

**For Submission to the Record**

**Testimony of Michael H. Posner, Assistant Secretary of State  
for Democracy, Human Rights and Labor  
before  
The Commission on Security and Cooperation in Europe  
“U.S. Policy and the OSCE: Making Good on Our Commitments  
in the  
Human Dimension”**

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Thank you, Mr. Chairman. Distinguished Members of the Commission: I appreciate your calling this timely hearing on the work of the Organization for Security and Cooperation in Europe (OSCE) as we plan for the December Ministerial Meeting in Vilnius and beyond. I have the privilege of working for a former Helsinki Commissioner, Secretary Clinton, and it is my honor to serve as the Helsinki Commissioner for the Department of State. The Commission’s efforts help strengthen my hand and that of my State Department colleagues as we work with other governments, civil society advocates, and the private sector to defend and advance human rights and democratic government across the OSCE region.

Mr. Chairman, I would ask the Commission to consider my testimony today in conjunction with that of Assistant Secretaries Gordon and Vershbow. If I may, I will direct my comments today in particular to the OSCE’s Human Dimension – the principles that animate it, the challenges that confront it, and what all of us can and must do to defend and advance it. As the only regional forum with a membership that stretches from Vancouver to Vladivostok, the OSCE constitutes a vital platform for raising concerns about human rights and democratic governance in key countries of concern, such as Belarus, Russia and Uzbekistan.

**A Pioneering Process, Then and Now**

The Helsinki process was launched 36 years ago next week, in the midst of a Cold War and in a different century. The past twenty years since the end of Soviet Communism have seen profound changes in the OSCE region and the world. With them came an opportunity for the participating States to increase in number, establish and develop the OSCE as an organization, and, most significantly, agree to ground breaking commitments in the areas of human rights and democratic governance. These commitments remain a global high water mark. The OSCE has not been merely a reflection of the great post-Soviet geopolitical changes. The OSCE’s comprehensive concept of linking security *among* states to respect for human rights *within* states, and the citizens monitoring movements that the Helsinki process inspired, helped create and shape the new reality in Europe and Eurasia.

And I would submit, Mr. Chairman, that the OSCE’s comprehensive approach to security, the human and democratic values at the core of the Helsinki process, and its recognition of the vital role and contributions of civil society -- remain inspiring and innovative concepts in this new century, not just to men and women within the OSCE region, but to people around the world.

Time and again, most recently in North Africa and the Middle East, we see that governments' respect for human rights and their responsiveness to the aspirations of their citizens are essential to security, stability and peace. The OSCE, and the civil society groups associated with the Helsinki process, can make useful contributions of experience and expertise to our partner Mediterranean States undergoing transformations. Even as we speak, OSCE's Office for Democratic Institutions and Human Rights (ODIHR) is holding its first workshop for Egyptian civil society representatives interested in election monitoring in support of the Arab Spring.

### **The Enduring Importance of Implementation**

As Assistant Secretary Gordon noted, the participating States at the Astana Summit last December, including those that joined the OSCE in the post-Soviet period, reaffirmed in the Summit's Commemorative Declaration the principles of Helsinki and all the commitments made to date. They also reaffirmed that human rights are not solely a domestic issue, but also a matter of "direct and legitimate" interest to other States. Secretary Clinton, Assistant Secretary Gordon, Ambassador Kelly and his outstanding delegation, and I worked intensively with like-minded counterparts to ensure that the Commemorative Declaration was strong and unequivocal. I believe that we succeeded.

But we all agree that reaffirmation is not enough. We must continue to address serious problems of implementation within OSCE participating States, through our bilateral diplomacy and through the OSCE and other multilateral organizations.

All countries, including our own, have room for improvement in living up to our OSCE commitments and all have a responsibility to do so. That said, the work and resources of the OSCE should focus most on the areas where implementation remains weakest and where human rights and fundamental freedoms of individuals and democratic principles of government face the greatest challenges. This is not a reflection of political bias or double standards. It is not a matter of "East of Vienna versus West of Vienna" -- as some participating States assert. The divide that concerns the OSCE is not between East and West; OSCE must address the gap between commitments and practice. Human rights are universal, but they are not universally respected in the OSCE region. That is the truth, and the OSCE must address it.

Advocates of human rights, democracy, and labor who seek to help their fellow citizens know and act upon their rights are targeted for persecution, even murder, in some participating States. Laws are wielded like political weapons against those who expose abuses or express disagreement with official policies and practices. Judicial independence and the rule of law have yet to be established or fully respected in practice. NGOs are subjected to increasing legal restrictions and burdensome administrative measures that impede their peaceful work, reflecting a disturbing global phenomenon. There are human rights and humanitarian aspects of protracted conflicts that must be addressed as essential elements of settlement and reconciliation processes.

