



## United States Mission to the OSCE

### Opening Statement

As prepared for delivery by Ambassador Michael Kozak, Head of Delegation  
to the 2018 Human Dimension Implementation Meeting, Warsaw  
September 10, 2018

Madam Chair, Distinguished Government and Civil Society Representatives,

In our Closing Statement at last year's meeting, the United States delegation called for the release of filmmaker Oleh Sentsov and other Ukrainian citizens held by the **Russian Federation** due to their peaceful opposition to Russia's occupation of Crimea and aggression in eastern Ukraine.

As we open the 2018 HDIM, Mr. Sentsov is in perilous health on the 120th day of his hunger strike to protest Russia's unlawful imprisonment of over 60 of his fellow countrymen. We call on Russia to release these prisoners. We are alarmed about the prospect of another innocent person dying in Russian custody.

The Helsinki Final Act's ten foundational principles link security among states to respect for human rights within states. Russia's ongoing aggression against Ukraine contravenes all ten Principles, including the inviolability of frontiers and the territorial integrity of states. Mr. Sentsov and his imprisoned Ukrainian countrymen are flesh and blood embodiments of the connection between Russia's breaches of international security and its abuse of human rights.

The conflict in Ukraine that Russia ignited and continues to stoke constitutes the worst security crisis in Europe since the 1990s. Its cruelest costs can be counted in human lives: nearly two million driven from their homes; more than 10,000 dead. In Russia-controlled parts of eastern Ukraine, those considered to have pro-Ukrainian sympathies are subject to imprisonment, torture, and extrajudicial killings. The humanitarian situation along the line of contact is dire. In Crimea, occupation authorities harass and prosecute Crimean Tatars and other Ukrainian citizens who dare to oppose Russian rule.

We join our European and other partners in affirming that our Minsk-related sanctions against Russia will remain in place until Russia fully implements its Minsk commitments. Crimea-related sanctions will remain in place until Russia returns full control of the peninsula to Ukraine.

Russia's violations of the sovereignty and territorial integrity of another state are by no means confined to Ukraine. Russia continues to occupy 20 percent of **Georgia** and to support separatism in the Transnistrian region of **Moldova**. These interventions carry serious humanitarian consequences. Meanwhile, throughout the OSCE region and the world, Russia engages in malign influence and disinformation campaigns to undermine elections processes and destroy faith in democratic government.

It is no coincidence that Moscow's actions in contempt of the rules-based international order are accompanied by attacks on the rule of law at home. Since the last HDIM, the Russian government has continued using its so-called "foreign agents law" to justify a constant stream of raids, fines, harassment, and legal proceedings that obstruct the work of Russian non-governmental organizations, including the Levada Center that does polling and Ecodefense Women's Council. The government's list of banned "undesirable foreign organizations" keeps getting longer and now contains 14 international organizations promoting rule of law and democracy. Opposition figures, independent journalists and civil society organizations, such as the respected human rights organization Memorial, are threatened and physically assaulted, all too often with impunity.

Nowhere in the Russian Federation is lawlessness more lethal and impunity more implacable than in Ramzan Kadyrov's Republic of Chechnya. On August 30, the United States joined 14 other participating States in invoking the OSCE's Vienna Mechanism, requiring Russia to provide a serious response to reports of appalling abuses by Chechen authorities against persons for their perceived or actual sexual orientation or gender identity, as well as against human rights defenders, lawyers, and members of independent media and civil society organizations. We look forward to receiving a substantive response.

During the course of this HDIM, the United States delegation will discuss in more detail these and other concerns about human rights conditions in the OSCE region: the shrinking space for civil society and persecution of human rights defenders; the increasing restrictions on media freedom and impunity for violence against journalists; the wielding of anti-terrorism laws as political weapons against dissenters and peaceful members of ethnic and religious groups; threats to democracy and the dangers of unchecked hatred.

