

Fifth Roundtable: Legal Harassment

CONCEPT NOTE

BACKGROUND

The increased number of reports received by the RFoM Office of journalists being targeted is indicative of a growing danger for, and discrimination against, journalists – and a threat to media freedom and freedom of expression in general – as well as the urgent need to counter such a worrisome trend. The Decision on the Safety of Journalists adopted at the OSCE Ministerial Council in Milan in 2018 (MC Decision 3/18) recognizes that the work of journalists can put them at risk of violence, intimidation and harassment, which can deter them from carrying out their work or lead to self-censorship, thereby having a negative effect on media freedom and media plurality. The Decision further recognizes that targeted campaigns undermining the work of journalists are increasing, eroding public trust and confidence in the credibility of journalism, which in turn can increase the risk of threats and violence. It also recognizes the need to effectively address the concerns of women journalists, and that safety entails physical, legal, psychological, political, technological, economic and other aspects.

The RFoM project on the Safety of Journalists aims at assisting the OSCE participating States to strengthen implementation of relevant OSCE principles and commitments, with particular reference to the pledges outlined in MC Decision 3/18 on the Safety of Journalists. The project also aims to improve the implementation of applicable legal frameworks and existing national strategies for the protection of journalists.

In order to effectively support the implementation of MC Decision 3/18 in the OSCE region, seven thematic roundtables will address the following core issues of journalists' safety:

- 1) data collection, analysis and reporting on attacks and violence against journalists and promotion of journalistic work;
- 2) secure working conditions;
- 3) safety of journalists in conflict situations;
- 4) intersectional perspectives;
- 5) legal harassment;
- 6) police prevention and fight against impunity;
- 7) digital safety.

FOCUS AND OBJECTIVES

The fifth roundtable of the Safety of Journalists project will focus on “legal harassment”. The use of legal instruments and procedures to harass, intimidate, hinder and stifle journalistic work is in stark contradiction to the safety of media workers as established in various OSCE principles on freedom of expression and freedom of the media. During the years, participating States have made numerous commitments that underline the importance of independent media being able to do their work freely and safely¹. MC Decision 3/18 for example, urges the participating States to ensure that “defamation laws do not carry excessive sanctions or penalties that could undermine the safety of journalists and/or effectively censor journalists and interfere with their mission of informing the public and, where necessary, to revise and repeal such laws, in compliance with participating States’ obligations under international human rights law”.

The use of public law against media workers has a long and well-known history. Public law involves the exercise of state power and the use of state resources and is known to be particularly prone to abuse, in order to silence media reporting on issues that are sensitive or critical to the authorities, sometimes resulting in long prison sentences or penalties so heavy that they are likely to trigger the complete shutdown of a media outlet.

All too often, accusations and charges are surpassed. In such cases, the authorities abuse elements of public law procedures to intimidate and hinder media workers – for instance by arresting them and keeping them detained for hours or days; by seizing their office and homes and confiscating their property, papers and equipment, including compulsory hand-over of research materials; or by summoning them to come over to the police station to testify multiple times. The harmful and chilling effect of such legal procedures strongly conflicts with the commitments of OSCE participating States and international human rights standards regarding the legitimate aim pursued.

The aim of this roundtable is to discuss the topic of legal harassment, in order to prevent attacks and violence against journalists in a comprehensive and inclusive manner. The invited experts will discuss the concept of legal harassment in this context and help to develop a broader understanding among the OSCE participating States how best to develop national measures and mechanisms to prevent violence against journalists and promote their safety.

¹ Special Report Legal Harassment and Abuse Of the Judicial System Against the Media [505075_0.pdf](#) ([osce.org](#))



MODALITIES

Date and Time: 16 May 2023, 10.30-12.30 and 15:15-16:15, DoubleTree by Hilton, Skopje
Language: English