitted not later than to the 1997 Ministerial Council.

(...)

Decision No. 193. Establishment of the Office of the OSCE Representative on Freedom of the Media, Mandate of the OSCE Representative on Freedom of the Media (PC.DEC/193)*

5 November 1997, Vienna

(1) The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

(2) Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, inter alia, obstruction of media activities and unfavorable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

(3) The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed

about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

(4) The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudice national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

(5) The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

(6) The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

(7) The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

(8) The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practices or publicly condones terrorism or violence.

(9) The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

(10) The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

(11) The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

(12) The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

(13) The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

(14) The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

*** Annex to PC.DEC/193. Interpretative Statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations
5 November 1997, Vienna**

By the delegation of France:

“*The following Member States of the Council of Europe reaffirm their commitment to the provisions relating to freedom of expression, including the freedom of the media, in the European Convention on Human Rights, to which they are all contracting parties.

In their view, the OSCE Representative on Freedom of the Media should also be guided by these provisions in the fulfillment of his/her mandate.

Our countries invite all other parties to the European Convention on Human Rights to subscribe to this statement.

Albania, Germany, Austria, Belgium, Bulgaria, Cyprus, Denmark, Spain, Estonia, Finland, France, United Kingdom, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Norway, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Sweden, Czech Republic, Turkey.”

**Attachment 1. Interpretative Statement under Paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe (MC.DEC/1/13)
6 March 2013, Vienna**

By the delegation of the Russian Federation:

"While joining the consensus on the OSCE Ministerial Council decision on the extension of the mandate of the OSCE Representative on Freedom of the Media, Ms. Dunja Mijatović, for a second three-year term, we should like to make the following statement.

We take the position that the activities of the OSCE Representative on Freedom of the Media should be carried out in strict accordance with the principles of impartiality, objectivity and transparency in line with the mandate established by Permanent Council Decision No. 193 of 5 November 1997. We expect the OSCE Representative on Freedom of the Media to take a balanced and impartial approach to the discharge of her commission with regard to the entire OSCE area. It is our conviction that the Representative's task is to monitor that freedom of expression is ensured in the media, and this task does not extend to other areas of activity.

The Russian Federation assumes that the term "media" used in OSCE documents means "mass media", which includes forms such as printed periodicals (press), television and radio broadcasting and electronic media, including those disseminated via the Internet. Other definitions of the media connected with a change in the ways of producing, sharing and disseminating mass information and the appearance of new types and means of communication require additional agreement and approval by all the participating States.

In the light of the above, the Russian Federation urges the OSCE participating States and the Chairmanship to begin work on updating the mandate of the OSCE Representative on Freedom of the Media, which was adopted more than 15 years ago, with a view to bringing it into line with the present-day realities and tasks in this area.

I would ask that this statement be attached to the Ministerial Council decision adopted and to the journal of today's meeting of the Permanent Council."

**Attachment 2. Interpretative Statement under Paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe (MC.DEC/1/13)
6 March 2013, Vienna**

By the delegation of the United States of America:

In connection with PC.DEC/1074, and under paragraph IV.1(A)6 of the OSCE Rules of Procedure, the United States wishes to make the following interpretive statement:

"The United States disagrees with the interpretive statement just made by the delegation of the Russian Federation. We wish to express our strongest support for the efforts of the OSCE Representative on Freedom of the Media to defend and promote freedom of expression through all media, including the Internet and other new technologies. This approach is absolutely consistent with the Helsinki Final Act, which calls upon participating States to 'promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms,' and with the mandate of the OSCE Representative on Freedom of the Media to 'advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media.' We reject any call to parse or restrict this broad mandate, or indeed any effort to qualify established OSCE Human Dimension commitments that protect and promote the fundamental freedoms of citizens and members of civil society groups throughout the region."

I request that this interpretive statement be attached to the decision and included in the journal of the day.

Vienna Document 1999 of the Negotiations on Confidence- and Security-Building Measures Adopted at the 269th Plenary Meeting the OSCE Forum for Security Co-operation (FSC.JOUR/275)

16 November 1999, Istanbul

(...)

(8) The participating States have adopted the following:

(...)

VI. OBSERVATION OF CERTAIN MILITARY ACTIVITIES

(...)

(59) The participating States are encouraged to permit media representatives from all participating States to attend observed military activities in accordance with accreditation procedures set down by the host State. In such instances, media representatives from all participating States will be treated without discrimination and given equal access to those facets of the activity open to media representatives.

(59.1) The presence of media representatives will not interfere with the observers carrying out their functions nor with the flow of the military activity.

(...)

Istanbul Document 1999

(Summit of Heads of State or Government)

18-19 November 1999, Istanbul

Charter for European Security

(1) At the dawn of the twenty-first century we, the Heads of State or Government of the OSCE participating States, declare our firm commitment to a free, democratic and more integrated OSCE area where participating States are at peace with each other, and individuals and communities live in freedom, prosperity and security. To implement this commitment, we have decided to take a number of new steps.

(...)

III. Our Common Response

(...)

SOLIDARITY AND PARTNERSHIP

(14) Peace and security in our region is best guaranteed by the willingness and ability of each participating State to uphold democracy, the rule of law and respect for human rights. We individually confirm our willingness to comply fully with our commitments. We also have a joint responsibility to uphold OSCE principles. We are therefore determined to co-operate within the OSCE and with its institutions and representatives and stand ready to use OSCE instruments, tools and mechanisms. We will co-operate in a spirit of solidarity and partnership in a continuing review of implementation. Today we commit ourselves to joint measures based on co-operation, both in the OSCE and through those organizations of which we are members, in order to offer assistance to participating States to enhance their compliance with OSCE principles and commitments. We will strengthen existing co-operative instruments and develop new ones in order to respond efficiently to requests for assistance from participating States. We will explore ways to further increase the effectiveness of the Organization to deal with cases of clear, gross and continuing violations of those principles and commitments.

(...)

Our Institutions

(...)

(18) The Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM) and the Representative on Freedom of the Media are essential

instruments in ensuring respect for human rights, democracy and the rule of law.
(...)

