

**CLOSING STATEMENT BY THE DELEGATION OF THE
UNITED STATES OF AMERICA**

OSCE Human Dimension Seminar on Media Freedom Legal
Framework, Warsaw, Poland, May 15, 2013

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

Thank you, Mr. Chairman.

As we close out the 2013 OSCE Human Dimension Seminar on Media Freedom Legal Frameworks, I wish to express again the appreciation of my delegation to the Ukrainian Chairmanship for proposing this topic and making the event happen; to the host government of Poland; and to ODIHR and the office of the Representative on Freedom of the Media for their fine work organizing the event and recruiting the excellent speakers and moderators who have enriched our discussions over the past three days.

This Seminar did much to bring attention to challenges to media freedom, and to identify best practices. The seminar is likely to generate several productive recommendations for change. Our discussions also demonstrated that participating States in the OSCE have a long way to go before reaching full implementation of the international framework to protect and promote the fundamental freedom of expression. Unfortunately, certain participating States are not only not advancing the cause of media freedom as a vital pillar of democratic development and accountability in our region, they are routinely flouting existing OSCE commitments at home. This is unacceptable.

As I mentioned in my opening remarks, the struggle to reach agreement on an agenda for this Seminar was instructive, if disheartening. One participating State brought discussions of agenda topics to a standstill due to its unwillingness to

acknowledge the sad reality – one that the diligent work of the office Representative on the Freedom of the Media has made all too clear to most of us – that the act of reporting or commenting on the news in several participating States has become markedly more dangerous in recent years. This participating State objected to inclusion of any variant of “safety of journalists,” a term with wide international recognition and acceptance, as a topic of discussion. It then followed up its dilatory approach to the Seminar agenda with limited engagement here in Warsaw.

As we discussed, there is a robust international framework to protect freedom of expression, including for members of the media, based on Article 19 of the UDHR and the ICCPR and numerous OSCE Commitments. The rights provided in these instruments – right to hold opinions, right to seek, receive and impart information and ideas through any media and regardless of frontiers – are key to what journalists do every day. Per Article 19(3) of the ICCPR, any restrictions on freedom of expression must meet a strict test of justification.

Any restrictions on expression in national law must comply with the requirements of Article 19(3); namely, that such restrictions are only such as are provided “by law” and “necessary.” Such restrictions on expression must be prescribed by laws that are accessible, clear, and subject to the scrutiny of an independent judiciary; are necessary (e.g., the measures must be the least restrictive means for protecting the governmental interest and are compatible with democratic principles); and should be narrowly tailored to fulfill a legitimate government purpose, such as the protection of national security, public order, public health and morals, and the rights and reputations of others.

As we have also discussed, the United States has an extremely strong Constitutional framework to protect freedom of expression, including by members of the press. In addition, we have strong

freedom of information laws to help keep our citizens informed as to what the government is doing. These legal frameworks help facilitate a conducive environment for press freedom.

At the OSCE Summit in Astana, the participating States reaffirmed “the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.” The extent to which participating States respect freedom of expression, facilitate the freer and wider dissemination of information of all kinds, and strive to ensure the safety of journalists, demonstrates the value they place on a free and independent press, and on a vibrant democracy.

I will conclude by quoting two figures internationally known for their wisdom and foresight: Thomas Jefferson wrote in 1786, "Our liberty cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it." The great author George Orwell added, “If liberty means anything at all, it means the right to tell people what they do not want to hear.”

Civil society and the media may not always tell us in government what we want to hear, but they tell us what we need to hear, and they must be able to do so without fear. Democracy is impossible without freedom of expression and an independent media.

Thank you, Mr. Chairman.