

**Opening Statement by the Delegation of the United States of America
OSCE Human Dimension Seminar on Media Freedom Legal Framework
Warsaw, Poland, May 13, 2013**

*As delivered by Christopher Midura
Counselor for Public Affairs, U.S. Mission to the OSCE*

On behalf of the United States, I would like to thank the Ukrainian Chairmanship, ODIHR and the office of the Representative on Freedom of the Media (RFoM) for their tireless efforts to bring this event to fruition under the tightest of time constraints, and of course, thanks to our gracious host government of Poland. I am glad to be back in Warsaw and look forward to a productive exchange of ideas on the subject of media freedom and the implementation by participating States of our commitments in this field. This is a topic that has become increasingly contentious within the OSCE sphere, even as the RFoM has documented the deterioration of the environment in which journalists and bloggers exercise their rights in many participating States.

Underlying our OSCE media freedom commitments is Article 19 of the UN Universal Declaration on Human Rights and our obligations under Article 19 of the International Covenant on Civil and Political Rights, as enshrined in the Helsinki Final Act, to respect the fundamental freedom of expression. This fundamental freedom is the birthright of every human being; it is inherent in the individual and not for governments to dole out or deny as they see fit. Our OSCE commitments require participating States to ensure that their laws will conform to their international legal obligations.

Today, around the globe, and within the OSCE region, the space for media freedom is shrinking. According to Freedom House's global survey *Freedom of the Press 2013*, three of the world's eight worst press freedom abusers are OSCE participating States – Belarus, Turkmenistan, and Uzbekistan. Turkmenistan is tied with North Korea for last place in the global index. Thirty-one percent of the countries in Central and Eastern Europe and Eurasia were rated "Not Free."

That means a majority of people in the region – 56 percent – live in "Not Free" media environments. So, it is indeed fitting that we devote a session of this Seminar to the compelling issue of implementation. The right of freedom of expression that must be respected when exercised in real space also must be respected when exercised in cyberspace. That is why my government and 51 participating States support the Declaration on Fundamental Freedoms in the Digital Age, and we urge all participating States that have not yet done so to also support it.

The United States takes seriously our international law obligations and our OSCE commitments regarding freedom of expression. As you will hear in the discussion of national frameworks, the United States has extremely strong Constitutional protection for freedom of expression, including for members of the media. Very little government regulation of expression is allowed and except for a few narrow categories, permissible

restrictions are content neutral – by which I mean that we do not censor, criminalize, or prohibit speech based on its content. While we are second to no nation in deploring hateful speech, including in the media, we remain convinced that the best way to counter the expression of bad ideas and thoughts is the expression of good ones – not putting governments in charge of determining what citizens can and cannot say or write.

Within the OSCE, we have been very disappointed over the past two years that certain states have blocked important initiatives to consolidate and expand media freedom protections, particularly protections to combat acts of violence, intimidation, harassment and arrest and detention of journalists resulting from their work. As the Ukrainian Chair mentioned in his opening presentation, the issue we face is one of accountability: preserving the freedom of expression so journalists, bloggers, and in fact all citizens can hold governments and other institutions of society democratically accountable for their actions; and the accountability of OSCE participating States to prevent the development of an atmosphere of impunity that shelters and encourages those who would wish to interfere with the exercise of free expression rights. Unfortunately, an unwillingness to deal directly with this issue carried over into the negotiations over the agenda for this Human Dimension Seminar, nearly leaving us without an agenda.

I think it is important for participating States to remember that the OSCE is not an association of journalists, and the responsibilities and duties of individual journalists are not a major concern for the organization. This is an organization of governments, and it is the actions of governments that are the subject of our commitments, and should be the focus of this event.

In addition to the Declaration on Fundamental Freedoms in the Digital Age, the United States will press this year for OSCE action to promote a safer working environment for journalists. Far too many journalists have been victimized over the past few years for us to ignore. We believe that consolidating, reaffirming, and finding practical ways to advance OSCE commitments to protect journalists from being singled out for violent attacks and harassment based on their exercise of free expression rights is an important task for this organization. In cooperation with the Representative on Freedom of the Media, who has worked tirelessly to bring such incidents to light, we can make real progress this year to strengthen this vital pillar of democracy. I strongly encourage our partners, including those whose views on media freedom differ from our own, to join us in this effort. I also encourage members of the NGO community to develop and propose ideas for mechanisms to help us meet our commitments to media freedoms and the protection of journalists.

Once again, I thank ODIHR for its organization of this event under difficult circumstances, and I very much look forward to an interesting and stimulating debate on Media Freedom Legal Framework.

Thank you, Madam Chairperson.