

## Dangers Journalists Face Abroad

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Paula Schriefer, Director of Advocacy  
Freedom House, Washington, D.C.

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Chairman Hastings, Co-Chairman Cardin, members of the Helsinki Commission and staff, thank you for calling this important hearing today and for inviting Freedom House to testify.

I am honored to be here with my colleague, Nina Ognianova, from CPJ, an excellent organization that does vital work for the protection of journalists, and I am particularly honored to once again be on a panel with Fatima Tlisova, a courageous and inspirational journalist. It is a terrible tragedy for the Russian people that Ms. Tlisova can no longer perform her important job within the borders of her own country.

Freedom House has been monitoring press freedom around the world for more than two decades now. Freedom House's annual press freedom survey evaluates press freedom by answering a series of questions under three areas that historically have been used to place restrictions on freedom of expression: 1) legal environment, 2) political environment, and 3) economic environment.

We are talking today about the state of media freedom in the OSCE countries and I have been asked to specifically focus on four countries: Azerbaijan, Kazakhstan, Russia, and Turkey.

I will start by pointing out that among the 55 countries that comprise the OSCE, there is a stark and troubling dividing line in the state of press freedom between members of the Commonwealth of Independent States (CIS) and those that have either joined the European Union or are on a path to do so.

All of the countries of Central Europe, including the Baltic States, which themselves needed to overcome a decades-long legacy of Soviet media culture and control, are assessed as *Free* in Freedom House's annual *Freedom of the Press* survey.

Likewise, the vast majority of countries in Western Europe are ranked as *Free*. With the upgrading of Italy to *Free* this year, the one remaining exception is Turkey, which is ranked as *Partly Free*.

In the Balkans, the majority of countries have risen from *Not Free* to *Partly Free* status over the course of the past decade, with Slovenia ranking as fully *Free*.

By stark contrast, ten of the twelve post-Soviet states are ranked as *Not Free* by Freedom House, indicating that these countries do not provide basic guarantees and protections in the legal, political, and economic spheres to enable open and independent journalism.

The only two that enjoy *Partly Free* status, Georgia and Ukraine, have experienced recent political upheaval and democratic openings.

With this brief overview, I'll turn to some of the specific countries of interest.

Russia	Press Freedom Ranking: 75	Status: Not Free
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Our survey has shown that Russian media have been under increasing pressure, limiting both their freedom and independence, since 1994, when Russia received its best ever score since gaining independence, with a 40 out of a worst possible 100. The score plunged to 55 the following year and has continued to decline. Russia would hang on by a thread to the *Partly Free* category until 2003, when we registered another sharp decrease from 60 to 66, putting it in the ranks of the *Not Free* countries, and its score has declined every year since, with a current dismal score of 75.

Russians, who are otherwise enjoying a period of increased economic prosperity due to the sky high prices of oil, should be outraged that their country now finds itself on par with countries like Ethiopia (77), Burundi (77), Chad (74), The Gambia (77), Iraq (70), Azerbaijan (75), Kazakhstan (76), and Tajikistan (76) in terms of press freedom.

Two recent developments have been particularly damaging for the state of press freedom in Russia. First, the new regulations related to the registration and functioning of NGOs that went into effect in January of last year have deprived Russians of an important source of independent information about both the functioning of government and human rights abuses. Second, amendments to the Law on Fighting Extremist Activity, signed by President Putin in July, expanded the definition of extremism to include media criticism of public officials, and authorized up to three years' imprisonment for journalists as well as the suspension or closure of their publications if they are convicted.

At the same time, the government already either owns outright or controls significant stakes in the country's three main national TV networks (Channel 1, Rossiya, and NTV) and exerts substantial influence on the content of news reporting. As importantly, the government has used these powerful outlets to generate an atmosphere of fear regarding threats from both terrorism and religious extremism, which has contributed to Russia's emergence as one of the world's most physically dangerous environments for journalists.

The situation is equally troubling in both Azerbaijan and Kazakhstan. Unlike Russia, neither country has broken out of the *Not Free* status since Freedom House began rating their levels of press freedom in 1991.

