



**Human Rights Watch Statement on Freedom of Expression  
in the OSCE Region**

**2010 OSCE Review Conference—Astana Part  
Working Session 4: Freedom of Media**

**Friday, November 26, 2010**

In becoming signatories to the 1975 Helsinki Accords, all OSCE participants agreed to uphold the internationally recognized right to freedom of expression and confirmed their commitment to the free flow of information. The rapid development of new forms of electronic media undoubtedly presents exciting possibilities for increasing the availability of and access to information. However, it is easy to lose sight of systematic violations of the rights of people to free expression and information that, unfortunately, continue to plague many parts of the OSCE region in 2010. Human Rights Watch monitoring and research over the past year reflects how some governments, such as Turkey and Georgia, have a mixed record on media freedoms, whereas others, such as Uzbekistan and Turkmenistan, systematically deny free expression rights.

Even with the increased saturation of the Internet across the region, television remains the main source of information for people in many OSCE countries, yet many governments either severely limit independent stations from broadcasting or de facto ban them from doing so altogether. The move in a number of countries to digital broadcasting should create more opportunities for media diversity in the region, but in Armenia, for example, the digitalization of frequencies has meant fewer broadcasting channels, largely due to problems with relevant legislation.

Two months ago, the Organization's Representative on Freedom of the Media, Dunja Mijatovic, noted a trend of increased limits on Internet use in a number of OSCE countries. According to our and other groups' research, stringent restrictions and website blacklists exist in Belarus, Kazakhstan, Russia, Turkey, Turkmenistan, and Uzbekistan. Other limitations persist to a lesser extent across the region.

Ensuring journalists and editors are able, independently, to gather and distribute information is a cornerstone of free society, yet violence against journalists who exercise that independence goes unpunished in many OSCE countries. Recent, high-profile assaults and murders of journalists in Russia and as well as assaults on journalists in Azerbaijan, Kazakhstan, Turkmenistan, Ukraine, and Uzbekistan stifle investigative journalism and perpetuate a climate of vulnerability for journalists and impunity for would-be attackers.

Governments across the OSCE region, from west to east, retain antiquated criminal defamation laws, and some governments, including Azerbaijan, Belarus, Kazakhstan, Russia, and Uzbekistan, use these laws—often to punish government critics. As recently as November 12, the OSCE called for the decriminalization of defamation in Azerbaijan. In Tajikistan and Turkey, severe civil penalties for defamation continue to be used to punish critical media outlets. Turkey has also been condemned by the European Court of Human Rights twice this year for misusing its anti-terror legislation to ban entire publications, while Russia continues to abuse its broad anti-extremism laws to prosecute and reprimand a range of outspoken individuals, from a whistleblower on government corruption in Tartarstan to the organizers of a provocative art exhibition in Moscow. Impunity for violence and the threat of criminal and civil lawsuits impel journalist to engage in self-censorship.

Restrictive laws and practices that constrain the right to freedom of assembly and association in some OSCE countries in turn also impede the exercise of the right to freedom of expression.

We urge the OSCE to prevail on participating states to uphold their commitments to freedom of expression across the board. We also urge the OSCE to issue guidelines aimed at minimizing the misuse of anti-extremism laws to limit freedom of expression. With regard to criminal defamation laws, we ask that the OSCE adhere to previous policy recommendations and work with participating states to repeal or amend these laws to bring them into agreement with the principles of free and open societies. While we applaud the recent Tbilisi declaration, calling specifically on Azerbaijan to repeal its criminal defamation laws, we hope that more recommendations directed at specific governments will follow. We call on the Office for Democratic Institutions and Human Rights, the Representative on Media Freedom, and all other appropriate OSCE bodies to coordinate and ensure effective implementation of all such recommendations in all participant states.

We thank you for your time and attention.