Media -- particularly independent media -- are under pressure to be silent or to self-censor. For practicing their profession, journalists are victims of brutal, sometimes deadly, attacks, often carried out with complete impunity. Countries in the OSCE region are also part of a growing

global trend by governments to restrict Internet Freedom, and thus the exercise of freedoms of expression, association and assembly via new media. Too many people in the OSCE region are denied the opportunity to access a range of sources of information. The Representative on Freedom of the Media, Dunja Mijatovic, who testified before you a few weeks ago, deserves special mention for raising awareness and pushing to protect journalists and an independent media throughout the OSCE space.

Democratic development is uneven across the OSCE region. Not all elections meet OSCE's standards. Not all officials and government institutions operate in an accountable and transparent manner. The next few years will see national elections in a number of OSCE States, including my own country. The United States continues to welcome ODIHR observers and we hope our fellow participating States will do likewise. We are pleased that Russia recently has invited ODIHR to conduct a needs assessment for an elections observer mission in the lead-up to December's parliamentary elections, and we urge Russia to extend a formal, unrestricted invitation for this observation mission once the assessment is completed. We also look to Russia to invite ODIHR to do the same for the presidential elections in 2012. Similarly, we hope that ODIHR will be invited to observe the upcoming parliamentary elections in Armenia, Georgia, Kazakhstan, Romania, Serbia, and Ukraine, and the presidential elections in Albania, Armenia, Azerbaijan, Georgia, Kyrgyzstan, Turkey and Turkmenistan.

Not surprisingly, participating States with serious implementation problems do not like to have their records in the spotlight, as we see so clearly demonstrated by Belarus's refusal to extend the mandate of the OSCE Office in Minsk, its refusal to cooperate with the Moscow Mechanism Rapporteur, and now its resistance to joining consensus on the detailed agenda for the annual Human Dimension Implementation Meeting in Warsaw. The Representative on Freedom of the Media has not been allowed to visit Belarus since the crackdown last December. Belarus rejected a fact-finding mission by the OSCE Parliamentary Assembly Working Group on Belarus and the Working Group's Chair was denied a visa to observe trials of political prisoners. Such obstructionist behavior only draws more attention to Belarus' lamentable human rights record.

The report of the OSCE's Moscow Mechanism Rapporteur on Belarus contains a wealth of constructive recommendations, which we urge Belarus to accept so that it can increase its integration into the OSCE community, instead of deepening its isolation.

With respect to Russia, we have spoken out in the OSCE Permanent Council and other OSCE fora about the continued assaults on fundamental freedoms of the press and assembly, and the rule of law. We repeatedly have expressed our concerns about: the many unsolved cases of murdered journalists like Paul Klebnikov and human rights activists like Natalia Estemirova; corruption and impunity as exemplified by the tragic case of Sergei Magnitsky; and restrictions on freedom of assembly for members of groups like Strategy 31, the Khimki Forest Defenders, and for members of various Lesbian, Gay, Bisexual and Transgender groups. We have raised our concerns about Russia's disappointing decision to deny the opposition group PARNAS registration so that it can compete in the upcoming parliamentary elections and we urge Russian authorities to reconsider that decision.

We continue to monitor and speak out about the treatment of minorities in Russia, including the application of the so-called “law on extremism” to peaceful religious groups. We also are concerned about inter-ethnic tensions and incidents of violence between ethnic Russians and minority groups, as well as by reports of serious human rights violations in the North Caucasus, particularly in Chechnya. These reports include disappearances, extrajudicial killings, torture, and retribution against those who report abuses.

Mr. Chairman, as we set our sights on the Ministerial in Vilnius, I want to emphasize that our interest in human rights and democratic development in Central Asia did not begin or end with the Astana Summit. The United States remains committed to working bilaterally and within the OSCE with the participating States of Central Asia and with civil society in that region to advance domestic democratic reforms, respect for human rights and fundamental freedoms, and the rule of law. We also will continue to work with Central Asian states to reinforce border security to counter transnational threats such as narcotics and terrorism, and to bolster security in Afghanistan, an OSCE partner. We have stressed that Kazakhstan’s legacy as the 2010 Chair of the OSCE will be determined by the continued efforts it makes, now that the spotlight has left Astana, to deliver on the pledges made there to reinvigorate comprehensive security and protect the human rights of citizens. We strongly encourage OSCE representatives, as well as high public officials from the participating States, including the Members of this Commission and Members of the OSCE Parliamentary Assembly, to seek opportunities to engage with the governments and citizens of Central Asian states to advance Human Dimension issues.

