



United States Mission to the OSCE

Session 2: Fundamental Freedoms I

*Freedom of Expression, free media and information
As delivered by Ambassador W. Robert Pearson
to the OSCE Human Dimension Implementation Meeting,
Warsaw, September 30, 2008*

Let me begin by expressing appreciation for the tireless work of the Representative on Freedom of the Media, and for the integrity with which he carries out his mandate. Mr. Haraszti, thank you for the insights and dedication you bring to this important work. The United States welcomes your statement regarding the importance of free and safe access for journalists to Georgia's South Ossetia and Abkhazia regions.

Mr. Moderator, freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, is recognized as a core right in the OSCE and fundamental to the development of democratic States. In many OSCE participating States, unfortunately, the right of freedom of expression, particularly for members of the media, is under constant threat.

Indeed, actual violence against media workers and threats against them form part of the picture in too many States. Let us be clear about this: governments have a responsibility to create a climate of physical security and respect for independent opinion. This goes even beyond restraining security forces and government supporters from violence or intimidation of reporters; free media are a basic institution of democracy, and governments that accept democratic norms are bound to ensure a safe and hospitable climate for free expression of opinion.

More generally, we recognize the challenge of discussing freedom of expression in a diverse forum such as this because, however fundamental, these rights are not absolute. The U.S. Supreme Court has recognized that limitations are appropriate on speech that creates a "clear and present danger" to others. Many OSCE participating States, however, allow broad limitations of freedom of expression, and thus fail adequately to preserve the general right as a fundamental principle of democracy.

Some participating States carve out exceptions to the general principle of free speech by criminalizing "extremism," "incitement to hatred" of specified groups, or "defamation" or "insult" of specified topics. Although these laws sometimes seem intended to protect minorities, they often have unintended – and undesirable – consequences.

Laws prohibiting "extremism" are all too often misused to prevent public criticism of the government. In Russia, for example, "the Voice of Beslan" – a group of women who lost children in the 2004 terrorist siege – were charged by local prosecutors in Ingushetia with "extremism" for accusing then-President Putin of covering up information about the tragedy. The charges fall under Russia's 2007 amended law on extremism, which now punishes "slander of public officials" and "humiliating national pride." Numerous media outlets have been investigated or charged under this vague extremism law in Russia this year alone. Across the OSCE region, similar laws exist that criminalize disagreement with the nation's political leaders in the name of 'slander against' or 'insulting the dignity of' a given leader.

Mr. Moderator, the United States strongly supports laws that provide civil remedies for those that have experienced discrimination in education, labor, housing and other aspects of public life based on race, ethnicity, religion, or other protected status. We believe that people who commit crimes against persons or their property because of their status should be vigorously prosecuted. But punishing disfavored political or religious views or controversial or unpopular ideas – even under the guise of combating hate speech – is difficult to reconcile with international commitments to freedom of expression. Moreover, the practical implementation of hate speech laws is often fraught with double-standards and ambiguity.

In closing Mr./Madam Moderator, the United States delegation must again express its concern over the fate of journalists in many OSCE participating States. This is especially the case in the North Caucasus region, where in the space of only a few days at the end of August and early September, two journalists, Magomed Yevloyev of the opposition “Ingushetia.ru” web page and Islamic TV reporter Telman Alishaev of Dagestan were murdered and Miloslav Bitokov was severely beaten. We call on the Government of Russia to fully investigate these crimes and bring the perpetrators to justice. In the South Caucasus, we again express our concern regarding imprisoned journalists in Azerbaijan, especially those charged with criminal libel.