Speech by the OSCE Representative on Freedom of the Media Ambassador Jan Braathu on the occasion of the 63rd EPRA Meeting

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Thank you very much for that introduction, and it's a great pleasure for me to be here. Distinguished Chair Ms. Comey, I should dare say colleagues. We're all working for media freedom and fundamental rights.

Ladies and gentlemen, it is a great pleasure for me to join you today for the first time in my capacity as the OSCE Representative on Freedom of the Media. And I'm especially pleased to be here in Tirana at this moment so that I could have the opportunity to meet with you all.

I greatly appreciate the participation of many of you in yesterday's consultation process on “public interest framework for the future of media freedom”.

Your contributions will help us in formulating policy guidance for the OSCE region in the time to come. Allow me also to thank our Albanian hosts for their warm hospitality and excellent organization of these meetings. Albania has long played an important role in regional dialogue and co-operation on media issues, and it is truly a pleasure for me to be here.

EPRA, ladies and gentlemen, occupies a particularly important place in Europe's media landscape. Not because it produces grand declarations, but because it brings together those who must translate democratic principles into regulatory practice, and practice increasingly under conditions of significant technological, political and economic change. And that task has become considerably more complex.

We are living through a period in which the foundations of the media environment are being transformed simultaneously by digital convergence, geopolitical tension, economic pressure, platformization and rapid technological innovation.

At the same time, expectations of regulators continue to expand. Regulators are now asked to navigate questions that would have seemed unimaginable, I dare say, only a decade ago. Algorithmic amplification, platform accountability, AI-generated content, information manipulation, audience protection across converged services, and the

sustainability of trusted journalism in fragmented information markets. This is not merely a technical change or challenge. It is a democratic challenge.

Free expression, public trust, accessibility and audience protection are not competing objectives in healthy democratic media environments; they actually reinforce each other.

My mandate was established by the OSCE participating States in 1997, precisely in recognition of this principle, namely that free, independent and pluralistic media are not optional features of democracy and security; they are part of its infrastructure. And infrastructure becomes most visible when it is under stress.

Across the OSCE region today, we are seeing growing pressure on that infrastructure. Journalists face increasing threats, harassment, legal intimidation. There are surveillance concerns and physical attacks. Public service media in some participating States are experiencing political and financial pressures. Economic fragility is undermining local journalism and weakening media pluralism. And trust, trust in institutions, including media institutions, is increasingly contested in polarized political environments.

At the same time, the architecture through which citizens access information has fundamentally changed. A relatively small number of global platforms now shape the visibility, distribution, recommendation and monetization of information for hundreds of millions of people.

The distinctions between broadcaster, platform publisher and intermediary are becoming increasingly blurred. And while technological innovation has created extraordinary opportunities for access, participation, and diversity of voices, it has also concentrated significant informational power in ways that democratic societies are still struggling to understand fully.

This creates difficult questions for regulators. Not only what should be regulated, but how. Not only how to respond to harms, but how to do so while preserving open democratic discourse, legal certainty and institutional legitimacy. These questions are especially relevant at a moment when many governments are developing new approaches to platform governance, online safety, disinformation and artificial intelligence.

It is especially important that regulatory responses are proportionate, transparent and grounded in human rights. General Comment No. 34 by the United Nations Human

Rights Committee on Article 19 of the International Covenant on Civil and Political Rights advises on regulatory principles in its para. 39.

Democratic societies have legitimate reasons, indeed obligations, to address manipulation, opacity and systemic risks in the information space. However, the fundamental principles of freedom of opinion and expression, inter alia freedom of the media, must lie at the core of any regulation.

As the Human Rights Committee has pointed out, and I quote, "…any restriction of freedom of expression constitute a serious curtailment of human rights."

Furthermore, that restrictive measures, again quote, "…must be the least intrusive instrument amongst those which might achieve their protective function", and that "The principle of proportionality has to be respected not only in the law that frames the restrictions, but also by the administrative and judicial authorities in applying the law."

Vague or overly broad regulatory frameworks can create chilling effects that particularly affect independent journalism, smaller media actors and critical voices — precisely those who we must protect. As one of my predecessors, Dunja Mijatovic, pointed out already in 2014, quote, "History has taught us more than once that limits on media freedom for the sake of political expediency leads to censorship, and, when begun, censorship never stops."

Measures introduced during periods of uncertainty or crisis can sometimes outlast the conditions that produce them, and we must protect fundamental human rights principles or risk losing them step by step.

And this is one reason why the independence of regulators themselves is so vitally important. Independent media regulators are among the democratic institutions now under growing pressure within the OSCE region. Ladies and gentlemen, this is a region from Vancouver to Vladivostok, as we used to say. So, it's a very diverse place. But the pressures are increasing across that region.