I will now briefly mention two areas of concern that illustrate the connections between security and human rights:

Tomorrow marks the anniversary of the September 11, 2001 terrorist attacks. My government and the American people share the agony of all countries that have suffered grievously from terrorist violence. The United States' commitment to eradicating terrorism and violent extremism remains resolute. We welcome equally determined partners in that global effort. But we regard it as counterproductive – indeed antithetical – to that effort when governments commit human rights violations in the name of countering terrorism and violent extremism. Respect for human rights and fundamental freedoms empowers those in society who can help address drivers of violent extremism and steer youth away from the path of radicalization to violence. Conversely, when governments do not respect human rights, they foster grievances that terrorists can exploit. Governments that treat peaceful dissent as a threat do not strengthen security, they undermine it.

While we recognize the security challenges **Turkey** faces, human rights need to be respected. Since the 2016 coup attempt, a succession of emergency decrees, restrictive constitutional amendments, combined with the vague interpretation and broad application of new counter-terrorism laws, have severely undermined the rule of law. Over 50,000 citizens -- including hundreds of journalists, writers, editors, publishers, translators, rights activists, lawyers, students and elected officials -- are being held on grounds that appear to be politically motivated.

All those who have been detained for exercising their fundamental freedoms must be released. We again call on the Turkish government to immediately free Pastor Andrew Brunson, the other U.S. citizens it has detained, and our locally employed staff. The government of Turkey knows full well that it has no legitimate reason to hold them and is using them as pawns.

Madam Chair: Across our region, including in my own country, violent extremist groups espouse messages and agendas that are reminiscent of the Holocaust era. In Berlin in 2004, the participating States recognized that anti-Semitism and other forms of intolerance “pose a threat to democracy, the values of civilization and, therefore, to overall security in the OSCE region and beyond.” That was not hyperbole. Unchecked hate led to the ultimate horror of the Holocaust. In the decades since, in this very region and elsewhere in the world, we have seen how flames of hate can be fanned into ethnic cleansing, mass murder, genocide, and destruction on a terrible scale.

Last year’s HDIM came shortly after the shocking violence in Charlottesville, Virginia. The United States pledged that the fullest force of the law would be brought against those responsible, and that has been done. This June, when the United States brought formal hate crime charges against a rally participant for driving his car into a crowd of counter protesters, killing a young woman named Heather Heyer and injuring many others, Attorney General Jeff Sessions said: “Today’s indictment should send a clear message to every would-be criminal in America that we aggressively prosecute violent crimes of hate that threaten the core principles of our nation.”

There is never any justification for anti-Semitism, for anti-Muslim and anti-Christian discrimination, for anti-Roma and other racist sentiment. LGBTI individuals, migrants, persons with disabilities -- all have human rights that must be protected. There can be no room for hate crimes against anyone, anywhere, for any reason.

The United States remains committed to working with the OSCE, governments, businesses, faith communities, and civil society groups across the region to condemn hatred and promote respect for the human rights of everyone.

For all the trends of concern in our region since the last HDIM, I will mention two countries where the direction is encouraging:

We commend the people of **Armenia** and its political leadership for the peaceful government transition. We look forward to seeing reforms to bolster checks and balances, including judicial independence, which is essential to the rule of law.

In **Uzbekistan**, President Mirziyoyev has embarked upon ambitious reforms to improve the human rights situation in his country. There is more to be done to institutionalize these changes, including adopting new legislation to match the intent of the reform agenda and making determined efforts to address gaps between new laws and their local implementation. The reforms have created the conditions for increased cooperation between our two nations. As the reforms progress, they will contribute to the security and prosperity of Central Asia as a whole.

The Office for Democratic Institutions and Human Rights (ODIHR) and OSCE's other expert structures can play important roles in assisting both countries along their chosen paths of peaceful, rights-respecting change.

Madam Chair: Here at HDIM, as always, the United States will continue to staunchly defend the independence, mandates, and budgets of OSCE institutions and to ensure that civil society participation in HDIM and other OSCE proceedings is not unduly restricted.

