



United States Mission to the OSCE

Response to the Report by the Representative on Freedom of the Media

As delivered by Chargé d' Affaires Gary Robbins
to the Permanent Council, Vienna
November 28, 2013

The United States warmly welcomes OSCE Representative on Freedom of the Media Dunja Mijatović back to the Permanent Council and thanks her for her latest comprehensive report. We congratulate you on the occasion of the 15th anniversary of the establishment of the Representative on Freedom of the Media (RFoM). The creation of this institution was a major step forward for the OSCE. You and your predecessors have brought great credit to the Organization by admirably fulfilling the observation and “early warning” functions foreseen in the 1997 mandate.

We appreciate your candid assessment of media freedom concerns in the United States – indeed, we welcome them as an essential part of the fulfillment of your mandate. We are endeavoring to respond to your letters and requests for information in a timely manner. We call upon other participating States to do the same. We remain deeply concerned by recent statements by some participating States aimed at undercutting your authority to report on developments negatively affecting freedom of expression. Representative Mijatović, backsliding by some participating States in implementing their commitments to human rights and fundamental freedoms has been a significant problem in the OSCE, and nowhere has this been more evident recently than in the protections for freedom of expression and media freedom.

The United States remains firmly committed to the principle set forth in the Declaration on Fundamental Freedoms in the Digital Age, which has the support of 51 participating States, that all our OSCE commitments to human rights and fundamental freedoms, including the freedom of expression, apply equally online and offline. We fully support your efforts to ensure that the same standards are applied to digital and traditional media, and to the exercise of freedom of expression through the medium of one’s choice. A few OSCE participating States attempt to carve out exceptions to freedom of expression as applied to bloggers, Facebook posters, Tweeters, and other digital communicators. This is deeply distressing and preposterous in a world where everybody, journalists and non-journalists alike, routinely use digital technologies in the course of their daily life and work.

Representative Mijatović, we are pleased that several of the entries in your latest report detail direct contacts between you and senior government officials in OSCE participating States. We commend these States, including Albania, Armenia, Georgia, Kyrgyzstan, Macedonia, and Serbia, for making the effort to reach out to you and involve your office in helping them better fulfill their media freedom commitments. We also welcome the decision of Moldova’s parliament to lift legal sanctions against dissemination of information on so-called “non-traditional family relations,” a step forward for freedom of expression in that country that we wish others in the region would emulate. We remain hopeful that your

earlier visit to Belarus will eventually lead to improvements with regard to freedom of expression and media freedom.

Unfortunately, attacks against journalists and media outlets in relation to their work continued across the region, with your report mentioning incidents in Azerbaijan, Bosnia and Herzegovina, Bulgaria, France, Italy, Kazakhstan, Montenegro, the Russian Federation, and Ukraine. These incidents highlight the great importance of reaching consensus on the Chairmanship's Protection of Journalists decision in Kyiv this year. Although the NGO IFEX marked its "International Day to End Impunity" on November 23, it is evident that impunity continues in some participating States. With every violent crime against a journalist that goes unsolved, the climate of impunity deepens, chilling freedom of expression.

Imprisonment of journalists for their work remains a concern in several participating States. While we welcome Turkey's ongoing efforts to reform its laws relating to media freedom, we concur with your assessment, Representative Mijatović, that overzealous application of that country's Anti-Terror Law has too often resulted in its misuse as a tool to silence opposition voices. The resulting number of imprisoned journalists in Turkey, many facing harsh sentences, remains high.

Azerbaijan currently has several media figures in jail. As of November 4, NGOs considered at least 10 journalists and bloggers to be political prisoners or detainees. Government harassment of independent media in Azerbaijan has also increased. We hope that the cooperative spirit shown by the Azerbaijani government in hosting RFoM events will eventually lead to broader cooperation with your office in improving that country's increasingly hostile media environment.

In Uzbekistan, police and security services continue to subject print and broadcast journalists to arrest, as well as to bureaucratic restrictions on their activity. According to the Committee to Protect Journalists, Muhammad Bekjonov, jailed in Uzbekistan in 1999, has been in prison for longer than any other journalist worldwide and he was sentenced to an additional five years in prison in 2012.

The sentencing in Macedonia of Skopje journalist, Tomislav Kezarovski, to four-and-a-half years' imprisonment for a 2008 article was an unwelcome development and a sign that freedom of expression in that country is in question. We understand that Mr. Kezarovski has been transferred to house arrest pending appeal. We strongly encourage Macedonia to continue to cooperate with your office to improve its media freedom situation as the country pursues its Euro-Atlantic integration.

Representative Mijatović, your work is important and helps hold all of us accountable for meeting our commitments to uphold the rights of freedom of expression and media freedom. As you have said many times, the often-controversial nature of journalists' work creates special dangers for them, for their families, and for their associates. We look forward to continuing our cooperation with your office on this and all freedom of expression issues for the next 15 years and beyond.

Thank you, Mr. Chairman.