We commit ourselves to giving the OSCE institutions our full support. We emphasize the importance of close co-ordination among the OSCE institutions, as well as our field operations, in order to make optimal use of our common resources. We will take into account the need for geographic diversity and gender balance when recruiting personnel to OSCE institutions and field operations.
(...)

The Human Dimension

(...)

(19) We reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism.
(...)

(26) We 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.

(27) Non-governmental organizations (NGOs) can perform a vital role in the promotion of human rights, democracy and the rule of law. They are an integral component of a strong civil society. We pledge ourselves to enhance the ability of NGOs to make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.
(...)

IV. Our Common Instruments

Enhancing Our Dialogue

(...)

(36) Reflecting our spirit of solidarity and partnership, we will also enhance our political dialogue in order to offer assistance to participating States, thereby ensuring compliance with OSCE commitments. To encourage this dialogue, we have decided, in accordance with

established rules and practices, to make increased use of OSCE instruments, including:

- Dispatching delegations from the OSCE institutions, with the participation of other relevant international organizations, when appropriate, to provide advice and expertise for reform of legislation and practices; (...)
- Organizing training programmes aimed at improving standards and practices, inter alia, within the fields of human rights, democratization and the rule of law;
- Addressing matters regarding compliance with OSCE commitments at OSCE review meetings and conferences (...);
- Submitting such matters for consideration by the Permanent Council, inter alia, on the basis of recommendations by the OSCE institutions within their respective mandates (...);

(...)

Istanbul Summit Declaration

(...)

(2) Today, we [the Heads of State or Government of the participating States of the OSCE] adopted a Charter for European Security in order to strengthen security and stability in our region and improve the operational capabilities of our Organization. We task the OSCE Permanent Council to take the necessary decisions to implement promptly the new steps agreed upon in this Charter. We need the contribution of a strengthened OSCE to meet the risks and challenges facing the OSCE area, to improve human security and thereby to make a difference in the life of the individual, which is the aim of all our efforts. We reiterate unreservedly our commitment to respect human rights and fundamental freedoms and to abstain from any form of discrimination. We also reiterate our respect for international humanitarian law.

(...)

(27) We commit ourselves to ensuring the freedom of the media as a basic condition for pluralistic and democratic societies. We are deeply concerned about the exploitation of media in areas of conflict to foment hatred and ethnic tension and the use of legal restrictions and harassment to deprive citizens of free media. We underline the need to secure freedom of expression, which is an essential element of political discourse in any democracy. We support the Office of the Representative on Freedom of the Media in its efforts to promote free and independent media.

(...)

Decision No. 353. OSCE Action Plan for Gender Issues (PC.DEC/353)

1 June 2000, Vienna

(...)

EQUALITY OF WOMEN AND MEN IN OSCE PARTICIPATING STATES

(...)

(7) Representative on Freedom of the Media

The Representative on Freedom of the Media will:

- Encourage increased participation of women in media throughout the OSCE area;
- Be alert to instances of intolerance by States which utilize media to advocate violation of equal rights for women and the practice of gender discrimination.

(...)

Document of the Ninth Meeting of the Ministerial Council

4 December 2001, Bucharest

The Bucharest Plan of Action for Combating Terrorism (Annex to MC(9).DEC/1)

(...)

(3) The aim of the Action Plan is to establish a framework for comprehensive OSCE action to be taken by participating States and the Organization as a whole to combat terrorism, fully respecting international law, including the international law of human rights and other relevant norms of international law.

(...)

III. Preventive action against terrorism in the OSCE area

(11) Promoting human rights, tolerance and multi-culturalism:

Participating States/Permanent Council/ODIHR/High Commissioner on National Minorities (HCNM)/ Representative on Freedom of the Media: Will promote and enhance tolerance, co-existence and harmonious relations between ethnic, religious, linguistic and other groups as well as constructive co-operation among participating States in this regard. Will provide early warning of and appropriate responses to violence, intolerance, extremism and discrimination against these groups and, at the same time, promote their respect for the rule of law, democratic values and individual freedoms. Will work to ensure that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity;

(12) Representative on Freedom of the Media: Will consider developing projects aimed at supporting tolerance towards people of other convictions and beliefs through the use of the media. Will promote measures aimed at preventing and fighting aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism in the media. Will continue to encourage pluralistic debate and increased media attention to promoting tolerance of ethnic, religious, linguistic and cultural diversity and will, in this context, promote broad public access to media as well as monitor hate speech.

(...)

(15) Addressing the issue of protracted displacement: Participating States/ODIHR/HCNM/ Representative on Freedom of the Media: Will explore strengthened OSCE potential for

contributing to durable solutions, supporting and closely co-operating with other relevant organizations, primarily the Office of the United Nations High Commissioner for Refugees. Will closely monitor situations of protracted displacement.

(...)

(23) Representative on Freedom of the Media: Will co-operate in supporting, on request, the drafting of legislation on the prevention of the abuse of information technology for terrorist purposes, ensuring that such laws are consistent with commitments regarding freedom of expression and the free flow of information.

(...)

V. Decisions of the Bucharest Ministerial Council Meeting

Decision No. 5 by the Ministerial Council (MC(9).DEC/5)

The Ministerial Council,

Reaffirming its concern about manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, wherever they may occur,

Reiterating its determination to implement all OSCE commitments on taking measures in this regard,

Calls on participating States to promote tolerance and non-discrimination also through awareness raising campaigns and education;

Calls on OSCE institutions, particularly the ODIHR, the High Commissioner on National Minorities, and the Representative on Freedom of the Media, to pay increased attention to manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-semitism and violent extremism, to countering intolerance and discrimination on the ground of racial or ethnic origin, religious, political or other opinion and to fostering respect for rule of law, democratic values, human rights and fundamental freedoms, including freedom of expression, thought, conscience, religion or belief;

Tasks the Permanent Council to consider developing further measures in this regard.

(...)

