



The Representative on Freedom of the Media

On the occasion of the Third Internet Conference of the OSCE Representative on Freedom of the Media in Amsterdam (17-18 June 2005)

**JOINT DECLARATION OF THE OSCE REPRESENTATIVE ON FREEDOM
OF THE MEDIA & REPORTERS SANS FRONTIÈRES
ON
GUARANTEEING MEDIA FREEDOM
ON THE INTERNET**

1. Any law about the flow of information online must be anchored in the right to freedom of expression as defined in Article 19 of the Universal Declaration of Human Rights.
2. In a democratic and open society it is up to the citizens to decide what they wish to access and view on the Internet. Filtering or rating of online content by governments is unacceptable. Filters should only be installed by Internet users themselves. Any policy of filtering, be it at a national or local level, conflicts with the principle of free flow of information.
3. Any requirement to register websites with governmental authorities is not acceptable. Unlike licensing scarce resources such as broadcasting frequencies, an abundant infrastructure like the Internet does not justify official assignment of licenses. On the contrary, mandatory registration of online publications might stifle the free exchange of ideas, opinions, and information on the Internet.
4. A technical service provider must not be held responsible for the mere conduit or hosting of content unless the hosting provider refuses to obey a court ruling. A decision on whether a website is legal or illegal can only be taken by a judge, not by a service provider. Such proceedings should guarantee transparency, accountability and the right to appeal.
5. All Internet content should be subject to the legislation of the country of its origin (“upload rule”) and not to the legislation of the country where it is downloaded.
6. The Internet combines various types of media, and new publishing tools such as blogging are developing. Internet writers and online journalists should be legally protected under the basic principle of the right to freedom of expression and the complementary rights of privacy and protection of sources.