

OSCE Representative on Freedom of the Media 'Monitoring' UK Policy

Dunja Mijatović, the OSCE **Representative on Freedom of the Media** observes media developments in all 57 OSCE participating States. She provides early warning on violations of freedom of expression and promotes full compliance with OSCE press freedom commitments. This interview was conducted by **Sally Broughton Micova** of LSE's Media Policy Project.



Q: In March you expressed concern over the Royal Charter agreed upon by the UK political leadership to implement the Leveson Inquiry's recommendations for reforming press regulation. What do you recommend instead to tackle the problems Leveson identified?

Dunja Mijatović OSCE Representative: Voluntary self-regulatory schemes should be preferred to government-mandated ones. Although the form of the proposed regulation in the United Kingdom is not yet clear, one thing is certain: Additional state interface of any kind except supporting voluntary agreements should not be added to a scheme which has worked for centuries and was a model for the world. That is inherently wrong.

Q: The UK government just launched a consultation on the duties and functions of the communications regulator Ofcom that includes proposals to place the currently automatic 5 year reviews of Public SerB at the discretion of the Secretary of State and to require his or her approval for changes to Ofcom's internal structure. What would be your response to such proposals?

It is quite difficult to comment on this issue at this stage and I do not wish to prejudge the outcome. The consultations are on-going and we should give the process some more time in order to clearly see what legislators have in mind. In general, the basic parameter for a communications regulator is to function independently. Also, in communications regulations, the UK has a long and successful tradition and it would not be advisable to introduce stricter regulation particularly in the era of the New Media where less regulation is encouraged. However, my Office will continue to monitor the developments.

Q: I know that your office has led a long term campaign to decriminalize defamation within the OSCE region. The UK de-criminalised defamation back in 2010, so why did you publicly welcome the recently passed Defamation Act?

I support the series of amendments known as the Defamation Act because they help create a more-level playing field in UK defamation cases.

The new law requires that claimants must show they have suffered or will suffer serious harm before bringing a defamation lawsuit. It brings in new statutory defences of truth and honest opinion to replace common law and introduces a defence of "responsible publication on matters of public interest". It removes the presumption in favour of jury trials in defamation cases.

And, even though it does not end libel tourism, it makes it harder for claimants to forum shop. What I would like to see is the total end of libel tourism.

Q: What are your top media policy priorities for the OSCE region in the next year or two?

The top media policy priorities for us have been, and will be, journalists' safety, on and off-line, and Internet freedom. These are fundamental cornerstones for media freedom in the 21st century. If members of the media are not able to perform their job in a secure and safe manner, regardless of what subject they are reporting on, media is not free.

A free Internet is a vital tool to exercise the basic human right of free expression and the corollary right to freedom of the media. Today's media landscape and media freedoms are unthinkable without the Internet, as activities of traditional and new media are intertwined and the Internet acts as the major platform for free expression and free media. Users of new technologies have widened the scope of classical journalism and added new terms, including blogging and citizen journalism, to the media landscape. These new technical ways to communicate are backed by the basic human rights of free expression and free media.

We do not know what the future will bring and what kinds of technological developments and innovations but the fundamental freedoms will remain the same. That is why I find it crucial that developing and entering an "unknown sphere" should not be used as an excuse for restricting free speech and the free flow of information

Q: In the debates that place security concerns against internet freedom, your stance has always been in strongly in favour of freedom of expression. Looking at the EU's current data protection review and the recent furore over the so called "Snoopers' Charter" in the UK we can also see that security concerns may also conflict with privacy rights and journalists' ability to protect sources. Where do you stand on this?

My mandate asks me to promote media freedom; hence I look at the security issues from this angle. I am fully aware, however, that there is more to security than just media freedom. But there are ways to enhance security respectful of human rights, and this is what I advocate.

In my work I too often see that free expression is restricted and suppressed in the name of security. This is the wrong approach.

There is no security without free media and free expression and no free expression and free media without security. These two terms should work hand-in-glove and not fight each other like we see in so many parts of the world. If we don't understand that, we might end up with no security and no freedom.

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