



## United States Mission to the OSCE

### Session 1

## **Freedom of expression, free media and information**

As prepared for delivery by Deputy Assistant Secretary  
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OSCE Human Dimension Implementation Meeting  
Warsaw, September 26, 2011

Mr./Madam Moderator,

Freedom of expression, including freedom of the press, and the ability of citizens to access and share a wide range of information are hallmarks of democratic governance and essential to national success in the Information Age. Across the OSCE, individual citizens as well as civil society organizations and journalists seek to inform and shape public debate, influence government decision-making, expose abuses of power, connect with one another and join in the great global flow of news, ideas and opinion. The OSCE, and its impressive Representative on Freedom of the Media, Dunja Mijatović, have played, and must continue to play, a pioneering role within this region and beyond it, in the defense and advancement of fundamental freedoms via traditional and online media.

Today, in a number of participating States, media – particularly independent media -- are under pressure to be silent or self-censor. For practicing their profession, journalists are victims of brutal, sometimes deadly, attacks, often carried out with impunity. The Committee to Protect Journalists has noted that 546 journalists have been killed around the world with complete impunity since 1992. Three countries from the OSCE region -- Russia, Tajikistan, and Turkey -- are on the list of the top 20 countries that CPJ has recorded with unsolved, or in some instances entirely unaddressed, cases of murdered journalists. Many publics in the OSCE region are denied the opportunity to access a range of sources of information.

OSCE states also are part of a growing global trend by governments to restrict Internet freedom, and, by so doing, restrict the exercise via new media not only of the fundamental freedom of expression, but also the fundamental freedoms of assembly and association. These enduring freedoms apply just as much to a communication sent by Twitter or a gathering organized by Facebook as they do to a conversation on the telephone or in coffee shops, or a demonstration in a public square.

As Secretary Clinton has emphasized: “The rights of individuals to express their views freely, petition their leaders, worship according to their beliefs – these rights are universal, whether they are exercised in a public square or on an individual blog. The freedoms to assemble and associate also apply in cyberspace. In our time, people are as likely to come together to pursue common interests online as in a church or a labor hall.”

Almost every aspect of today's society is being transformed by the rapidly growing number of Internet users, the ubiquitous nature of mobile devices, and the expansion of tools such as blogs, social networking sites, and online media. With two billion people now online, the Internet has become the public space of the 21<sup>st</sup> century.

It is no coincidence that authorities who try to restrict the exercise of fundamental freedoms by their people, impede the work of human rights defenders and civil society organizations, control the press and obstruct the flow of information, tend to be the same authorities who try to restrict, impede, control and obstruct their citizens' peaceful use of the new digital technologies.

While the latest connective technologies are the most topical media, we must not lose sight of the fact that newspapers, TV, and radio remain critical outlets for information and opinion for much of the world's population, including in the OSCE region. These media outlets are no less important and no less deserving of the full adherence to OSCE commitments.

Let me now raise specific concerns about freedom of expression and media freedom in a number of OSCE participating States.

In Turkmenistan and Uzbekistan, the state retains a tight grip on all media. We urge the Government of Turkmenistan to allow the importation of foreign print media and to relax existing restrictions on foreign and domestic journalists. Last month, Uzbekistan authorities blocked dozens of Internet sites, including those of the New York Times and many Russia-based news websites. At the beginning of September, Uzbekistan unveiled a new government-sponsored social media site—Mulokot—that reportedly is available only to persons with a registered Uzbek cell phone number. There already are indications that the site is monitored and censored.

Although print media are freer in Kazakhstan, authorities have used excessive fines to close small independent newspapers critical of the regime. Ramazan Yesergepov, editor of the weekly Alma-Ata Info, is still in prison for allegedly revealing state secrets while reporting on a corruption investigation. Authorities have blocked a number of popular blogs and media sites under a 2009 law that classifies all Internet content as media, most recently the popular blog platform LiveJournal, on the grounds that extremists had posted blogs on it. Kazakhstan also recently decided that all .kz domain names will have to operate on physical servers within its borders, a move that could build a virtual wall around the Kazakhstani internet that authorities could use to further control content.

We welcome recent amendments to the Criminal Code in Kyrgyzstan which decriminalized libel and urge other participating States with such laws to consider doing the same. Along with the OSCE Representative on Freedom of the Media, we strongly urge that the remaining speech crimes of 'insult' and 'insult of an official' will also be repealed. More than a year after the violence of June 2010 in Kyrgyzstan, we remain concerned by the closure of Uzbek-language media, particularly in the run-up to elections next month. The August attack by

unknown assailants against journalist Shokhrukh Saipov—whose brother Aliher was murdered for his journalism work in 2007—is another example where swift action by the Kyrgyz authorities to investigate and prosecute the crime can help reverse its chilling effect on media freedom.

Armenia also decriminalized libel in 2010, but since then the civil code has been misused to stifle the media through the imposition of heavy fines. Moreover, A1+ TV is still off the airwaves, despite a ruling by the European Court of Human Rights. We hope government will take steps to improve media freedom, especially in light of the upcoming parliamentary elections next year.

In Tajikistan, the government controls most printing presses, newsprint supplies, and broadcasting facilities. The government used this power in 2010 to stop the publication of several newspapers and block access to independent internet websites. Government officials have used lawsuits to intimidate critics. Last June, Urunboy Usmonov, a local correspondent for the BBC who met with members of a banned Islamic group in order to write a story, was arrested on suspicion of belonging to that group. Though he has since been released on bail, he still faces criminal prosecution. Journalist Mahmadyusuf Ismoilov has been held in pre-trial detention since November 2010, charged with inciting religious and national hatred, slander and other crimes after he reported on local corruption.