Azerbaijan	Press Freedom Ranking: 75	Status: Not Free
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In Azerbaijan, the media operate under significant governmental and legal pressures. Despite a draft law on defamation that would decriminalize libel, journalists continue to be prosecuted for criminal libel and insult charges. Last year, the interior minister alone filed five lawsuits and just a few months ago, the editor of Azerbaijan's largest independent newspaper was sentenced to 30 months in prison.

Harassment and violence against journalists also remains a serious concern. To cite just a few examples, in March 2006 *Azadliq* journalist Fikret Huseynli was kidnapped and stabbed before being released. In May, *Bizim Yol* editor Bakhaddin Khaziyev was kidnapped, beaten, and ordered to stop reporting on sensitive issues, including corruption. In October, Eynulla Fatullayev ceased the publication of *Realny Azerbaijan* to secure the release of his kidnapped father.

While the government passed a freedom of information law in December 2005, implementation of the law is not being fully implemented. For instance, journalists viewed as independent or as critical are banned from public hearings.

As Azerbaijan looks to hold presidential and parliamentary elections next year, these limitations on press freedom will very likely result in yet another noncompetitive election process.

Kazakhstan	Press Freedom Ranking: 76	Status: Not Free
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Kazakhstan, which has put itself forward as a candidate to chair the OSCE in 2009, has seen a steady monopolization of media since Freedom House began ranking it as an independent country. As in a number of former Soviet states, Kazakhstan's broadcast media was taken into the hands of members of the presidential family or those with close ties to it. For example, President Nazerbayev's daughter ran several television channels, controlled two of the nation's leading newspapers, and at one time headed the state news agency.

Journalists frequently face criminal charges, particularly under Article 318 of the criminal code, which imposes penalties for "undermining the reputation and dignity of the country's president and hindering his activities."

In July 2006, amendments to media legislation were signed into law by President Nursultan Nazarbayev that imposed costly registration fees for journalists, broadened criteria for denying media outlets registration, required news outlets to submit the names of editors with their registration applications, and necessitated re-registration in the event of an address change.

This level of repression against such a critical pillar of democracy, as well as its dismal performance in other key areas such as permitting genuine elections, are clear proof that Kazakhstan has no business taking over the chairmanship of the OSCE in 2009.

Turkey	Press Freedom Ranking: 49	Status: Partly Free
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In Turkey, which boasts a vibrant media, including notably a vast array of private television and radio stations, the primary impediment to press freedom has been the prosecution of journalists under provisions of the new Turkish Penal Code, which came into force in June 2005. Article 301 of the penal code allows for imprisoning journalists from six months to three years for the crime of “denigrating Turkishness” and has been used to charge journalists for crimes such as stating that genocide was committed against Armenians in 1915, discussing the division of Cyprus, or writing critically on the security forces.

Earlier this year, a number of media outlets, including Kanal Turk TV, which is perceived to be critical of the ruling AK party, complained of attempts by the government to curtail its critical reporting through financial and tax inspections of journalists and family members.

Despite these continuing concerns, Turkey has by and large seen an impressive improvement in press freedom over the past decade. In 1996, Turkey received a lowly 74 out of a worst possible 100 in press freedom and was ranked as *Not Free*. By the year 2000, Turkey had jumped to a rating of 58 and into the *Partly Free* category and it currently received a score of 48.

In summary, while there has been tremendous progress in the level of press freedom in OSCE countries over the past decade, particularly in Central and Eastern Europe and in Turkey, this stands in stark contrast to developments in the countries of the CIS. The OSCE has played a vital role in supporting the democratic development of its members, not only in the enhancement of media freedom, but in other key areas such as free and fair elections. Freedom House hopes that the OSCE will continue to play an influential role towards those countries whose journalists and citizens are still denied basic rights. The imminent decision on OSCE leadership is an important test of whether its member countries maintain the will for it to do so.

The United States should be playing a leadership role in ensuring the OSCE’s continued effectiveness. The upcoming OSCE Human Dimensions Implementation Meeting in Warsaw in September and the OSCE Ministerial in Vienna in December provide two key forums to determine OSCE’s plan of action to address repression of free media, including directing the OSCE Representative on Freedom of the Media to undertake an investigation into these countries’ practices.

I again thank the commission for asking me to testify at this hearing and look forward to your questions.