

*Introductory speech to working session III*

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In the first years of the 21st century, the spaces of free expression, even in long-established liberal democracies, have been eroded, are being eroded and - if we don't rally to the fight - will continue to be eroded. Free expression is not the preserve of journalists and artists. It's a freedom for all and provides essential nourishment for all other liberties.

It is indispensable for the formation of public opinion. It is vital for the development of the associations and the assemblies we have talked about at this meeting. Without it political parties, trade unions, scientific and cultural societies and, civil society in general, would never be able to exert influence.

It represents, in short, the means that enable the community, when exercising its opinions, to be sufficiently informed. A society that is not well informed is not a society that is truly free.

The erosion of free expression comes in many different ways. Most dramatically, there is violence and the threat of violence.

As media become more powerful violence against journalists intensifies. Last year more journalists and media staff were killed than ever before. So far in 2007 some 30 deaths have been recorded – maintaining the rate of murder and assassination that led the United Nations Security Council, for the first time, to issue last December a call on all governments to respond to the media crisis of violence against journalists by ending impunity.

Across the OSCE the crisis is well recorded. There have been 46 murders of journalists in former Soviet States alone over the past 15 years. The killings of Gyorgy Gongadze in the Ukraine, Anna Politkovskaya in Russia and Veiranika Chakasava in Belarus have become enduring symbols of martyrdom in what is turning into a dark age for freedom of the press. In all of these cases 90 per cent of them remain unresolved

In Russia alone there are 14 unsolved cases of reporters murdered since President Putin came to power. It is no wonder that last December the IFJ, in co-operation with all other press freedom groups and global organizations of media professionals decided to launch a specific and targeted investigation into the crisis of impunity in the killing of journalists in Russia.

The murder of journalists and complacency in the face of pressure on writers and dissidents is tragic evidence of the lack of respect for human rights. Governments must set standards of pluralism, transparency and justice so that journalists are free to be independent and professional. They can start by delivering on promises to find the killers of our colleagues. It seems so obvious and undeniable, but I will say it nevertheless, there will never be press freedom so long as impunity reigns.

But it is not just the violence that is eroding free expression – political complacency, judicial corruption, police incompetence, legal uncertainty exists in many corners of the OSCE. In recent months problems in Tajikistan, Bulgaria, Romania, Turkmenistan, Kazakhstan,

Uzbekistan, Russia, and Belarus and Turkey have all figured in our concerns. Problems of restrictive legislation, bans on independent media, the curtailing of access to information are in evidence in many of these countries revealing a profound detachment of the institutions of state from the aspirations, principles and values of the OSCE.

Of course, it is not all bad news and we in the IFJ welcome what scraps of comfort we can get. The news that Kyrgyzstan is about to decriminalise defamation is an important and significant step in the right direction. It is grotesque that in many countries journalists can still be jailed for carrying out their professional work. We hope that other countries in the region that have not yet reformed their penal codes will now do so.

At the same time, we welcome moves towards freedom of information in many countries and the adoption of rules that will promote open government and access to information. It is long overdue and worth remembering that at its very first session in 1946 the United Nations General Assembly adopted Resolution 59(I) which stated Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the UN is consecrated.

A proper freedom of information regime is a vital aspect of open government and a fundamental underpinning of democracy. It is only where there is a free flow of information that accountability can be ensured, corruption avoided and citizens' right to know satisfied. Freedom of information should ensure the right of citizens to access information and records held by public authorities.

This will not happen overnight – a change in the culture of the civil service from one of secrecy to one of transparency is a slow process – but it will happen quickly when governments establish cheap and efficient procedures for the public to access official information, ensure that record keeping procedures make this possible and ensure that the access regime facilitates the maximum disclosure of information.

It may take up to ten years or longer, but investing in open government is an invaluable contribution that every government should make to enhance the conditions for freedom of expression.

It is worrying that just as some OSCE countries are opening themselves up to more scrutiny, some long-established democracies – Britain and Ireland in particular – are introducing rules that will make it more difficult and more expensive for people to exercise their right to know.

This brings me to a matter of profound concern, that even within the most well-established of our democracies, the structure of free expression protection is being shaken – whether it is because of security concerns, or whether to counter intolerance and new challenges posed by migration or differences between religious and other communities.

The shifting social and cultural landscape often results in friction and strain as communities with different cultures, faiths and traditions adjust to living together. At the same time, however, the increasingly diverse worldwide mix of people, races and faiths has triggered a new political, economic and cultural dynamism across the globe.

The darker side of current societal upheavals is not difficult to see.

As societies change, intolerance is on the rise, with racism and xenophobia re-emerging as powerful perils and anti-foreigner political parties gaining in popularity. In Europe, for example, attacks on non-white minority groups are depressingly routine in many countries, leading to the growth of extremism among minority communities. Much of the anxiety in society is exploited by ruthless and extremist politicians.

A range of recent controversies spotlight these trends. In particular was the publication in 2006 of cartoons of the Prophet Mohammed, racist attacks and violence in the streets of France and Britain, anger over the killing of film-maker Theo Van Gogh in the Netherlands, and growing anti-immigrant and anti-Muslim sentiment in many countries, compounded by opposition to future Turkish membership of the European Union.