Document of the Tenth Meeting of the Ministerial Council

7 December 2002, Porto

OSCE Charter on Preventing and Combating Terrorism

The OSCE participating States, firmly committed to the joint fight against terrorism,

(...)

(21) Acknowledge the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as for raising awareness for the threat of terrorism;

(22) Commit themselves to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law and OSCE commitments.

(...)

Decision No. 6. Tolerance and Non-Discrimination (MC(10).DEC/6)

The Ministerial Council,

Recalling the principles of human rights and the inherent dignity of the human being, freedom of thought, conscience, religion or belief that underpin the general provisions of the OSCE human dimension commitments,

Recalling the Charter for European Security, Istanbul Summit 1999, which reaffirms full adherence to the Charter of the United Nations, and to the Helsinki Final Act, the Charter of Paris and all other OSCE documents,

Recalling Decision No. 5 by the Ministerial Council at its Ninth Meeting in Bucharest reaffirming its concern about manifestation of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, wherever they may occur,

Reiterating that democracy and protection of human rights and fundamental freedoms are essential safeguards of tolerance and non-discrimination and constitute important factors for stability, security, co-operation and peaceful development throughout the entire OSCE

region, and that conversely tolerance and non-discrimination are important elements in the promotion of human rights,

Reaffirming the internationally recognized prohibition of discrimination, without adverse distinction of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Recalling the continuing work of the OSCE structures and institutions in the field of promoting human rights, tolerance, non-discrimination and multiculturalism, in particular by the human dimension meetings and activities, projects and programmes including those of participating States,

Stressing the positive role of multicultural and inter-religious dialogue in creating better understanding among nations and peoples,

Noting that promoting tolerance and non-discrimination can also contribute to eliminating the basis for hate speech and aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism,

Recognizing the responsibility of participating States for promoting tolerance and non-discrimination,

1.(a) Condemns in strongest terms all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as hate speech and occurrences of discrimination based on religion or belief;

(b) Undertakes to further promote multicultural, interethnic and inter-religious dialogue in which governments and civil society will be encouraged to participate actively;

(c) Also undertakes to further promote the rights of persons belonging to national minorities;

(2) Decides to intensify efforts to maintain and strengthen tolerance and non-discrimination, with the assistance of OSCE institutions and in co-operation with relevant international organizations and civil society, by such means as the exchanges of information and best practice;

(3) Calls on participating States, which have not yet done so, to consider ratifying the international instruments, which address the problem of discrimination and calls for full compliance with the obligations assumed therein;

(4) Commits to take appropriate measures, in conformity with respective constitutional systems, at national, regional and local levels to promote tolerance and non-discrimination as well as to counter prejudices and misrepresentation, particularly in the field of education, culture and information;

(5) Condemns, in particular, discrimination on religious grounds and undertakes to endeavour to prevent and protect against attacks directed at any religious group, whether on persons or on places of worship or religious objects;

(6) Condemns in particular the recent increase in anti-Semitic incidents in the OSCE area, recognizing the role that the existence of anti-Semitism has played throughout history as a major threat to freedom;

(7) Also condemns the recent increase in acts of discrimination and violence against Muslims in the OSCE area and rejects firmly the identification of terrorism and extremism with a particular religion or culture;

(8) Decides to take strong public positions against hate speech and other manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as occurrences of discrimination based on religion or belief;

(9) Calls on relevant authorities of participating States to investigate promptly and impartially acts of violence, especially where there are reasonable grounds to suspect that they were motivated by aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism, as well as attacks motivated by hatred against a particular religion or belief, and to prosecute those responsible in accordance with domestic law and consistent with relevant international standards of human rights;

(10) Tasks the Permanent Council to consider further enhancement of the Contact Point on Roma and Sinti Issues in the Office for Democratic Institutions and Human Rights (ODIHR);

(11) Urges the convening of separately designated human dimension events on issues addressed in this decision, including on the topics of anti-Semitism, discrimination and racism and xenophobia;

(12) Tasks the Chairmanship-in-Office and the Permanent Council in close co-operation with the ODIHR, the High Commissioner on National Minorities and the Representative on Freedom of the Media to ensure an effective follow-up of the present decision, through increased use of tools already available to the OSCE, including the annual human dimension meetings and seminars.

Document of the Eleventh Meeting of the Ministerial Council

1-2 December 2003, Maastricht

OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century

(...)

Threats to security and stability in the twenty-first century

(...)

(4) Respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. Strong democratic institutions and the rule of law play an important role in preventing threats from arising. Weak governance, and a failure by States to secure adequate and functioning democratic institutions that can promote stability, may in themselves constitute a breeding ground for a range of threats. Equally, systematic violations of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, can give rise to a wide range of potential threats.

(...)

The OSCE response

(...)

(20) The OSCE will continue to be an active player across its region, using its institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFM) – its field operations and its Secretariat to the full. They are important instruments in assisting all participating States to implement their commitments, including respect for human rights, democracy and the rule of law. In all relevant activities, possibilities for strengthening co-operation with the Parliamentary Assembly, and through it, national parliaments will be actively pursued.

(...)

(27) Conflict prevention and post-conflict rehabilitation involve substantial efforts by the Organization in close co-operation with participating States in order to promote and assist in

building democratic institutions and the rule of law, inter alia, by supporting capacity building and helping to strengthen authorities at all levels and parliamentary structures, independent judiciaries and free civil societies and media.

Addressing terrorism and threats arising from other criminal activities

Addressing threats related to discrimination and intolerance

(...)

(37) (...) While fully respecting freedom of expression, the OSCE will strive to combat hate crime which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet.

(...)

OSCE Strategy Document for the Economic and Environmental Dimension

(2) Our response and action

(...)

(2.2) Strengthening good governance

(...)

Promoting transparency and combating corruption

(2.2.4) Transparency in public affairs is an essential condition for the accountability of States and for the active participation of civil society in economic processes. Transparency increases the predictability of, and confidence in an economy that is functioning on the basis of adequate legislation and with full respect for the rule of law. Free and pluralistic media which enjoy maximum editorial independence from political and financial pressure have an important role to play in ensuring such transparency.

