



**OSCE-wide Counter-Terrorism Conference,
*Reinforcing a Comprehensive Approach to Preventing and Countering Terrorism and
VERLT in a Changing Landscape***

21 April

13:30 - 15:00 – Session II: *Tools for Preventing Terrorism and VERLT online*
Keynote Speech

Excellencies, distinguished delegates,

I am very pleased to have the opportunity to address you today. We have all seen the destructive force that terrorism has on our societies, our cities and our lives. The sad events on 2 November here in Vienna, so close to all of us, have served as another stark reminder. Keeping us safe, by fighting terrorism and violent extremism rightly is a top priority for any government. At the same time we must make sure that this safety does not come at the expense of our fundamental freedoms like the freedom of expression which are the foundations of freedom and democracy. More safety does not require less freedom, in fact, one is impossible without another.

The OSCE participating States reiterate that the fight against terrorism must be built on the comprehensive security approach, using the three dimensions and all OSCE structures, including the institutions and field operations and in cooperation and agreement with the host governments. This provides the OSCE with an added value, while focusing on countering terrorism and addressing factors which feed extremism and radicalization, which lead to terrorism.

My Office constantly monitors legislative and executive measures undertaken by the participating States, among them those aimed at preventing the spread of terrorism. The tenor of the monitoring is compliance of such measures with the OSCE commitments in the field of freedom of the media. We also support the institutions and field operations by providing recommendations and legal analyses on a variety of aspects pertaining to safeguarding freedom of expression while combatting terrorism.

The question arises, which role can be legitimately ascribed to each stakeholder in this complex process, upon which ultimately many lives of people must depend.

As the world's largest regional organization, the OSCE has in its quiver many tools to address and counter violent extremism and radicalization that lead to terrorism *via* a multi-stakeholder cooperation and dialogue. One of the most important among them is a dialogue between state agencies and civil society, media and private enterprises, thus ensuring a whole-of-society approach to the issue in hand. This path leads to development and implementation of policies

and application of legal instruments anchored in international human rights standards that ultimately support and enhance freedom of expression.

We are all well aware of the negative impact, which criminal behaviour can have on our societies and peaceful lives. From a security and human rights perspective, it is crucial to act against the dissemination of illegal content, including the spread of child sexual abuse, incitement to terrorism, or other forms of violent behaviour. And it is up to the legitimate public authorities to establish a level playing field, create legal predictability and ensure that human rights principles are adhered to. Namely, to legislate for the content providers and intermediaries on what is illegal.

And ultimately it is the civil society which monitors implementation of such legislation, finds the bottlenecks and weak spots, which require correction to ensure that we can all enjoy a vibrant, free media environment, conducive to pluralism of opinion.

Due to the latest advances in telecommunications and other technologies we have an unprecedented possibility to enjoy free access to information of any kind, regardless of state boundaries and geography. We follow events as they occur, maybe thousand kilometers away, and we can immediately respond to them and share with friends and family. And this also applies to the news, entertainment, but also most gruesome materials, which are harmful and illegal.

Thus the definition of illegal content gains in urgency, specifically due to its vast availability. And when deciding, we must consider what we label as manifestly illegal content or potentially illegal content, depending on context, intent or effect. While all of these forms of online content need to be addressed in some way, they may require different responses to detect these different categories and may bring along an additional set of challenges to our human rights.

The role of governments in this process is clear enough, they shape our information space, and there must be constant monitoring efforts to protect the society from the misuse of arbitrary legislation or any other forms of censorship. What still requires further definition is the role of the intermediaries, the platforms, because they also have a capacity to interfere with our information space. It matters when illegal or harmful content spreads on these platforms, endangering our security and creating deeper divides in our societies. And it matters that we all are able to seek, receive, and impart the same kinds of information no matter where in the world we might be.

In this situation some sort of moderation is undoubtedly necessary. Besides, certain types of illegal content necessitate prompt reactions to prevent its distribution and redistribution. This leads to an ever increasing use of automated tools and AI to detect, assess and moderate content at scale, in view of identifying and filtering out illegal content, – but much work needs to be done to define the legal boundaries for the state actors, private providers and users.

Coming back to the analogue world, let me comment on several widely-used measures restricting freedom of expression under the anti-terrorism provisions. First of all, journalists' freedom and safety must be ensured when reporting on terrorism. I would also ask the participating States to carefully consider, the extent to which anti-terrorist laws criminalize the *disclosure of classified information*. Such restrictions may be legitimate under certain circumstances, yet in some cases they can fundamentally limit access to pluralistic information on issues directly affecting the public's right to know.

Blocking measures are frequently applied, although we have no meaningful assessment of their effectiveness. Blockings have a particularly onerous impact upon journalists, since their newsgathering processes depend on their free and unimpeded exercise of freedom of expression and the right of access to information.

Journalists need to enjoy the same rights offline and online. Media rights to report freely on issues of high societal importance must be upheld in the online environment as much, as in the heritage media. Consequently, the right of journalists to maintain the confidentiality of their sources must be protected equally when reporting on- or offline -- on all terrorist-related activities.

When reporting on terrorist acts the rights of victims must be protected. In this context, self-regulatory mechanisms and the sharing of best practice and editorial guidelines are of special importance.

Before closing let also underline that security has many aspects, and the current pandemic placed a spotlight on the flow of inaccurate and often dangerous theories relating to the COVID 19 and vaccination. Following adoption of emergency provisions which regulate public life in such extraordinary circumstances, some participating States adopted administrative and sometimes criminal provisions which apply to distribution of the so-called 'false' information. However, these provisions placed serious hurdles in front of media, they penalize information, which journalists collect from sources other than the governmental ones, and that in absence of proper communication on the part of relevant authorities. Human health depends on access to accurate information about the nature of the threats and the means to protect oneself, one's family, and one's community. The right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds, is indispensable.

To summarize, in order to protect human rights, we need to both invest in resilience of society and engage in regulation. In that regard, free expression and the use of new technologies are powerful tools for countering terrorism and the VERLT, as they have the potential to contribute to a vibrant debate by offering diversified views and opinions.