To that end, the United States must object to certain provisions of the Code of Conduct promulgated by ODIHR. A number of the provisions amount to content-based restrictions on the participation of civil society. We need not—and do not—agree with all of the ideas espoused here to defend the right of civil society to participate. When we disagree with the ideas presented, we should respond with alternative viewpoints, not censorship. We are disappointed that the Code of Conduct appears to formalize the latter approach. It should be revised.

My delegation looks forward to a lively, wide-ranging exchange of views and ideas with governments and civil society representatives alike. We thank Poland for graciously hosting this annual gathering and ODIHR for organizing it.

In conclusion, I wish to express the United States' deep appreciation to the human rights defenders who have come here to HDIM from across the OSCE region. We know that some of you have done so at considerable risk to yourselves and your families. We hold in the highest respect all those who serve and sacrifice for the sake of human rights. Human rights defenders remain the heartbeat of the Helsinki process.

Oleh Sentsov's heart still beats. Those who have the power to release him must act now, while there is still time.

Thank you, Madam Chair.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 1: Democratic institutions, including democracy at the national, regional, and local levels, and democratic elections**

As prepared for delivery by Amb. Michael Kozak, Head of Delegation  
Warsaw, September 10, 2018

The participating States have declared that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. Media freedom and media pluralism are essential for free and fair elections. We commend the Office for Democratic Institutions and Human Rights (ODIHR) for its expert, fact-based assessments of national-level elections throughout the OSCE region. In the interest of identifying areas for improvement, the United States will focus its statement on elections where respect for democratic principles fell short of OSCE commitments.

In **Azerbaijan**, the presidential elections called in April six months ahead of schedule lacked genuine competition. ODIHR observers noted that the elections took place within a restrictive political environment and a legal framework that curtail human rights and fundamental freedoms, including for members of the media. Other candidates refrained from directly challenging or criticizing the incumbent, and distinction was not made between his campaign and official activities. ODIHR's monitors also observed numerous serious irregularities on Election Day, such as ballot box stuffing.

**Turkmenistan's** parliamentary elections in March failed to present voters with meaningful political alternatives. The United States concurs with ODIHR's assessment that the election "lacked important prerequisites of a genuinely democratic electoral process." Exercise of the freedoms of expression, peaceful assembly, and association remained tightly restricted by the ruling party, which also enjoyed a monopoly over media coverage and the country's heavily censored Internet.

**Kyrgyzstan's** October presidential election was competitive and well-administered and it resulted in the first peaceful transition of power since independence. However, ODIHR noted cases of misuse of public resources, pressure on voters, and vote-buying. In recent months, however, the operating environment has largely improved for the media.

The United States fully subscribes to OSCE observers' conclusions that the **Russian** presidential elections in March "took place in an overly controlled legal and political environment marked by continued pressure on critical voices." Excessive restrictions on fundamental freedoms resulted in a lack of genuine competition and an uneven playing field. Prominent opposition leader

Alexei Navalny was not allowed to run, and his supporters were subjected to intimidation and imprisonment. A restrictive legal and media environment denied voters the ability to consider genuine alternatives to the incumbent, Vladimir Putin.

The United States rejects as illegitimate Russia's repeated efforts to hold elections on Ukraine's Crimean peninsula, which Russia occupies.

Russia also continues to attempt to undermine democratic institutions and electoral processes in other participating States, including its malign efforts targeting the 2016 Presidential election in the United States.

The decision of **Moldova's** Supreme Court to uphold the invalidation of Chisinau's June mayoral elections represents a threat to democracy there. International observers found relatively minor irregularities that would not justify invalidation of the results, nor were there calls from elections participants to invalidate them. The Court's unusual and unwarranted decision thwarted the electoral will of the Moldovan people.

**Turkey's** June 24 presidential and parliamentary votes were held early. ODIHR's preliminary assessment found that, although voters had a genuine choice, the conditions for contestants in the election were not equal. The incumbent president and his party enjoyed a notable advantage, as reflected in the coverage of government-affiliated public and private media. The already restrictive legal framework compounded by the State of Emergency limited fundamental freedoms of peaceful assembly and expression, including for members of the media. Hastily adopted changes to election legislation were made without consultation and removed important safeguards for Election Day procedures.