(2.2.5) We will make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, about issues of public interest in the economic and environmental fields to the media, the business community, civil society and citizens, with a view to promoting a well-informed and responsive dialogue. This is essential for decision-making which is responsive to changing conditions and to the needs and wishes of the population.

(...)

Decision No. 3/03.***Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area Annex (MC.DEC/3/03)***

The Ministerial Council,

(...)

Decides to endorse the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, adopted by the Permanent Council in its Decision No. 566 on 27 November 2003, and annexed to this Decision.

(...)

III. Combating racism and discrimination

(...)

Mass Media

Recommended action by participating States:

(...)

(37.) In order to foster freedom of expression, encourage training of Roma and Sinti journalists and their employment in media outlets with a view to facilitating wider access to the media for Roma and Sinti people.

(...)

Recommended action by OSCE institutions and structures:

(39) In co-operation with the ODIHR as well as relevant international organizations, the Representative on Freedom of the Media (RFOM) should consider how the OSCE could contribute to the establishment of a European Roma Radio which would broadcast throughout Europe. The ODIHR and the RFOM should organize public debates, anti-discrimination campaigns and joint training programmes with and for the media.

(40) The RFOM should consider facilitating training seminars for Roma journalists.

(41) The ODIHR-CPRSI² and the RFOM will organize round tables with journalists on the image that Roma and Sinti communities have in society.

(42) The HCNM will continue to elaborate and disseminate guidelines for policy-makers

on the use of the State broadcast media in multicultural communities, aimed, inter alia, at encouraging support for minority broadcasters, including Roma and Sinti broadcasters, and improving their access to the media.

(...)

Decision No. 4/03.

Tolerance and Non-Discrimination (MC.DEC/4/03)

The Ministerial Council,

(...)

(8) Recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet. We welcome the offer by France to host in Paris in 2004 a forward-looking event, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the internet and hate crimes;

(...)

(10) Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on education, public participation, and language, including on its use in broadcast media, and the relevant recommendations of the Representative on Freedom of the Media in this regard;

(...)

(16) Tasks the Permanent Council, the ODIHR, the HCNM and the RFoM, in close cooperation with the Chairmanship-in-Office, with ensuring an effective follow-up to the relevant provisions of the present decision, and requests the Permanent Council to address the operational and funding modalities for the implementation of this decision.

(...)

² Contact Point for Roma and Sinti (Gypsies) issues.

Document of the Twelfth Meeting of the Ministerial Council

7 December 2004, Sofia

(...)

IV. Decisions of the Ministerial Council

Decision No. 3/04.

Combating the use of the Internet for Terrorist Purposes (MC.DEC/3/04)

The Ministerial Council,

(...)

Decides that participating States will exchange information on the use of the Internet for terrorist purposes and identify possible strategies to combat this threat, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression;

(...)

Decision No. 12/04.

Tolerance and Non-Discrimination (MC.DEC/12/04)

The Ministerial Council,

(...)

(2) Endorses the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621) and the Permanent Council Decision on Promoting Tolerance and Media Freedom on the Internet (PC.DEC/633), annexed to this decision;

(3) Further decides to intensify efforts for the implementation of these three decisions, which include commitments in the fields of, inter alia, education, media, legislation, law enforcement, migration and religious freedom;

(...)

***Tolerance and the Fight Against Racism, Xenophobia and Discrimination
(PC.DEC/621 of 29 July 2004)
Annex to MC.DEC/12/04***

The Permanent Council,

(...)

Recalling the Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination (MC.DEC/4/03), the OSCE Conference on anti-Semitism in Berlin on 28 and 29 April 2004 as well as the OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes in Paris on 16 and 17 June 2004 and their results,

(...)

Decides,

(1) The participating States commit to:

- Consider enacting or strengthening, where appropriate, legislation that prohibits discrimination based on, or incitement to hate crimes motivated by, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; (...)
- Combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda in the media and on the Internet, and appropriately denounce such crimes publicly when they occur; (...)
- Encourage the promotion of tolerance, dialogue, respect and mutual understanding through the Media, including the Internet; (...)

***Promoting Tolerance and Media Freedom on the Internet
(PC.Dec/633 of 11 November 2004)
Annex to MC.DEC/12/04***

The Permanent Council,

Reaffirming the commitments made at the Ministerial Council Meeting in Maastricht to combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet,

Reaffirming the importance of fully respecting the right to the freedoms of opinion and expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet,

Recalling the commitments to collect and maintain reliable information and statistics about hate crimes motivated by racism, xenophobia, anti-Semitism and related discrimination and intolerance, to report such information periodically to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and to make this information available to the public, as contained in the Permanent Council Decisions on Combating Anti-Semitism (PC.DEC/607) and on Tolerance and the Fight against Racism, Xenophobia and Discrimination (PC.DEC/621),

Stressing the importance of promoting tolerance, mutual respect, dialogue and understanding, including through the Media and the Internet within strategies based on a variety of measures,

Decides that:

(1) Participating 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;

(...)

(4) The OSCE Representative on Freedom of the Media will continue an active role in promoting both freedom of expression and access to the Internet and will continue to observe relevant developments in all the participating States. The Representative will advocate and promote OSCE principles and commitments. This will include early warning when laws or other measures prohibiting speech motivated by racist, xenophobic, anti-Semitic or other related bias are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views;

(5) Participating States should study the effectiveness of laws and other measures regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic and anti-Semitic crimes;

(6) Participating States should encourage and support analytically rigorous studies on the possible relationship between racist, xenophobic and anti-Semitic speech on the Internet and the commission of crimes motivated by racist, xenophobic, anti-Semitic or other related bias;

Attachment to the PC.DEC/633

Interpretative Statement under Paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

By the Delegation of Turkey:

"I would like to point out that Turkey joins consensus on the decision 'On Promoting Tolerance and Media Freedom on the Internet' with the understanding that the measures foreseen therein are to be implemented within the means and resources available to the participating States.

I would like to request that this interpretative statement be attached to the Journal of the Day."

