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U.S. Mission to the OSCE

Protecting Human Rights During the COVID-19 Pandemic

As prepared for delivery by Ambassador James S. Gilmore III
to the Permanent Council, Vienna
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The United States shares the view of other delegations here that the OSCE has a major role to play in helping this community recognize and respond to the impact of the pandemic on human rights, fundamental freedoms, and democratic governance. This is a topic we will address in future meetings also, but I will share some initial thoughts here.

Governments should not use the pandemic as an excuse to crack down on political opposition, undermine the electoral process, suppress independent media and civil society activity, legitimize expanded arbitrary or unlawful use of monitoring technologies to undermine civil liberties and human rights, or permanently expand executive authorities.

Emergency declarations and laws enacted in response to COVID-19's spread should ensure restrictions on fundamental freedoms for the protection of public health, be restricted in time, only as necessary to address the crisis. They should not be used as an excuse to silence, target, or harass members of civil society, opposition voices, members of marginalized groups, or any other persons wishing to contribute to public discussion. These are the concerns that we have by the reactions that we are seeing for COVID-19, and we hope that these will remain temporary only.

Declarations of states of emergency and associated laws should be time-limited and not remain in force longer than strictly required to address the identifiable public health emergency.

Governments' efforts to counter the threat of COVID-19 should be designed to protect entire populations, including especially vulnerable persons and members of at-risk ethnic, racial, religious, gender, or other minorities.

The ability to access and share reliable and accurate information is essential to public health during a time of crisis. Respect for freedom of expression, as we have discussed today, including for members of the media, whether exercised offline or online, enables individuals and communities to access credible, accurate, and timely information and advice to protect their health.

Criminal penalties should not be levied against persons for exercising freedom of expression. Laws criminalizing the spread of "false information" have in many cases led to arbitrary application and abuse. Instead, governments should counter any inaccurate or false information with clear and accurate public health information.

All governments holding individuals solely for exercising their human rights and fundamental freedoms, including their expression of political dissent, should release them. This will also help limit further spread of the virus. The ongoing detentions of some human rights defenders, journalists, and wrongfully detained U.S. citizens continue to attract widespread international condemnation – especially in the current circumstances when other prisoners are being released due to COVID- 19.

Upholding and strengthening shared OSCE commitments will demonstrate the value of transparency, openness, and respect for civil liberties, human rights, and fundamental freedoms. Authoritarian governments in Russia, China, and Iran are exploiting the COVID-19 crisis to cast doubts on the effectiveness of democratic governance and mislead publics about its origins and outcomes. This is disinformation, and it must be stopped.

The United States would welcome the insights of the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), field missions, and special representatives to gain a full understanding of the impact of the pandemic and governments’ responses across the OSCE region. The OSCE is well positioned to track actions by participating States to meet those challenges; identify best practices; and identify and document the longer-term impact of coronavirus restrictions on civil society, media freedom, and democratic institutions and processes. These are the issues that we have to take note of as we begin to emerge from this ongoing health crisis.

As noted, I look forward to discussing this topic in greater detail in future sessions of this Council.

Thank you, Mr. Chair.

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