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Freedom of Expression, free media and information, including best practices for protection of journalists; Address by the OSCE Representative on Freedom of the Media

As prepared for delivery by Thomas O. Melia, U.S. Deputy Assistant Secretary of State for Democracy, Human Rights and Labor
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The United States extends its gratitude to the Representative on Freedom of the Media for her vigilant, thorough and principled engagement on behalf of the fundamental freedom of expression exercised online and via traditional media. Representative Mijatovic, your work on the safety of journalists and on behalf of individuals who have been imprisoned due to the exercise of their right to freedom of expression remains of the highest importance. Thank you for your statement here today as well as your regular reporting to the Permanent Council.

As President Obama stated on World Press Freedom Day, May 3, the universal right of every person “to seek, receive and impart information and ideas through any media and regardless of frontiers remains in peril in far too many countries.... When journalists are intimidated, attacked, imprisoned, or disappeared, individuals begin to self-censor, fear replaces truth, and all of our societies suffer. A culture of impunity for such actions must not be allowed to persist in any country.”

I had the honor of addressing this body on freedom of expression last year. Regrettably, the serious implementation concerns that I mentioned then remain the same today. Across the globe, and within the OSCE region, the space is shrinking for freedom of expression and the free flow of ideas, opinion and information that are vital to democracy, prosperity and security.

The Freedom House global survey Freedom of the Press 2013 lists three OSCE participating States – Belarus, Turkmenistan and Uzbekistan – among the worst press freedom abusers in the world. Turkmenistan is tied with North Korea for last place in the global index. A majority of the citizens in Central and Eastern Europe and Eurasia live in media environments rated “Not free” by Freedom House.

We underscore that it is not only members of the journalistic profession that have the right to exercise the fundamental freedom of expression. Freedom of expression is the birthright of all individuals, whatever their walk of life and whatever forms of expression they may choose. We therefore are concerned by laws which would restrict or criminalize discussion or advocacy, including of the human rights of LGBT persons, or expression related to views on religion, such as blasphemy laws.

In the OSCE space, we continue to see the use of criminal codes to prosecute defamation. Last year in Ukraine a draft law to reinstate defamation as a crime was defeated

in Parliament, while Russia, which had decriminalized defamation as recently as December, 2011, recriminalized it. In some OSCE states we continue to see the imposition of often harsh civil penalties for insult or expression of opinion; prosecutions designed to inflict crippling financial burden on news organizations; government dominance in the ownership of media outlets; and the increasing misuse or abuse of anti-terrorism, anti-extremism, or incitement laws to intimidate, harass and prosecute civil society members and journalists for what they say, print, broadcast, blog, text or Tweet. We urge all participating States to release those who have been incarcerated for exercising the fundamental freedom of expression.

In a number of OSCE participating States, members of the media continue to be targeted for physical assault – even murder – often with impunity. We share the alarm over such attacks expressed by Representative Mijatovic, our colleagues from the European Union, and others, both here in the OSCE and at the United Nations Human Rights Council, and we join them in calling for an end to impunity.

In the Russian Federation it remains dangerous to practice independent journalism and justice remains elusive in many unsolved cases involving murdered journalists. According to the Committee to Protect Journalists, 32 murders of journalists remain unsolved in Russia since 1992, including the recent case of Akhmednabi Akhmednabiyev, who was gunned down in July near Makhachkala in Dagestan.

In Kazakhstan, four men were found guilty of carrying out the 2012 attack on journalist Lukpan Akhmedyarov who was shot and stabbed in an apparent murder attempt. Kazakh authorities have said they are still investigating to determine who may have ordered the attack; we hope to see all those responsible for the attack brought to justice.

Attacks against journalists have a particularly chilling character when they are carried out or orchestrated by elected or other government officials. In Bulgaria, we are concerned about the intimidation of journalists, including the physical assault in July on a television crew of SKAT TV by parliamentarian Volen Siderov and other members of the *Ataka* party.

In Ukraine, as many as five journalists have been attacked in recent months. On July 18, two journalists were attacked while covering a demonstration in Kyiv, which was dispersed by the police who used force against media representatives even though they had displayed their press credentials. In Donesk, Oleg Bogdanov, a journalist with Internet-based newspaper “Dorozhnyi Kontrol,” which reports on the work of the traffic police, was attacked July 21 by two persons near his house. He suffered serious injuries. And one week later, a television journalist in Luhansk in Eastern Ukraine who reports on allegations of corruption in the regional police force suffered a broken jaw and other injuries in an attack outside his apartment building.

In the words of the OSCE Representative on Freedom of the Media, “As the safety of journalists is essential to preserve the right to freedom of expression, law enforcement bodies should be committed to protect their rights and assist them in the implementation of their professional duties.”

In May, on the eve of World Press Freedom Day, Ukraine’s Foreign Minister, Leonid Kozhara, issued a statement that said: “Unfortunately, there are issues of the violations of journalists’ rights and security even in the OSCE zone. Many attacks on journalists remain

unresolved, and perpetrators were not punished. This is unacceptable, since all journalists should have an opportunity to do their professional work without fear.” We applaud Foreign Minister Kozhara for his statement and call upon the Ukrainian government, and the governments of other OSCE States, to conduct thorough investigations of violent attacks against journalists, and to prosecute those responsible. We are pleased that the Ukrainian Chairmanship has chosen to focus on the protection of journalists in its draft decision for the upcoming OSCE Ministerial Council meeting in Kyiv and look forward to working with all participating States to reach consensus on this urgent regional priority.

