

**Human dimension seminar:  
Media freedom legal framework,  
Opening Statement by Switzerland  
Warsaw 13-15 May 2013**

Excellencies,

Ladies and Gentlemen,

Switzerland thanks the Ukrainian Chairmanship, the Office of the Representative on Freedom of the Media (RFOM) and the ODIHR for the organization of this human dimension seminar. We also extend our thanks to the Polish authorities for their hospitality.

This seminar is particularly timely and continues the discussion on freedom of expression and freedom of the media that OSCE participating States have engaged in under the Lithuanian and Irish Chairmanships.

The role of civil society organizations and of media in assisting participating States to ensure full respect for human rights, fundamental freedoms, democracy and the rule of law is crucial and has been reaffirmed by the Heads of State and Government at the Astana Summit in 2010.

Switzerland is committed to promoting and advancing democracy, both in Europe and beyond. Freedom of the media and freedom of expression are indispensable components and preconditions of democracy.

In view of the tremendous influence of the media, I would like to highlight two issues:

First, the media help to hold governments, politicians and business accountable and call for more transparency. They can be uncomfortable for ruling political, economic and social elites because they represent a counterbalance, a check. The international community has a role to speak out when the freedom “to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,” a freedom enshrined in the Universal Declaration of Human Rights, is threatened or violated.

Second, the media have a high responsibility. It is crucial that the media set quality standards and keep them. How the quality of other news-providers, also non-professional ones, can be checked and monitored is an interesting question which we should discuss in the coming two days.

Freedom of the media will remain nothing but an empty promise as long as journalists continue to be harassed or even killed because of their work. The safety of journalists is a Swiss priority in this regard. Three weeks ago, we have organized an international conference together with our Austrian and Polish colleagues, here in Warsaw, on the "Safety of Journalists – Current Challenges".

The Representative on Freedom of the Media, Dunja Mijatovic, constantly reminds us that every case of intimidation, harassment, disappearance or execution, influences the enjoyment of the right to freedom of expression by others. Every time a journalist or a blogger is silenced, fear, intimidation and ignorance progress. The principle of “no more impunity” must therefore be at the centre of our response. Our goal must be to encourage governments, law enforcement agencies and legislators to raise awareness, take preventive measures and effectively counter impunity of perpetrators.

To this end, it is essential to ensure that judicial systems are independent. The conduct of investigations into crimes of violence against journalists, as in the case of all crimes, must be conducted promptly, impartially, effectively and with professionalism. States must be held accountable to take all the measures required.

Ladies and gentlemen,

Since the appearance of the so-called new media, the question of freedom of expression has become even more burning. Blogs and other social media can be vectors of transparency and add to media diversity.

While it is true that “digital media freedom” confronts us with a number of complex issues and important dilemmas, we can build on a solid basis of international human rights law and on equally solid OSCE commitments. These hard and soft norms in the field of media freedom remain valid also in the digital age. There should be no difference in people’s rights and fundamental freedoms, between the online and the offline world. The same rules and principles, based on the rule of law, should be applied.

The question of rights and responsibilities related to the freedom of expression has divided OSCE participating States in the discussions conducted until today. The exercise of the freedoms of expression and information carries duties and responsibilities. The enjoyment of these rights may be subject to formalities, conditions or restrictions. However, in this regard Switzerland reaffirms that any regulation for online as well as offline media has to first and foremost protect and respect media freedom and any restrictions thereto has to respect the provisions of Paragraph 2 of Article 10 of the European Convention on Human Rights and of Article 19 of the International Covenant on Civil and Political

Rights. The limits of the right to freedom of information and expression should not be defined by arbitrary decisions of governments but by the people themselves in a democratic process respecting international obligations and commitments.

Let me conclude by pointing out that the implementation of the existing international standards, rules and regulations is paramount. The member States of the UN and the Council of Europe as well as OSCE participating States have to honor and comply with the commitments and obligations they **voluntarily** signed up to. Switzerland will continue to take action in this area. We should take advantage of the upcoming working sessions to continue the discussion on this crucial topic. We call on all participating States to work closely with the mentioned international organizations with the aim to contribute to a relevant policy development to advance media freedom.

Thank you for your attention.