



United States Mission to the OSCE

Response to OSCE Representative on Freedom of the Media Dunja Mijatovic

As prepared for delivery by Ambassador Ian Kelly
to the Permanent Council, Vienna
June 20, 2012

Thank you, Mr. Chairman.

The United States warmly welcomes OSCE Special Representative on Freedom of the Media Dunja Mijatovic back to the Permanent Council and thanks her for this latest comprehensive report. Representative Mijatovic, you and your staff continue to do an admirable job of engaging the governments of all OSCE participating States to assist us – and, when necessary, to call us to account – to improve our performance in living up to OSCE media freedom commitments.

We were pleased to see you moderate a panel discussion at the Dublin Conference on Internet Freedom sponsored by the Freedom Online Coalition. The event featured representatives of civil society organizations speaking out on how they use the Internet to exercise their fundamental freedoms. The overflow audience of more than 60 delegates and NGO representatives once again demonstrated the great level of interest we have seen among civil society leaders and governments in reaffirming OSCE human rights and fundamental freedoms commitments online and offline.

We would also like to express our gratitude to the Irish Chair-in-Office for hosting the recent Dublin conference, a subject of far-reaching significance to how people live their daily lives and exercise their human rights across the OSCE region and the globe. After listening carefully to the discussions there my delegation is more convinced than ever that the participating States should clearly and collectively state that human rights and fundamental freedoms do not change with new technologies and that their longstanding commitments to respect the exercise of human rights and fundamental freedoms apply online as well as offline. We encourage the Chair-in-Office to build on the success of this conference by working with the participating States to ensure that Internet freedom figures prominently in the OSCE's future work, including at the upcoming HDIM and the December Ministerial.

Representative Mijatovic, we note that your report demonstrates a continuing worrisome trend toward governments asserting control of the media, particularly the Internet, and harassing, intimidating, and incarcerating journalists and bloggers. In Belarus, for example, independent journalists are routinely targeted by authorities for detention and questioning related to their professional activities, particularly the coverage of unsanctioned protests. We call upon the government of Belarus to cease its systematic campaign of harassment of those exercising their right to free expression, to lift travel bans, to stop raiding journalists' homes and newsrooms, and to cease confiscating equipment and imposing fines on journalists. We also urge the government of Belarus to allow Representative Mijatovic to visit Minsk and meet with policymakers to improve the country's media freedom climate.

In Russia, the report details incidents of arbitrary detentions of dozens of journalists, physical attacks on others, and cyber attacks against independent media outlets. We echo your call for thorough investigations of these incidents, particularly the brutal killing of Chernovik editor Khadzhimurad Kamalov in December of last year. In Ukraine, reports of attacks against journalists raise serious concerns that media freedom is increasingly under threat, with independent media subject to harassment by law enforcement and tax authorities, and with pressure on their advertisers and owners. We urge the government to investigate and prosecute these and crimes -- in addition to resolving past unsolved killings and disappearances of journalists -- and to ensure that independent media can work without fear of reprisal.

The high number of journalists imprisoned in Turkey is deeply disturbing. While we are encouraged that some journalists have been released from detention pending trial, the legal regime under which so many journalists are detained and arrested merely for doing their jobs requires further reform. We urge Turkey to pass a package of judicial reforms which, if enacted, would stop investigations and annul convictions of press offenses carrying a sentence of less than five years. Turkey's redrafting the 1982 constitution provides an opportunity to better protect individual rights and freedoms. Of course, these measures are just a first step, and Turkey must go further. Such reforms will benefit Turkey as well, because as Secretary Clinton has stated, "A vibrant economy depends upon the free exchange of ideas, the free flow of information, and the rule of law." We are encouraged that Turkish officials have acknowledged the problem, and encourage the government to avail itself of your offer to assist in the development of these reforms.

We take this opportunity to reiterate the importance of thorough investigations into, and accountability for, recent violence against journalists in Azerbaijan. We welcomed the government's condemnation of the attempted blackmail of investigative journalist Khadija Ismailova, and we call on authorities to ensure a thorough investigation of the incident. We share your concern about the continued incarceration of journalists and your regret regarding recent amendments that would restrict public access to information. We urge the authorities to work closely with your office on these measures.

We also noted with concern the media law in Hungary, which could subject the Hungarian media to an unacceptable level of control by a politicized Media Authority and Media Council lacking proper checks and balances. We are concerned that the sum of the new media provisions, while couched as technical matters, will have the overall effects of inducing journalistic self-censorship and marginalizing opposition media outlets through onerous fees and regulations. We strongly encourage the Hungarian government to work with your office, as it appears to be doing, to ensure that these new laws align with Hungary's OSCE commitments.

We strongly support your efforts to provide help to the government of Macedonia to reach broad agreement with media representatives on drafting a civil defamation law, though we remain concerned that the level of civil damages in the draft will lead to self-censorship. We remain, however, especially concerned about the impact on media freedom of the government's closure of broadcasters, achieved through possibly selective implementation of the law.

In Central Asia, we are concerned about fines levied against journalists for carrying out their work, and in some cases, incidents of violence against members of the press. We note that some governments are working to close access to news and commentary websites, and we encourage these governments to defend, not impinge, the free flow of information and ideas on the internet.

Representative Mijatovic, we are glad to have provided funding for your continuing program of media conferences, which are helping to raise standards of journalism in online and traditional media, streamline broadcast media regulation, and improve understanding and government policy toward the operations of media outlets. We are encouraged by your cooperation with Azerbaijani authorities to organize the 10th South Caucasus Media Conference in Baku in October and are hopeful that the upcoming 14th Central Asia Media Conference in Ashgabat will represent a significant step in increasing respect for freedom of the media in the countries of Central Asia.

Once again, we thank you for your thoughtful report and look forward to continuing our support for your office in its vital role as media freedom watchdog for the OSCE going forward.

Thank you, Mr. Chairman.