In addition, while politicians in most democracies insist they are committed to freedom of the press, journalists in all parts of the world are under pressure from governments and politicians seeking to muzzle press freedom in the name of a so-called “war on terror.” The IFJ has published two reports on how this security agenda has been used to chip away at civil liberties and put journalism under pressure in more than 40 countries in recent years.

The anti-terror campaign has in fact become a useful smokescreen for many governments seeking to crackdown on dissident groups and journalists who they accuse of voicing or publishing extremist views or representing terrorist organisations.

In journalism we have seen the consequences of this – across the democratic world journalists are monitored, every step of the way. Visa restrictions are being strengthened. Telephones are routinely tapped. Prosecutions and threats to media and to journalists are commonplace. In particular, there is more pressure today on journalists to reveal their confidential sources of information than there has ever been.

Last year three journalists were prosecuted, in Denmark for goodness sake, for telling truths that embarrassed the government (a case thrown out by the courts). Two journalists were briefly jailed in the Netherlands when they refused to name their sources. The German Government was forced to act when its security services were exposed for putting spies into newsrooms and the fining of an editor was struck down on appeal as a threat to press freedom. In the UK, the government has said it is planning to strengthen official secrecy laws to prevent whistleblowers from revealing information about government policy. Latvia, Ireland and Italy have also seen action, both legal and illegally, by officials trying to discover who journalists are talking to.

At a time when information technology gives us the opportunity to express ourselves more extensively and more inclusively than ever before, governments appear to be determined to find out, legally or illegally, who journalists are talking to and about what.

This is a real threat to free expression, for if journalists sources are intimidated into silence by fear of exposure, then the people’s right to know, the capacity for scrutiny of those in power will be dramatically diminished.

Much of this can lead to self-censorship. Often this is self-censorship out of fear. But self-censorship can also flow from a well-intentioned notion of multi-cultural harmony. The cutting edge of informed and knowledgeable journalism should never be blunted by misguided ideas of mutual respect for different taboos. In a democracy, all ideas, opinions

and traditions are open for debate. Finally, there are the crimes of complacency on the part of misguided democratic governments and parliaments who, in the name of security, domestic peace and inter-communal harmony, legislate to curb free expression. The British government's law on glorification of terrorism and incitement to religious hatred are cases in point. The German campaign to extend its anti-Nazi laws across the European Union may open up new opportunities for censorship

Finally, I want to say a word about the arrival of the Internet. The Internet poses all the questions of free expression policy - copyright, censorship, and media democracy - in a new and urgent context. In this regard there is a debate emerging as to who is a journalist? And how do we apply rules – for instance regarding judicial protection over disclosure of sources or fair comment and public interest defences in cases of libel and defamation when everyone, in the age of information technology, can publish and disseminate whatever they want, whenever and however they want?

We have to find ways of defining the work of journalists – its status as a form of livelihood, the ethical basis for it, the provision of information for public consumption, and the importance of public interest values in the work they do – that distinguishes the community of journalism from others in society's public information space.

We also have to protect those who these days cross with increasing ease the line between personal space in the public information space. That includes people like Josh Wolf, a United States blogger, who has been in jail for 8 months for refusing to provide video material to the authorities and who has refused to identify people in his films (some of which has been used by media). He needs to be protected as much as any journalist worthy of the name.

Given this array of problems, what is to be done? We all need to wake up to the seriousness of the danger. This is one of the greatest challenges to freedom in our time.

We need a ferocious debate about the use of law, particularly when it concerns what we should and we should not be allowed to say or write. We need to debate what free expression means in a globalised world where people of different cultures live so close together. There is a frontier of common sense, wisdom and prudence which lies beyond that which should be defined in law.

Journalists and politicians need to avoid intemperate and inflammatory language, but when that arises we can refute it in measured terms using the tools of free expression to undo the harm caused by people who trade in controversy – and cartoonists are notorious among them. But when any of them acting within the law is threatened by violence we have to defend them. In the spirit of Voltaire we must stand in solidarity with the threatened writer.

Too many times recently journalists and others have been victims of a backlash against dissent. The defence of freedom of expression is often couched in conditional terms that have the effect of excusing as “understandable” the excesses of offended groups and their protests. It will not do.

Principles of free expression need to be given more substance and potency in these difficult and fearful times. In journalism we are forming industry-wide coalitions to examine the cruises of intolerance and extremism and the threat to press freedom. We have launched an Ethical Journalism initiative which aims to

- Debate “self-regulation” to ensure it is viewed as another manifestation of sound editorial judgment rather than self-censorship;
- Find ways of encouraging journalists to be better informed to avoid manipulation by extremists or unscrupulous politicians;
- Ensure impartiality and application of core principles of ethical journalism when covering highly-charged issues of crime, immigration, community relations, immigration, religious belief and terrorism at a time of high public anxiety;
- Promote discussion of these complex issues with other civil society groups and policy-makers without compromising editorial independence;

The time is ripe for this new global campaign bringing together civil society, journalists and governmental groups to strengthen press freedom reinforce quality journalism and consolidate editorial independence.

The OSCE work on strengthening democratic values in the press and media is essential in this regard. Through dialogue and awareness raising we can expand the landscape of free expression in a tolerant and balanced way, if we do not act to do so now, I fear that we have much to lose.

Thank you.

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