We regret the inability of stakeholders in **Bosnia and Herzegovina** to reach agreement on electoral reform ahead of the general election in a few weeks. All parties should commit now to respecting the results of the elections and affirm their intent to form a government after the vote. Ethnic criteria for candidate registration constitute discriminatory, outdated, and inefficient restrictions, and we support efforts to eliminate them. Dervo Sejdic and Jakob Finci, as well as three other Bosnian citizens, have successfully challenged these discriminatory requirements before the European Court for Human Rights (ECHR). Overall, well over 300,000 Bosnians are not eligible to hold certain offices because of the restrictive criteria. Ignoring ECHR rulings or making ethnicity an even larger factor in Bosnian elections hinders, rather than advances, democratic development in the country.

On November 6, millions of Americans will exercise their right to vote in mid-term elections. They will elect all 435 members of the U.S. House of Representatives, 35 U.S. Senators, 36 state governors, as well as many state legislators, city mayors, and other officials. The United States has invited and welcomes an ODIHR mission to observe the election. We welcome OSCE observation of our elections as an opportunity to demonstrate the United States' respect for its international obligations and OSCE commitments.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 2: Freedom of the Media (1 of 2)

As prepared for delivery by Amb. Michael Kozak, Head of Delegation  
Warsaw, September 11, 2018

I thank the Representative on Freedom of the Media, Mr. Harlem Desir, for his dedication to carrying out his vital mandate throughout the OSCE region. The United States values press freedom as a key component of democratic governance. Journalists shine a light on many issues: keeping citizens informed, prompting robust debate and discussion, and holding governments – including our own – accountable.

The United States stands for the safety of journalists in our own country and around the world. We recognize the considerable risks that journalists often face in the conduct of their profession. Violence against journalists hits close to home. In June, my own country suffered a terrible loss when five employees of the *Capital Gazette* were shot to death at their offices in Annapolis, Maryland. The alleged shooter, who had a grudge against the newspaper, is in custody facing 23 criminal indictments, including five counts of murder.

In this session, the United States will focus on the most egregious attempts to intimidate the press into silence: violent attacks, including murder, often with impunity.

**Russia** stands out in the OSCE region for its long history of impunity for the killings of journalists. After all these years, we still call for justice in the cases of Paul Khlebnikov, Natalia Estemirova, Anna Politkovskaya, and at least 30 others who have been killed since 1992, according to the Committee to Protect Journalists. Just this April, Russian journalist Maxim Borodin died under suspicious circumstances, falling from a fifth-floor window. Borodin is one of several journalists who died this year while investigating the murky activities of the Wagner paramilitary group. The United States urges Russia to investigate these deaths, end impunity, and take steps to prevent future violence against journalists.

Investigative journalists seeking to expose crime and corruption tend to be at greatest risk. Daphne Caruana Galizia, a Maltese journalist known for her investigations into international organized crime and its connections to the Maltese government, was assassinated in October 2017 by a bomb planted in her car. She had been harassed and intimidated for years. Three suspects with links to organized crime are in pretrial detention, but it remains unclear who ordered the assassination. In February, Slovakian investigative journalist Jan Kuciak and his fiancée were shot dead in his home. Public outrage over his murder forced the resignation of multiple cabinet officials in Slovakia, but so far there have been no indictments. The United States calls on **Malta** and **Slovakia** to do everything possible to bring to justice all those responsible.

In **Ukraine**, the 2016 killing of renowned journalist and Russian citizen of Belarusian origin Pavel Sheremet remains unsolved. We urge the government to redouble its efforts to bring accountability for the murder and for other recent attacks on members of the press.

In **Montenegro** in May, journalist Olivera Lakic was shot in the leg, and in April, a car bomb exploded outside the home of TV Vijesti reporter Sead Sadikovic. We commend official statements committing to a swift and efficient investigation.