(7) The OSCE will foster exchanges directed toward identifying effective approaches for addressing the issue of racist, xenophobic and anti-Semitic propaganda on the Internet that do not endanger the freedom of information and expression. The OSCE will create opportunities, including during the annual Human Dimension Implementation Meeting, to promote sharing of best practices;

(9) Participating States should welcome continued and increased efforts by NGOs to monitor the Internet for racist, xenophobic and anti-Semitic content, as well as NGOs' efforts to share and publicize their findings.

OSCE Action Plan for the Promotion of Gender Equality Annex to MC.DEC/14/04 2004

(...)

(1) Respect for human rights and fundamental freedoms, democracy, and the rule of law is at the core of the OSCE's comprehensive concept of security. The Charter for European Security adopted at the OSCE Istanbul Summit declares that: "The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization."

(...)

III. Promoting Gender Equality in the OSCE

(b) Mainstreaming a gender perspective into OSCE activities, policies, programmes and projects.

(...)

(40) The Press and Public Information Section of the Secretariat, institutions and missions will encourage gender-balanced reporting, and highlight, as appropriate, meetings, seminars, special events, reports, case stories and developments related to the implementation of OSCE commitments on gender equality.

(...)

V. Supporting OSCE participating States in implementing relevant commitments to promoting equality between women and men

Areas of special interest to all OSCE participating States

(...)

(44) Priorities

(...)

(c) Preventing violence against women

(...)

- The Strategic Police Matters Unit (SPMU) will enhance its project development to assist participating States in reacting to sexual violence offences and in including such elements as special investigation techniques, and interview skills designated for use with victims of sexual assault including children, and information on referral mechanisms for victim assistance, in the police training curriculum;

(...)

(d) Ensuring equal opportunity for participation of women in political and public life

(...)

The OSCE Representative on Freedom of the Media (RFOM) will be alert to allegations of serious intolerance towards women and incitement to gender discrimination in or by the media in participating States in accordance with Chapter 6 of the mandate of the RFOM. The Representative will inform the participating States of such cases in his/her regular reports.

(...)

Document of the Thirteenth Meeting of the Ministerial Council

5-6 December 2005, Ljubljana

(...)

Decision No. 10/05.

Tolerance and Non-discrimination: Promoting Mutual Respect and Understanding (MC.DEC/10/05)

The Ministerial Council,

(...)

(5) Decides that the participating States while implementing their commitments to promote tolerance and nondiscrimination will focus their activities in such fields as, inter alia, legislation, law enforcement, education, media, data collection, migration and integration, religious freedom, inter-cultural and inter-faith dialogue, and commit to:

(...)

(5.4) Consider developing, in close co-operation with civil society, concrete measures which do not endanger freedom of information and expression, in order to counter xenophobic stereotypes, intolerance and discrimination in the media and to encourage programmes to educate children and youth about prejudice or bias they may encounter in the media or on the Internet;

(...)

Document of the Fourteenth Meeting of the Ministerial Council

4-5 December 2006, Brussels

(...)

Decision No. 7/06.

Countering the use of the Internet for Terrorist Purposes (MC.DEC/7/06)

The Ministerial Council,

Recalling its previous decision on this issue (MC.DEC/3/04),

Remaining gravely concerned with the growing use of the Internet for terrorist purposes as outlined in the aforementioned decision and beyond,

Reaffirming in this context the importance of fully respecting the right to freedom of opinion and freedom of expression, which include the freedom to seek, receive and impart information, which are vital to democracy and in fact are strengthened by the Internet (PC.DEC/633 of 11 November 2004) and the rule of law,

(...)

Recalling the results of the OSCE Special Meeting on the Relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes (Paris, 15 and 16 June 2004), as well as the outcomes of the OSCE Expert Workshop on Combating the Use of the Internet for Terrorist Purposes (Vienna, 13 and 14 October 2005) and the OSCE-Council of Europe Expert Workshop on Preventing Terrorism: Fighting Incitement and Related Terrorist Activities (Vienna, 19 and 20 October 2006), and relevant work done by the OSCE Secretariat and institutions, in particular by the Representative on Freedom of the Media and the ODIHR,

(...)

(6) Invites participating States to increase their monitoring of websites of terrorist/violent extremist organizations and their supporters and to invigorate their exchange of information in the OSCE and other relevant fora on the use of the Internet for terrorist purposes and measures taken to counter it, in line with national legislation, while ensuring respect for international human rights obligations and standards, including those concerning the rights to privacy and freedom of opinion and expression, and the rule of law. Duplication of efforts with ongoing activities in other international fora should be avoided; (...)

Decision No. 13/06.

Combating Intolerance and Discrimination and Promoting Mutual Respect and Understanding (MC.DEC/13/06)

The Ministerial Council,

(...)

(9) Recognizes the essential role that the free and independent media can play in democratic societies and the strong influence it can have in countering or exacerbating misperceptions, prejudices and in that sense encourages the adoption of voluntary professional standards by journalists, media self-regulation and other appropriate mechanisms for ensuring increased professionalism, accuracy and adherence to ethical standards among journalists;

(...)

(15) Encourages the Representative on Freedom of the Media, within available resources, to consider reviewing best practices in matters of his/her competency relating to combating intolerance;

Decision No. 759.

Media Twinning: Capacity-building in Support of Professional Media Through Peer-to-Peer Exchanges (PC.DEC/759)

The Permanent Council,

Considering that independent media are an essential instrument for ensuring democratic transparency and accountability,

Acknowledging media twinning as reciprocal peer-to-peer exchanges between relevant media actors in view of media capacity-building in support of the OSCE's principles and commitments, in particular on freedom of the media, through, inter alia, study visits, training seminars and staff exchanges,

Aware that free and professional media can defend the values of peaceful coexistence and mutual understanding, thus positively contributing to early warning, conflict prevention, crisis management and post-conflict rehabilitation,

Conscious of the important role media can play as a driving force for democracy and peace in the OSCE region,

Welcoming the OSCE's media capacity-building activities throughout the whole OSCE area as part of democratic institution-building, initiated by the OSCE Representative on Freedom of the Media and, where applicable, OSCE field operations,

Convinced of the benefit of sharing the expertise of media organizations directly amongst peers,

Reaffirming the OSCE participating States' commitments to encourage direct contacts and international exchanges between media organizations, in particular as undertaken in the Helsinki Final Act (1975), the Concluding Document of Madrid (1983) and the Copenhagen Document (1990),

Decides to:

(1) Task the OSCE Representative on Freedom of the Media to co-ordinate the examination by the relevant OSCE executive structures, within their existing mandates and in consultation with media organizations, of modalities for facilitating media twinning throughout the OSCE area, including budgetary aspects, and make relevant proposals accordingly to the participating States;

(2) Call upon the participating States to consider those proposals for possible further followup.