We have seen that such engagement can yield results. Most recently, the Government of Kyrgyzstan decriminalized libel, an issue on which the OSCE Representative on Freedom of the Media had persistently focused. We applaud Kyrgyzstan’s becoming the first Central Asian country and the 13<sup>th</sup> OSCE participating State to decriminalize defamation. This measure will strengthen freedom of expression in Kyrgyzstan and set an example for the rest of the OSCE community. Kyrgyzstan also deserves recognition for its support of the OSCE Academy in Bishkek, which operates according to a Memorandum of Understanding between the Kyrgyz government and the OSCE. The United States joined the Academy’s Board of Trustees in March 2011 and since its foundation in 2005 we have been strong supporters of the excellent work the Academy is doing to provide graduate studies to Central Asian and Afghan students. Coupled with the steps Kyrgyzstan has taken to ensure inquiry into the abuses committed during the June 2010 conflict, we think that the positive trajectory for Kyrgyzstan’s democratization can continue. The OSCE remains well-poised to assist.

Mr. Chairman, the comprehensive security we seek in the OSCE region, and in Central Asia particularly, will remain elusive until serious human rights problems are addressed. We will continue to press for the implementation by the Central Asian states of OSCE commitments in all three dimensions, and to offer our assistance toward that end.

For example, Uzbekistan continues to exhibit a poor record on media freedom, freedom of religion, and a wide range of human rights and fundamental freedoms. We regretted the Uzbekistan Supreme Court decision in June to close the Human Rights Watch office in Tashkent. We have raised in the OSCE and elsewhere the cases of Dilmurod Sayid, a journalist imprisoned for writing about corruption, and Maxim Popov, who remains incarcerated for

working to decrease the incidence of AIDS in the country, and we will continue to advocate for fair treatment and due process in those, and similar, cases.

We also remain deeply concerned over the arrests of religious adherents, including Jehovah's Witnesses, Baptists, Protestants and members of some Islamic groups in Uzbekistan. Reported raids on the homes of members of non-majority religious groups, coupled with bans on the import of some religious publications and the confiscation or destruction of religious literature, further chill the climate for religious expression.

We will continue to use the OSCE as a platform for pressing these and other human rights challenges in Uzbekistan, including ongoing reports of torture in detention and the use of child labor in the annual cotton harvest.

Mr. Chairman, looking across the OSCE, community, we see intolerance and hate crimes against religious and ethnic minorities, including Roma and Sinti. I wish to commend the essential work of OSCE's three tolerance representatives: Rabbi Andrew Baker, on Combating Anti-Semitism, Dr. Massimo Introvigne, on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, and Ambassador Adil Akhmetiv, on combating Intolerance and Discrimination against Muslims. I also salute the efforts of the OSCE's Contact Point on Roman and Sinti Issues. Violence against women and assaults on individuals because of their sexual orientation or gender identity are widespread problems. People with disabilities experience discrimination and tend to be relegated to the margins of society. The OSCE region is both a source and a destination for human trafficking. Men, women and children are forced into servitude within its borders.

To meet all of these challenges of implementation, participating States must strengthen their political will to honor their commitments. We and other like-minded governments must work vigilantly to ensure that the capacity and integrity of ODIHR, the High Commissioner on National Minorities, and other OSCE institutions are strengthened, not weakened, and that full use is made of the OSCE's good offices, mechanisms, and field missions. Today, for example, the High Commissioner is working to prevent ethnic tensions from boiling over again in Central Asia and to ensure that children can receive an adequate education in their language in Slovakia, Serbia, and other parts of Europe. And the field missions are standing up freedom of information and human rights ombudsmen who can defend citizens' rights.

Let me now say a few words about the state of consensus in the OSCE and its prospects for meeting today's human, economic, and military security challenges. It is evident that some participating States lack the political will to meet the commitments they have already made. They are often reluctant or unwilling to give their consent so that the OSCE can take timely and effective action in key areas of concern, including the persistent implementation problems.

Mr. Chairman, we have encountered such dilemmas before in OSCE's history. During the Cold War, Human Dimension commitments made by the Soviet Union and Warsaw Pact countries were honored more in the breach than in practice. Despite this challenge, the Helsinki process managed to advance, thanks to the moral force of Helsinki monitoring groups as well as the West's principled, sustained diplomacy. This tenacity ultimately paid off with the emergence of

the democracies of Central and Eastern Europe in the 1990s. And the need for sustained, principled efforts by governments and their citizens is equally compelling now.