The credibility of regulators, in my view, depends not only on legal mandates but on public confidence that regulatory decisions are transparent, proportionate and insulated from political or commercial interference.

In increasingly polarized environments, institutional independence becomes both more essential but also more vulnerable. And this matters beyond the regulatory sphere itself. In fact, public trust in institutions necessitates independence, objectivity, and, not to forget, competence. When citizens lose trust that governance — and here we speak specifically about media regulation — if they lose trust that this is fair, independent and rights-based, broader democratic trust also erodes.

Ladies and gentlemen, no single authority possesses all the answers to governing a converged and rapidly evolving media environment. The challenges are transnational by nature, information flows are transnational, platforms are transnational, AI systems are transnational, threats to media freedom are increasingly transnational as well. And this is why co-operation among regulators is so very valuable.

Forums such as EPRA therefore play an essential role not only in exchanging practices, but in fostering a common democratic regulatory culture rooted in openness, proportionality, and, never to forget, respect for human rights.

The themes that you are discussing during this meeting reflect these broader transformations very clearly. Questions of accessibility and inclusion are fundamental questions about democratic participation: who is able to access information, culture and public debate, and under what conditions.

Likewise, discussions around the classification of services in a rapidly changing media market reflect a wider reality that regulators across the OSCE region are confronting: namely legal and institutional frameworks that are adapting to an information environment where traditional categories no longer map neatly into technological realities.

And, increasingly, all of these discussions intersect with the development of artificial intelligence. AI will shape the future information environment in profound ways. It already is, actually, from content production and recommendation systems to moderation, translation, accessibility and synthetic media.

This carries significant promise, but at the moment it also carries significant risks. The challenge before democratic institutions is therefore not whether technological change should occur — it already is occurring — but how to deal with it. The challenge is whether democratic values, human rights, transparency and accountability will be protected and incorporated in AI systems and possible regulatory frameworks.

This requires more than technical expertise. It requires principled approaches grounded in the protection of fundamental rights and freedoms. And it requires confidence that freedom of expression is not an obstacle to democratic resilience, but one of its preconditions. Indeed, if government institutions believe that their citizens are not to be trusted, then democracy itself is at risk, ladies and gentlemen.

Returning to the General Comment No. 34, and I quote again, “A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.”

My Office and I stand ready to continue engaging with regulators across the region in that spirit. I am very grateful that my Office already works regularly with many of you on a variety of our projects — including on the future of media regulation and public interest media that I just mentioned — on the issue of tackling disinformation, on the impact of big tech and AI on media freedom, and on the safety of journalists and many other issues. So, I want to thank you all for that co-operation, the invaluable contributions and expertise that you bring to bear also on our work.

Ladies and gentlemen, allow me to conclude with some reflections.

Technological change is with us — has always been with us — also in the media architecture. It is not new.

And let me digress historically:

The 1960s Canadian philosopher and media theorist Marshall McLuhan famously coined the phrase “the medium is the message” in 1964. By this, McLuhan meant that every medium delivers information in a different way and that content is fundamentally shaped by the medium of transmission. He wrote at a time when television was the new medium, and there were debates about the impact of television on news transmission and public understanding. Although television news had the advantage of offering video and live coverage, making a story come alive more vividly, it was and remains a faster-paced medium than either radio or print. That meant that more stories got covered, but in less depth.

A story told on television was flashier, less in-depth, and with less context than the same story covered in a monthly magazine. So, the argument, back in the 60s, was that people who got the majority of their news from television would likely have a particular and superficial view of the world, shaped not by the content of what they watched, but by its medium.

Or as the computer scientist Alan Kay put it in 1994, “Each medium has a special way of representing ideas that emphasize particular ways of thinking and de-emphasize others.”

I'm mentioning this only to bring to you that we have been, our predecessors have confronted technological change, very similar to some of the discussions that we're having today. They created regulatory frameworks that I dare say worked. Nothing works perfectly, but it worked.

You are now in the position of having to create a new regulatory approach to these new technologies that are again shaping the way information is created, transmitted and accessed. And it is a vitally important task.

Periods of technological change and disruption create pressures for quick solutions and expansive powers. But resilient democratic media environments are rarely built through control alone. I believe they are built through trust. Through institutional independence, through pluralism, through transparency and through confidence that regulatory systems ultimately serve citizens and democratic participation rather than political expediency.

Media regulators, you in this room, therefore carry a profound responsibility today, not only to respond to immediate challenges, but to help shape the democratic norms of the future information environment. That is hugely complex and difficult work, but it is indispensable.

I conclude by thanking you all, thanking EPRA, for creating this space for thought and consideration, and exchange. And I look forward to continued collaboration and dialogue with all of you. Thank you so much.