Document of the Fifteenth Meeting of the Ministerial Council

29-30 November 2007, Madrid

Decision No. 9/07.

Combating Sexual Exploitation of Children on the Internet (MC.DEC/9/07)

The Ministerial Council,

Alarmed that the growth of the Internet has generated an enormous global expansion of the viewing and distribution of child pornography and of its profits, including for criminal organizations,

(...)

Determined to combat this growing phenomenon, including through increasing OSCE activity to address it, decides to:

(...)

(3) Encourage participating States that have not already done so to establish a system that allows law enforcement to work with public broadcasting and quickly send out a public alert when a child is found missing, when appropriate;

(4) Urge participating States that have not already done so to consider criminalizing the intentional acquisition and possession of child pornography, given that the viewing and possession of child pornography stimulates the growth of this illicit industry;

(...)

Document of the Sixteenth Meeting of the Ministerial Council

4-5 December 2008, Helsinki

(...)

Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights (MC.DOC/2/08)

(...)

On the occasion of the tenth anniversary of the Office of the Representative on Freedom of the Media, we recognize the work of this institution in promoting independent and pluralistic media essential to a free and open society and accountable systems of government. We call on participating States and Partners for Co-operation to create an environment where free and independent media can flourish.

(...)

We reiterate that everyone has the right to freedom of thought, conscience, religion or belief; freedom of opinion and expression, freedom of peaceful assembly and association. The exercise of these rights may be subject to only such limitations as are provided by law and consistent with our obligations under international law and with our international commitments.

(...)

Decision No. 6/08.

Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (MC.DEC/6/08)

(...)

Determined to enhance OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area,

(...)

(5) Calls for appropriate national authorities relevant to the situation of Roma and Sinti, such as those relating to minorities, access to health services, education, housing, anti-discrimination work, police and media, to enhance their efforts to ensure the implementation of OSCE commitments within national legislation on equality and non-discrimination. In this context, special attention should be paid to the situation of Roma women and girls;

(...)

Document of the Seventeenth Meeting of the Ministerial Council

1 and 2 December 2009, Athens

(...)

Decision No. 8/09.

Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration (MC.DEC/8/09 of 2 December 2009)

The Ministerial Council,

(...)

(6) Tasks the ODIHR, in co-operation and co-ordination with the HCNM and the Representative of Freedom of the Media and other relevant OSCE executive structures, within their mandates and within existing resources, to continue to assist participating States to combat acts of discrimination and violence against Roma and Sinti, to counter negative stereotypes of Roma and Sinti in the media taking into account relevant OSCE freedom of the media commitments, and to implement fully OSCE commitments pertaining in particular to the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area as well as to address the challenges linked to the sustainable and successful integration of Roma and Sinti;

(...)

Astana Final Document

(Summit of Heads of State or Government)

3 December 2010, Astana

Astana Commemorative Declaration Towards a Security Community

(1) We, the Heads of State or Government of the 56 participating States of the OSCE, have assembled in Astana, eleven years after the last OSCE Summit in Istanbul, to recommit ourselves to the vision of a free, democratic, common and indivisible Euro-Atlantic and Eurasian security community stretching from Vancouver to Vladivostok, rooted in agreed principles, shared commitments and common goals. As we mark the 35th anniversary of the Helsinki Final Act and the 20th anniversary of the Charter of Paris for a New Europe, we reaffirm the relevance of, and our commitment to, the principles on which this Organization is based. 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.

(2) We reaffirm our full adherence to the Charter of the United Nations and to all OSCE norms, principles and commitments, starting from the Helsinki Final Act, the Charter of Paris, the Charter for European Security and all other OSCE documents to which we have agreed, and our responsibility to implement them fully and in good faith. We reiterate our commitment to the concept, initiated in the Final Act, of comprehensive, co-operative, equal and indivisible security, which relates the maintenance of peace to the respect for human rights and fundamental freedoms, and links economic and environmental co-operation with peaceful inter-State relations.

(3) (...) We further reaffirm that all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are accountable to our citizens and responsible to each other for their full implementation. We regard these commitments as our common achievement, and therefore consider them to be matters of immediate and legitimate concern to all participating States.

(...)

(5) (...) We recognize that the OSCE, as the most inclusive and comprehensive regional security organization in the Euro-Atlantic and Eurasian area, continues to provide a unique forum, operating on the basis of consensus and the sovereign equality of States, for

promoting open dialogue, preventing and settling conflicts, building mutual understanding and fostering co-operation. We stress the importance of the work carried out by the OSCE Secretariat, High Commissioner on National Minorities, Office for Democratic Institutions and Human Rights and Representative on Freedom of the Media, as well as the OSCE field operations, in accordance with their respective mandates, in assisting participating States with implementing their OSCE commitments. We are determined to intensify co-operation with the OSCE Parliamentary Assembly, and encourage its efforts to promote security, democracy and prosperity throughout the OSCE area and within participating States and to increase confidence among participating States. We also acknowledge the Organization's significant role in establishing effective confidence- and security-building measures. We reaffirm our commitment to their full implementation and our determination to ensure that they continue to make a substantial contribution to our common and indivisible security.

(6) The OSCE's comprehensive and co-operative approach to security, which addresses the human, economic and environmental, political and military dimensions of security as an integral whole, remains indispensable. Convinced that the inherent dignity of the individual is at the core of comprehensive security, we reiterate that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility. 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.

