OSCE: Tallinn Guidelines on National Minorities and the Media in the Digital Age

IRIS 2019-5:1/1

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The Organization for Security and Co-operation in Europe's High Commissioner on National Minorities (OSCE HCNM) has issued the Tallinn Guidelines on National Minorities and the Media in the Digital Age in February 2019. The Office of the OSCE HCNM was established in 1992 as a mechanism to provide early warnings of, and prevent, conflicts involving national minorities within the OSCE region.

The Tallinn Guidelines provide the 57 participating OSCE States with detailed guidance on how to create and safeguard an inclusive space for public debate in diverse societies. The Guidelines pay particular attention to how persons belonging to national minorities and other groups interact in a fast-changing media environment, and how digital technologies can be used to counter hate speech and (online) disinformation. Pluralism and diversity and security-related issues also feature centrally.

There are 37 Guidelines in total, spread across four sections. Section I, Enabling Environment for freedom of expression and media freedom, sets out the conditions that need to be realized by States as part of their positive obligation to create an environment in which free speech and pluralistic, independent media can thrive. In such an environment, persons belonging to minority and majority groups in society should be able to participate in public debate, in full safety and without fear, including through the media, and in the languages of their choice. Such an environment is typically characterized by law and policy frameworks securing equality and non-discrimination, minority rights, freedom of information, media pluralism and a culture of independence in the media sector, including in respect of national regulatory bodies and the operation of public service, commercial, community and other media.

Section II, Media environment, addresses some of the regulatory and policy challenges posed by ongoing transformative changes in the media environment. Despite unprecedented communicative opportunities and the informational abundance online, challenges for national minorities to have effective access to content in their own languages persist. This section emphasizes the importance of universal service obligations, media and information literacy (including in the languages of national minorities) and the need for internet intermediaries to show human rights due diligence in their operations and be pro-active in offering their

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services in the languages of national minorities.

Section III, Pluralism and diversity, is the most extensive section. It explores an array of possible ways to promote pluralistic media and diversity of content, including content tailored to, and in the languages of, national minorities, in a multi-media environment where information flows are local, national and transnational. Media ownership and control, licensing, support measures and incentives for the production, dissemination and promotion of national minority content, the role of independent national media regulatory authorities and the roles of different types of media and intermediaries all feature centrally.

In Section IV, Media, information technologies and conflict prevention, the focus is on the parameters of international human rights law for countering hate speech, disinformation, propaganda or inflammatory discourse. The limited nature of permissible restrictions on the right to freedom of expression is spelt out, as well as the importance of measures such as counter-speech, intercultural dialogue - including via the media and social media, and education and awareness-raising activities. Different roles are identified for States, the media and internet intermediaries.

The Guidelines “are based on concrete provisions in, and contemporary and forward-looking interpretations of, international and European human rights, media and communications law and policy standards” (Introduction, p. 12). An extensive Explanatory Note clarifies the provenance of each of the Guidelines, the thinking behind them and how they have been informed by the experiences of the Office of the HCNM over the years.

The Guidelines are the latest addition to a series of thematic Recommendations and Guidelines issued by the HCNM. The series’ focuses to date have been on national minorities and education rights (1996), linguistic rights (1998), participation in public life (1999), the use of minority languages in the broadcast media (2003) (IRIS 2004-1/2), policing in multi-ethnic societies (2006), inter-State relations (2008), the integration of diverse societies (2012) (IRIS 2013-2/7) and access to justice (2016).

OSCE High Commissioner on National Minorities, Tallinn Guidelines on National Minorities and the Media in the Digital Age, 1 February 2019

https://www.osce.org/hcnm/tallinn-guidelines

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