

Working Session 1, Freedom of Expression, 24 September 2012

Participating States Must Fulfill Commitment to Ensuring Freedom of Expression

Freedom House, as an NGO that works throughout the OSCE region to support those who champion freedom of expression, calls attention to recent negative trends in certain participating States. We would also like to recognize the excellent work of the OSCE, the Representative of Freedom of the Media, and the Irish chairmanship.

Ensuring freedom of expression remains a challenge in traditional forms, but also requires states to ensure protections on the Internet and in the use of digital technologies. Several participating states of the OSCE, including Belarus, Russia, Ukraine, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, Turkey, and Kyrgyzstan, are not fulfilling this commitment. In Freedom House's Freedom on the Net report released today, Belarus and Uzbekistan have the distinction of ranking near the bottom of our list as "Not Free."

Freedom of expression is a core principle of the OSCE, as enshrined in the Helsinki Accords' commitment "to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries," and in the Copenhagen Document's commitment that "everyone will have the right to freedom of expression including the right to communication." As a technology that transcends borders and opens up new possibilities for communication, the Internet is a powerful tool for realizing freedom of expression. Freedom House calls on all countries of the OSCE to support the right to freedom of expression in the digital age.

Freedom House is especially concerned by the following developments:

In Belarus, during the last two years, new amendments stipulating financial penalties for violating the already restrictive Internet laws have been introduced. Independent websites and personal blogs have been blacklisted and regularly blocked. Online activists have been harassed, threatened, persecuted, and imprisoned. This past summer, after Swedish pilots dropped teddy bears carrying pro-democracy messages over Minsk, a Belarusian student, Anton Suryapin, was arrested for photographing the teddy bears and posting pictures on his personal website. He could face a seven-year jail sentence.

In Russia, this past week authorities in some Russian regions blocked access to Youtube, and federal level officials expressed an interest in doing so across the country's nine time zones. This comes after years of stifling online expression in Russia using, among other tools, vague anti-extremism laws, arbitrary lawsuits, visits from the police, and punitive psychiatric treatment.

The ability of Ukrainians to freely express themselves is also under serious threat in the country's current electoral season. "Dzhinsa" or paid news articles dominant the media and crowd out real investigative and news items about public policy. Determining who is behind paid news in Ukraine is made even more difficult by opaque media ownership, lax transparency requirements, and murky cozy relationships between media owners and the government.

Online and offline expression in Russia and Ukraine are threatened by laws in each country aimed at stifling expression and speech by LGBT people or in support of them. Several Russian regions have

passed so-called anti-propaganda of homosexuality laws that restrict public expression about homosexuality and are aimed at marginalizing LGBT people. In Ukraine an even harsher measure is under consideration that would carry criminal penalties for any public expression about homosexuality that was not openly condemnatory.

In Kazakhstan, the government blocked mobile communications from the city of Zhanaozen in December 2011 after riots there. In addition, Twitter services across the country were cut off. The government's claims that the disruption was due to technical difficulties are unsupportable. These limitations came against a backdrop of continuing restrictions on access to digital media, including blocking of specific websites, such as the opposition news site *Respublika* and the blogging platform WordPress.

In Tajikistan, the government blocked mobile communications from the region of Gorno-Badakhshan during the military operation in July. As in Kazakhstan, government claims that the disruption was due to technical difficulties are unsupportable. Access to independent news websites was also blocked. According to news reports, these blockages took place without judicial order. These actions came against a backdrop of heightened pressure on independent news outlets throughout the country.

In Uzbekistan, the government maintains a tight grip on independent and foreign media. Numerous journalists for international news outlets have had their accreditation refused in recent years. Websites disseminating independent information, such as *Uznews.net* and *Fergana.ru*, are blocked within the country. Recently, government-controlled media have run stories depicting social media as pernicious and socially destructive.

In Kyrgyzstan, Freedom House is concerned by a recent proposed law intended to protect children from harmful information, that would open up opportunities for extrajudicial restriction on freedom of speech through vague and poorly defined additional restrictions. Freedom House is also concerned about a new initiative by the National Security Service of Kyrgyzstan to monitor alleged "hate speech" through special filtering software.

As the importance of the Internet continues to grow, OSCE States must ensure that freedom of expression is provided the same protections online that participating States are expected to provide offline. Even if the means of enjoying a freedom change, the freedom itself does not.