(7) Serious threats and challenges remain. Mistrust and divergent security perceptions must be overcome. Our commitments in the politico-military, economic and environmental, and human dimensions need to be fully implemented. Respect for human rights, fundamental freedoms, democracy and the rule of law must be safeguarded and strengthened. Greater efforts must be made to promote freedom of religion or belief and to combat intolerance and discrimination. Mutually beneficial co-operation aimed at addressing the impact on our region's security of economic and environmental challenges must be further developed. Our energy security dialogue, including on agreed principles of our co-operation, must be enhanced. Increased efforts should be made to resolve existing conflicts in the OSCE area in a peaceful and negotiated manner, within agreed formats, fully respecting the norms and principles of international law enshrined in the United Nations Charter, as well as the Helsinki Final Act. New crises must be prevented. We pledge to refrain from the threat or use of force in any manner inconsistent with the purposes and principles of the Charter of the United Nations or with the ten Principles of the Helsinki Final Act.

(...)

Decision No. 1039. Development of Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies (PC.DEC/1039)

26 April 2012, Vienna

The Permanent Council,

Decides to step up individual and collective efforts to address security in the use of information and communication technologies (ICTs) in a comprehensive and cross-dimensional manner in accordance with OSCE commitments and in co-operation with relevant international organizations;

(...)

Document of the Nineteenth Meeting of the Ministerial Council

6-7 December 2012, Dublin

(...)

Declaration on Strengthening Good Governance and Combating Corruption, Money-Laundering and the Financing of Terrorism

II. Civil society and the private sector

(...)

We recognize 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. We reaffirm our commitment to make our governments more transparent by further developing processes and institutions for providing timely information, including reliable statistics, with a view to promoting a well informed and responsive dialogue.

(...)

Decision No. 1063. OSCE Consolidated Framework for the Fight Against Terrorism (PC.DEC/1063)

7 December 2012, Vienna

(...)

V. Coherence, co-ordination and co-operation

(...)

(24) In accordance with its mandate, the Representative on Freedom of the Media (RFoM) will pursue its activity, with a view to advancing OSCE commitments, will continue to co-operate and co-ordinate with all relevant executive structures and to work with participating States and assist them in fulfilling their OSCE commitments related to countering terrorism.

(...)

Decision No. 1106. Initial set of OSCE Confidence-Building Measures to Reduce the Risks of Conflict Stemming from the Use of Information and Communication Technologies (PC.DEC/1106)

3 December 2013, Vienna

The OSCE participating States in Permanent Council Decision No. 1039 (26 April 2012) decided to step up individual and collective efforts to address security of and in the use of information and communication technologies (ICTs) in a comprehensive and cross-dimensional manner in accordance with OSCE commitments and in co-operation with relevant international organizations, hereinafter referred to as “security of and in the use of ICTs.” They further decided to elaborate a set of draft confidence-building measures (CBMs) to enhance interstate co-operation, transparency, predictability, and stability, and to reduce the risks of misperception, escalation, and conflict that may stem from the use of ICTs.

The OSCE participating States, recalling the OSCE role as a regional arrangement under Chapter VIII of the UN Charter, confirm that the CBMs being elaborated in the OSCE complement UN efforts to promote CBMs in the field of security of and in the use of ICTs. The efforts of the OSCE participating States in implementation of the OSCE confidence-building measures in the field of security of and in the use of ICTs will be consistent with: international law, including, inter alia, the UN Charter and the International Covenant on Civil and Political Rights; as well as the Helsinki Final Act; and their responsibilities to respect human rights and fundamental freedoms.

Attachment. Interpretative Statement under Paragraph IV.1(A)6 of the Rules of Procedure of the Organization for Security and Co-operation in Europe

By the delegation of the Russian Federation:

“In connection with the Permanent Council decision adopted on the initial set of confidence-building measures to reduce the risks of conflict stemming from the use of information and communication technologies and in accordance with paragraph IV.1(A)6 of the Rules of Procedure of the OSCE, the Russian Federation would like to make the following interpretative statement:

(...)

In supporting this decision, the Russian Federation will be guided in its implementation by a firm commitment to the principles of non-interference in the internal affairs of States, their equality in the process of Internet governance and the sovereign right of States to Internet governance in their national information space, to international law and to the observance of fundamental human rights and freedoms.

(...)”

(1) Participating States will voluntarily provide their national views on various aspects of national and transnational threats to and in the use of ICTs. The extent of such information will be determined by the providing Parties.

(...)

(4) Participating States will voluntarily share information on measures that they have taken to ensure an open, interoperable, secure, and reliable Internet.

(5) The participating States will use the OSCE as a platform for dialogue, exchange of best practices, awareness-raising and information on capacity-building regarding security of and in the use of ICTs, including effective responses to related threats. The participating States will explore further developing the OSCE role in this regard.

(...)

Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later (PC.DEC/1107/Corr.1, Annex)

6 December 2013, Vienna

(...)

III. Prevention of trafficking in human beings

Recommended action at the national level

(...)

(2) Capacity-building and training

(2.1) Encouraging the development and introduction of training programmes on THB-related issues for:

(...)

— Media professionals, including through modules on the use of non-discriminatory language and countering stereotypes and understanding the impact news reports have on victims of THB while covering THB issues;

(...)

Document of the Twenty-First Meeting of the Ministerial Council

4-5 December 2014, Basel

Declaration on the OSCE Role in Countering the Phenomenon of Foreign Terrorist Fighters in the Context of the Implementation of UN Security Council Resolutions 2170 (2014) and 2178 (2014) (MC.DOC/5/14)

We call upon the participating States:

(...)

(4) To enhance international co-operation to counter the use of the Internet for the purposes of inciting violent extremism and radicalisation that lead to terrorism and for recruiting foreign terrorist fighters, and to exchange information about this threat in accordance with Ministerial Council Decision No. 7/06 on Countering the Use of the Internet for Terrorist Purposes, while fully respecting the right to freedom of opinion and freedom of expression;

(...)