Today, we must be steadfast in the face of threats from some participating States to withhold consensus or attempt to water down commitments or weaken OSCE institutions. We will creatively use the full array of existing OSCE authorities, institutions, principles, and precedents to support the efforts of today's activists on the ground who are pressing for human rights and democratic reforms. Consensus to act on issues of human rights and democracy may be hard to reach at the State-to-State level, but there is a growing grassroots consensus among citizens of the OSCE region and regions across the globe that governments must respect human rights and give their people a meaningful role in shaping the future of their countries.

### **The Helsinki Process and Support for Citizen Activism**

President Obama and Secretary Clinton have made support and defense of civil society a global foreign policy priority, and we see our work in OSCE as integral to that effort.

OSCE was the first regional organization to recognize the importance of civil society and provide for NGO participation in its proceedings. Secretary Clinton made a special point of holding a Town Hall with civil society groups in Astana during the OSCE Summit, and we will continue to encourage and defend NGO involvement at the Human Dimension Implementation Meetings and other expert meetings of the OSCE.

Mr. Chairman, the Commission has long championed the vital role that non-governmental organizations play in the OSCE process. I am pleased to report that my own Bureau and Ambassador Kelly have collaborated on a new effort aimed at helping connect civil society activists across the OSCE region through new technologies.

In mid-August, my bureau will be reviewing proposals for a new \$500,000 program to create a demand-driven virtual network of human rights and democracy activists in the OSCE region, which we intend to launch in September. We call it Helsinki 2.0. The network would serve as a sustainable coordination platform for reinvigorating human rights advocacy in Europe and Eurasia. A virtual interface will be created to enable activists to have regular engagement with governments beyond the traditional appearances at annual OSCE meetings. We hope that this Helsinki 2.0 platform will enhance activists' ability to network with one another and with the OSCE. This effort should help extend Helsinki's Human Dimension and its legacy of citizen advocacy into the Digital Age.

### **Enduring Freedoms, New Apps**

Mr. Chairman, the Commission has greatly helped to elevate the issue of Internet freedom. I very much appreciate your holding a hearing on the subject a few weeks ago, at which my Deputy, Dan Baer, testified. It is vitally important that the OSCE take a principled and pioneering stand on Internet freedom.

In the past, the Helsinki process was a major international platform for defending citizens who expressed dissenting views via *samizdat* and for protesting the jamming of radio broadcasts. Two decades ago, in response to efforts by the Ceausescu regime to restrict citizens' access to Xerox machines, an explicit commitment was included in the OSCE's Copenhagen document pledging that "no limitation will be imposed on access to, and use of, means of reproducing documents of any kind." Today, email, social networking, and text messaging are new forms of *samizdat* and tools of human rights advocacy as well as indispensable tools of commerce, education, and global communications.

We applaud Lithuania for making media freedom via old and new technologies and the safety of journalists key themes of its Chairmanship. I want to emphasize that cyber issues are relevant to all three dimensions of the OSCE. As we partner with other governments, civil society, and the business sector on ways we can safeguard against very real cyber security threats, we will do so ever mindful that the measures we take must be consistent with our human dimension commitments to respect the exercise of human rights and fundamental freedoms.

Mr. Chairman, as Assistant Secretary Gordon noted, the United States advanced language for inclusion in the Astana Summit Action Plan on the exercise of "Fundamental Freedoms in the Digital Age." Since, as you know, the Astana Summit ended without the adoption of such a plan, we intend to renew our efforts to get this breakthrough language adopted at the OSCE Ministerial in Vilnius in December. OSCE's adoption of such language would, I believe, mark the first time that any regional organization formally recognizes that respect for the full range of human rights, and fundamental freedoms must extend to the use of new technologies.

The United States looks forward to working with the Lithuanian Chair, the EU, other participating States and civil society to ensure that the OSCE sends a strong and clear message from Vilnius on Internet Freedom. If I were to distill that message into a tweet to the world, it would be: "Enduring Freedoms, New Apps."

### **Promises Made, Promises to be Kept**

Mr. Chairman, when he signed the Helsinki Final Act 36 years ago, President Ford famously said, "History will judge this Conference not by what we say here today, but by what we do tomorrow -- not by the promises we make, but by the promises we keep." He was right then, and his statement is even more true today.

Europe cannot be completely whole, free and at peace –  
 Europe and Eurasia cannot become truly integrated –  
 There can be no lasting security extending from Vancouver to Vladivostok –  
 until human rights and fundamental freedoms can be fully exercised by all people who live within the OSCE community of nations.

On behalf of President Obama and the American people, I thank the Commission for its decades of principled work to ensure that the promises made in Helsinki are kept. Now I would be happy to answer your questions.