



United States Mission to the OSCE

Session I: The Right to Freedom of Expression

As prepared for delivery by Christopher Midura, Counselor for Public Affairs
Supplemental Human Dimension Meeting on Freedom of Expression
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Thank you, Mr. Chairman.

The United States is very glad to address this Supplementary Human Dimension Meeting on Freedom of Expression, one of the fundamental freedoms which all OSCE participating States have committed to protect. Addressing our Human Dimension Committee, UN Special Rapporteur on Promotion and Protection of the Right to Freedom of Opinion and Expression Frank La Rue characterized the freedom of expression as a “facilitating right” that makes the exercise of other human rights and fundamental freedoms possible. The freedom of expression, like all fundamental freedoms, is vital to democracy and to our shared goal of comprehensive security across the OSCE space, and we must be vigilant in protecting it.

Everyone has the right to exercise freedom of expression, just as they do other human rights and fundamental freedoms, and participating States have committed to respect this right. To reaffirm our commitment to this principle, we introduced the Declaration on Fundamental Freedoms in the Digital Age, which has the support of 51 out of 57 participating States. Human rights and fundamental freedoms, including freedom of expression, do not change with new technologies. Indeed, as Article 19 of the Universal Declaration of Human Rights makes clear, this right includes the freedom "to seek, receive, and impart information and ideas through any media and regardless of frontiers." We urge the remaining six participating States that have not yet done so to join in adopting this straightforward, commonsense declaration.

Despite our extensive OSCE commitments to uphold freedom of expression, the Organization faces a very worrying trend in certain participating States toward constricting and even criminalizing voices critical of government. Whether their ideas are broadcast over the radio or blogged on the Internet, shouted in the square or tweeted on a smartphone, or expressed and disseminated by other

means by members of the public or journalists in the conduct of their work, all exercise of this basic freedom must be protected. The United States has spoken out extensively in Permanent Council meetings, HDIM sessions, and other fora to shine a spotlight on countries that can do more to protect the freedom of expression, and we will continue to do so. Our motivation is not “naming and shaming,” as some delegations have said, but because, as we reaffirmed in the 2010 Astana Declaration, “all OSCE principles and commitments, without exception, apply equally to each participating State, and we emphasize that we are accountable to our citizens and responsible to each other for their full implementation.”

Recent challenges to freedom of expression include new laws that impose sweeping restrictions on the Internet and blogging in Russia. Hostility to independent media and critical voices has also been prominent in Russian-occupied Crimea and in Donetsk and Luhansk oblasts, where Russian-supported separatists have been active. Ukrainian media have been shut down in these areas and replaced with Russian state-run media sources, which are of dubious value as sources of objective information. Russia-backed forces have seized Ukrainian broadcasting outlets and replaced them with propaganda-laden channels that toe the Kremlin line. Journalists and citizens seen as unfriendly to the separatist cause have been assaulted, detained, kidnapped, tortured, and even killed. We fully support the strong stand taken by the Representative on Freedom of the Media against this assault on media freedom and the safety of journalists.

Freedom of expression and media freedom are inextricably linked, and the latter remains an important and tangible measure of the former. In 2014, the picture is a troubled one. Freedom House’s global survey *Freedom of the Press 2014* lists six OSCE participating States – the Russian Federation, Azerbaijan, Kazakhstan, Belarus, Turkmenistan and Uzbekistan – among the 20 most unfree media environments in the world, with Belarus, Turkmenistan and Uzbekistan among the world’s five worst abusers of media freedom. According to Freedom House, “[c]onditions in Eurasia remain bleak, with 97 percent of the region’s population living in Not Free media environments.” OSCE participating States – all of which have voluntarily committed to protect freedom of expression and media freedom – should be striving for the top of Freedom House’s list, rather than competing for the bottom.

Mr. Chairman, no participating State is perfect, and the United States is no exception. We all could do better in living up to our international commitments to protect freedom of expression. In this context, let me offer a few words about how my government approaches the challenge of protecting our national security while respecting our human rights obligations, including freedom of

expression, which is enshrined in our First Amendment. Some have criticized alleged U.S. intelligence surveillance practices as interfering with privacy in a manner that has the potential to chill freedom of expression. We have long recognized that unchecked surveillance programs can be abused, and that privacy and civil liberties need to be integral considerations for all law enforcement and intelligence practices. To avoid potential for abuse, we act pursuant to law, ensure there are appropriate and legitimate purposes for pursuing surveillance, and have a system of effective and layered oversight. Our policies are extensively debated in the public sphere and may be reviewed by our independent judiciary and/or changed through our legislative process.

We are especially glad for the participation here in Vienna of representatives of civil society organizations. You serve as the watchdogs for the citizens of your countries, and bear witness to the direct effects of the policies, laws, and practices of OSCE participating and Partner States that concern the right of freedom of expression. We will be particularly interested in suggestions as to how OSCE States can meet our OSCE commitments in this area more effectively. We have joined with the EU and Canada as a co-sponsor of an important side event tomorrow on the safety of journalists, a cause we firmly believe is one of the timeliest and most compelling we face in the OSCE region. We remain hopeful that we will be able to pick up where we left off in Kyiv last year and eventually come to consensus on a decision to protect journalists in their work.

Thank you, Mr. Chairman.