Decision No. 5/14. Prevention of Corruption (MC.DEC/5/14)

The Ministerial Council,

(...)

Reaffirming 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 combating corruption, the financing of terrorism, money-laundering and its predicate offences,

(...)

Recognizing that the ability of an independent media to investigate and to publish the results of that investigation, in accordance with national legislation and international commitments, without fear of prosecution, persecution or physical harm is fundamental to preventing and combating corruption at all levels and in all sectors,

(...)

Encourages the participating States to:

- Take measures to enhance transparency, accountability and the rule of law in public administration, in accordance with the fundamental principles of their legal systems, including through the introduction of effective measures facilitating public access to information and the promotion of effective public service delivery; (...)
- Foster the involvement of the private sector, civil society organizations, the media and academia, including through the support of the OSCE executive structures, in accordance with their mandates, in developing national anti-corruption strategies and policies and to support their subsequent implementation; (...)
- Contribute to strengthening awareness-raising measures with respect to corruption throughout all sectors of society, by providing training and educational programmes in the area of corruption prevention and integrity, with special attention being given to youth, and recognizing the role played in this regard by an engaged and well-informed civil society and an independent, free and pluralistic media;

Declaration on the Terrorist Attacks in Paris (PC.DOC/1/15)

15 January 2015, Vienna

The Permanent Council,

(...)

Taking note of relevant statements by the OSCE Chairperson-in-Office, the Secretary General, the Representative on Freedom of the Media and the President of the OSCE Parliamentary Assembly,

Being guided by relevant OSCE commitments, particularly those relating to the fight against terrorism, to freedom of expression and to tolerance and non-discrimination:

(...)

Condemns these terrorist attacks against journalists and free media, and recalls that freedom of expression is a fundamental and internationally recognized human right;

(...)

Document of the Twenty-Second Meeting of the Ministerial Council

3-4 December 2015, Belgrade

Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism (MC.DOC/4/15)

We, the Ministers for Foreign Affairs of the participating States of the Organization for Security and Co-operation in Europe,

(...)

Strongly condemning manifestations of intolerance, including on the basis of religion or belief, reaffirming the will of participating States to foster tolerance and non-discrimination, mutual respect and understanding in their societies, and reaffirming our commitment to promote and protect human rights and fundamental freedoms, including freedom of expression and freedom of thought, conscience, religion or belief,

(...)

Stressing the important roles that youth, families, women, victims of terrorism, religious, cultural and education leaders, civil society, as well as the media, can play to counter the violent extremist narrative that can incite terrorist acts, and to address the conditions conducive to the spread of terrorism, in particular by fostering mutual respect and understanding, reconciliation and peaceful coexistence among cultures, and by promoting and protecting human rights, fundamental freedoms, democratic principles and the rule of law,

(...)

Call upon the participating States:

(...)

(3) To adopt measures as may be necessary and appropriate and in accordance with their obligations under international law, including with respect to human rights and fundamental freedoms, to prohibit by law incitement to commit a terrorist act or acts, and to prevent such conduct;

(...)

(9) To further promote public-private partnerships in countering terrorism, where appropriate, among public authorities, the private sector, civil society, members of, or representatives of religious communities, and the media, in line with, inter alia, Ministerial Council Decision No. 10/08, in order to counter incitement to terrorism and violent extremism and radicalization that lead to terrorism;

(10) To enhance international co-operation and public-private partnerships to develop practical measures to counter the use of the Internet and other means for the purposes of inciting violent extremism and radicalization that lead to terrorism and for recruiting foreign terrorist fighters. Such international co-operation and public-private partnerships could foster communication efforts, including via social media, to counter violent extremist messaging, while fully respecting the right to freedom of opinion and expression;

(...)

(14) To engage and empower youth, in preventing and countering violent extremism and radicalization that lead to terrorism, inter alia, by:

(...)

(c) Supporting youth-led and youth-focused awareness-raising initiatives, including through the Internet and social media, to prevent and counter their radicalization to terrorism, and to promote respect for human rights, fundamental freedoms, tolerance and non-discrimination;

(...)

Document of the Twenty-Third Meeting of the Ministerial Council

8-9 December 2016, Hamburg

Declaration on Strengthening OSCE Efforts to Prevent and Counter Terrorism (MC.DOC/1/16)

(...)

(6) (...) We recognize that participating States should take measures, consistent with their OSCE commitments, and while ensuring national ownership, to address the conditions conducive to the spread of terrorism, while recognizing that none of these conditions can excuse or justify acts of terrorism. In this context, we recognize the need to address the threat posed by narratives used by terrorists, including public justification of terrorism, incitement and recruitment, and call on the participating States to act co-operatively to develop the most effective responses to this threat, in compliance with international law, including international human rights law.

(...)

(8) (...) We reiterate our determination and commitment to co-operate fully in preventing and countering terrorism, while respecting human rights and fundamental freedoms, and in compliance with obligations under international law. <...>

(10) We stress the importance of co-operation among OSCE participating States, including by involving where appropriate, civil society, to prevent and counter terrorism. We also underscore the important role that civil society, in particular youth, families, women, victims of terrorism, religious, cultural and education leaders, as well as the media and the private sector can play in preventing VERLT, inter alia by countering terrorist and violent extremism messaging and offering alternatives to these narratives, including on the Internet, social and other media. We encourage political leaders and public figures including from civil society and religious leaders to speak out strongly and promptly against violent extremism and radicalization that lead to terrorism.

(...)

Decision No. 4/16.***Strengthening Good Governance and Promoting Connectivity (MC.DEC/4/16)***

The Ministerial Council,

(...)

Recognizing the importance of the active participation of the private sector, including small and medium-sized enterprises, civil society and media, in preventing and combating corruption and promoting a sound business and investment climate,

(...)

Strengthening public-private partnerships in the fight against corruption, money laundering and financing of terrorism

(19) Encourages participating States to facilitate co-operation among law enforcement, the judiciary and financial intelligence units and other relevant actors as well as between the public and the private sector and civil society, including media, in combating corruption, money laundering and other financial crime;

(...)