Although we welcome Azerbaijan's release of journalist Eynulla Fatullayev and activists Emin Milli and Adnan Hajizade, journalists and activists in that country continue to risk fines, beatings and imprisonment for exercising their freedom of speech.

In Georgia, many media criticize the government, but the two primary TV stations with countrywide reach remain heavily influenced by the government. There are also ongoing concerns about transparency of ownership of media outlets despite a law passed in 2010 limiting off shore ownership to 10 percent. We look forward to the January 2012 implementation of legislation designed to address these concerns. There are also reports of direct and indirect pressure on journalists, including the beating by security forces of journalists covering the events of the night of June 25-26, and the government's tax inspection of Media Palitra shortly after it showed coverage of the events of June 25-26 in a manner unfavorable to the government.

Belarus has a poor record on freedom of expression—including for members of the media. The state maintains a monopoly on information about political, social, and economic affairs. Journalists risk fines and/or imprisonment for publishing views contrary to the official government line. This record further deteriorated with last December's post-election crackdown; students, members of human rights organizations, bloggers, and political party activists were harassed, beaten, and imprisoned for peacefully exercising their rights to freedom of assembly and expression. The further crackdown on independent media included beatings, detentions, convictions, searches, equipment confiscations and other forms of harassment, as well as threats of administrative closures of newspapers. Belarus has periodically blocked social networking sites such as Twitter and Facebook and shut down opposition Internet sites. Customers at Internet cafes must present identity documents, and the cafes are responsible for maintaining lists

of users and the websites they visit. Authorities routinely monitor emails and Internet traffic. Responding to the “silent protests” that took place in June and July, the government reportedly created “mirror” websites to divert users from accessing independent news sources and blocked access to the popular Vkontakte website before and during protest actions.

In Russia, journalists have risked—and lost—their lives to do their jobs. Paul Klebnikov, Anna Politkovskaya, and Natalya Estemirova and are only three of those who have paid the ultimate price for reporting the news. Journalists covering the ongoing violence in the North Caucasus and official corruption face especially dangerous conditions. Many journalists exercise self-censorship to avoid government pressure.

We welcome the Russian President Medvedev’s statement at the World Economic Forum in January that “Any attempts to limit the Internet or stifle innovation will lead the world to stagnation. Russian will not support initiatives that put Internet freedom in question.” The spread of the Internet undoubtedly has had a positive effect on Russian civil society, providing new opportunities for grassroots organizations to connect with citizens and new platforms to voice alternative viewpoints and hold government accountable. However, problems associated with press freedom for print media have begun to migrate to online media as well. Even when technical blocks or filtering are not deployed systematically, if people are punished physically or through legal action for peacefully expressing themselves online, Internet freedom is constrained. The threats to Internet freedom in Russia range from attacks on bloggers to criminal prosecutions for “extremism”, to the blocking of specific sites by local service providers, denial of service attacks on sites of opposition groups or independent media, and attempts by security services and some regional authorities to regulate Internet content.

In Ukraine, while many outlets for alternative, independent views still exist, the media in general have become less competitive as dominance by the state and oligarchs friendly to the authorities—both national and local—has grown. A number of journalists focusing on corruption at the local level have been threatened or attacked. Impunity for attacks on journalists and the media undermines democracy and the rule of law. It is troubling that authorities have not yet shed light on the disappearance of investigative reporter Vasyl Klymentyev in Kharkiv more than one year ago. And the closed door trial concerning the killing in 2000 of journalist Georgiy Gongadze challenges the right of the public to be informed. It is vital in a democracy that independent media can freely report on matters of public concern.

The United States shares the concern of the Representative on Freedom of the Media and others regarding media freedom in Macedonia. Most recently, the mandates of all members of the management board of the public broadcaster MRT were terminated, a move which could compromise the independence of the broadcaster. When combined with the closure earlier this year of A1 TV and three newspapers accused of tax evasion, we see an overall downward trend, leaving Macedonian citizens with fewer media choices.

In Turkey, scores of Turkish journalists are behind bars, and thousands more are under investigation. A recent survey of journalists indicated that 85.1% of those polled said censorship and self-censorship are definitely common in the Turkish media, while 14.9% said censorship

and self-censorship are fairly common. We are increasingly concerned by the restrictions that the Government of Turkey places on Internet freedom. According to the excellent report issued by the Representative of Freedom of the Media, Turkey has the broadest legal measures in the OSCE region for blocking access to websites by specifying 11 content-related crimes, and is considering even further filtering of content. We welcome Ankara's decision to delay the introduction of new Internet measures, including a nationwide filtering package which members of civil society and industry opposed as a further restriction of Internet freedom. We urge the authorities to respond to their concerns and ensure that any new Internet policies respect a free and open Internet in Turkey.

Digital networks are essential to everyday life in the 21<sup>st</sup> Century. They empower those working for human dignity and they are an engine of national and global prosperity. At the same time, the Internet's force and reach make it a target for intrusive governmental regulation. The United States is determined to lead by example and demonstrate by our own actions that increased security and enhanced user privacy go hand-in-hand with keeping the Internet open and free.

Mr./Madam Moderator, all participating States, the United States included, have a responsibility to uphold the solemn OSCE commitments we have made in the crucial areas of freedom of expression and media freedom. We have a responsibility to investigate and prosecute violence against journalists. And we have a responsibility to ensure a political climate that is conducive to the functioning of independent, pluralistic media via traditional and new technologies. We must meet these responsibilities with no excuses and no delay.