Members of the media also should not be persecuted for the legitimate pursuit of their professional activity. In Uzbekistan, authorities are holding in custody at least four independent reporters in retaliation for critical journalism: Muhammad Bekjanov, Yusuf Ruzimuradov, Dilmurod Saiid, and Salidzhon Abdurakhmanov. Bekjanov and Ruzimuradov, sentenced in 1999, are serving the longest prison terms by journalists anywhere in the world, according to the Committee to Protect Journalists. Bekjanov’s prison sentence was extended suddenly in 2012, just as it was about to expire.

In the wake of the December, 2011, violence against striking workers in the Zhanaozen province, Kazakhstan’s “incitement” law (article 164 of the criminal code) has been used to shut down newspapers, Internet sites and television channels and to silence critics of the government.

In Turkmenistan, a local correspondent for Radio Free Europe/Radio Liberty (RFE/RL), Rovshen Yazmuhamedov, was detained for several days in May for undeclared reasons. Yazmuhamedov had been previously questioned by authorities at least twice in 2013 after his articles on social issues – including the barring of a girl from school for wearing a hijab – generated active online reader responses.

Limitations on media freedom in Turkey due to a wide range of legal restrictions remain a concern. Scores of journalists are in jail – more than any country in the region, world according to the Representative on Freedom of the Media. We are troubled by Turkey’s attempts to punish individuals for exercising their right to free speech during the 2013 Gezi Park Protests. We are also troubled by reports that a number of journalists were arrested and media outlets fined. Journalists, academics, and authors practice self-censorship because individuals are afraid that criticizing the state or government publicly could result in civil or criminal suits or investigations.

Some participating States misuse the accreditation of journalists as a means of imposing additional layers of restrictions. Accreditation should not be used as a work permit for journalism, but only as a facilitator of the work of journalists. Abduqayum Qayumov, a veteran journalist for Radio Ozodi, Radio Free Europe/Radio Liberty’s Tajik service, was denied routine accreditation by Tajikistan without explanation in December 2012. Qayumov was the second journalist to be denied accreditation last year and effectively banned from working for RFE/RL in Tajikistan.

The fundamental freedom of expression, as is true of all fundamental freedoms, does not change with new technologies. As a member of the Freedom Online Coalition, the United States welcomes the principled statement of the distinguished representative of Estonia, reaffirming Coalition members’ commitment to the protection and promotion of expression and other fundamental freedoms on the Internet through active engagement with

civil society and other stakeholders. Together with our fellow Coalition members, we stand in solidarity with journalists, bloggers and all people whose human rights as exercised on line are violated. And we echo the Coalition's call for all OSCE States that have not yet done so to join the now fifty-one participating States that support the *Fundamental Freedoms in the Digital Age* declaration initiative as we look ahead to the Kyiv Ministerial in December.

With regard to freedom of expression via the Internet, Azerbaijan's introduction of legal restrictions on the Internet, including new penalties to criminalize online speech, represents a further erosion of freedom of expression in a country where several journalists and bloggers are already detained or sentenced to prison terms. Other journalists, such as Khadija Ismayilova, are subjected to ongoing harassment and threats. Several bloggers have also been targeted for intimidation. We urge the authorities to investigate expeditiously such cases, as well as the satellite broadcasting problems encountered by RFE/RL and other Azerbaijani language media.

We welcome Kyrgyzstan's lifting of the blockade on the website Fergana News as a positive sign for Internet freedom, and we hope that the legal ban on the website will be officially lifted soon.

The United States takes note of the meeting held in June on enhancing media freedom between the OSCE Representative on Freedom of the Media and the Foreign Minister of Belarus. We look to see this dialogue lead to concrete steps by the government of Belarus to improve the media climate, including the cessation of media harassment, the arrests and detentions of independent journalists for doing their work, hacker attacks on independent media and human rights websites, refusals to accredit journalists for official events and other constraints on freedom of expression by the media.

For our part, my government takes its OSCE commitments on freedom of expression, and the Media Freedom Representative's views and recommendations, very seriously. Representative Mijatovic, you have raised the matter of journalistic shield laws. I wish to note that earlier this year, at the request of President Obama, U.S. Attorney General Holder held seven meetings with approximately 30 news media organizations, as well as with First Amendment groups, media industry associations and academic experts, as part of a rigorous review of internal Justice Department guidelines governing investigations and other law enforcement matters that involve journalists. As a result of that review, the Department of Justice issued revised guidelines in July, 2013, regarding investigations that involve members of the news media. The policy revisions provide more robust oversight by senior Justice Department officials and expand the presumption of negotiations with, or notice to, members of the news media when Justice Department attorneys request authorization to seek newsgathering records. The United States continues to support efforts within Congress to pass a media shield law, which would codify many of the principles underlying the revised Justice Department guidelines.

From the inception of the United States until this day, the American people have regarded freedom of expression and a free press as vital to the health and functioning of our democracy. The ongoing and intense public discussions on how best states can ensure freedom of expression while also ensuring public safety and national security only underscore the centrality of the issues and the seriousness with which they are regarded by our citizens, courts and public officials.