On August 10 in **Romania**, at least 15 journalists suffered physical and verbal assaults by police forces, including an instance of use of tear gas, while monitoring protests in Bucharest, according to Active Watch and Reporters Without Borders.

The United States is particularly mindful of the essential role that media freedom plays in ensuring free and fair elections. Reports like the one from **Belarus**, where police officers beat Belsat TV cameraman Andrus Kozel in a polling station during local elections, are of serious concern.

We call on all participating States to implement their commitments on the safety of journalists and on advancing a free, independent, and pluralistic media.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 3: Freedom of the Media (2 of 2)

As prepared for delivery by Amb. Michael Kozak, Head of Delegation  
Warsaw, September 11, 2018

The United States believes strongly in defending press freedom and the benefits of media pluralism. We condemn the politically motivated targeting of journalists and shuttering of media outlets, and undue or excessive structural and legal restrictions on the media.

Within the **Russian Federation**, state-owned or state-controlled broadcast media dominate the airspace. We are troubled by the government's efforts to expand its control over the Internet, including through increasing use of censorship technologies and criminal prosecutions for sharing and liking content on social networks. We condemn the selective targeting of Radio Free Europe/Radio Liberty and Voice of America under Russia's law on "foreign agent" media outlets. RFE/RL and VOA remain the only media outlets designated under this law, which exacerbates longstanding restrictions on the distribution of their products in Russia.

In Russian occupied Crimea, which is a part of Ukraine, conditions for media freedom are worse than in Russia, and nearly all independent media already has been forced to flee the peninsula. The few remaining independent journalists operate at tremendous risk. In eastern Ukraine, Russian led forces must release journalist Stanislav Aseyev who has been detained since June 2017 on what credible human rights organizations have characterized as baseless pretexts.

According to the Committee to Protect Journalists, **Turkey** is the largest jailer of journalists in the world. Authorities detained more than 150 journalists and shuttered nearly 200 media outlets since the attempted coup in July 2016. In the past six months alone, Turkish courts have sentenced 42 journalists to prison. Turkey has increased its control over the Internet. We are concerned that a new law requiring all online broadcasters to apply for a license will be abused to further restrict press freedom. Authorities arrested thousands for the simple usage of a mobile communications app, ByLock, holding it up as prima facie evidence of association with a terrorist organization. The United States recognizes the particular security challenges Turkey faces, but silencing critical voices is not the answer.

Undue restrictions on media freedom continue in **Azerbaijan**. The authorities continue to block independent media websites on various legal pretexts for publishing articles that are critical or unflattering of the government. Nine journalists and bloggers are incarcerated for their work, according to human rights defenders. Following his reported 2017 abduction in Georgia and subsequent arrest in Azerbaijan, journalist Afghan Mukhtarli was sentenced in January to six-years in prison on charges widely considered politically motivated. We urge Azerbaijani authorities to

cooperate with the Georgian government's investigation into Mukhtarli's disappearance from Tbilisi and we again reiterate our call to **Georgian** officials to complete their investigation into the reported abduction.

In **Belarus**, security services raided the offices of several independent news sites for allegedly accessing without permission the paid subscription service of the state-owned news portal. At least two independent journalists were charged with serious cybercrimes that appear disproportionate to the alleged violation. We are watching the case closely and appeal for transparency and due process. We also urge the government of Belarus to discontinue the practice of selective blocking of online news outlets, as well as the fining of so-called "freelance" journalists.

The United States is encouraged by signs of meaningful reform in **Uzbekistan**. We welcome the long-overdue release of several journalists, including Yusuf Ruzimuradov, Muhammad Bekjanov, and Bobomurad Abdullaev. We hope additional reforms will follow, including the amendment or repeal of parts of the criminal code that have been systematically used to quash peaceful dissent, punish criticism of the government, and censor speech. We also look forward to the accreditation of additional international media outlets.

**Kyrgyzstan** has taken some promising steps. We welcome the dropping of charges against journalists Kabay Karabekov and Elnura Alkanova. We also welcome the withdrawal of a bill that would have established maximum damages for defamatory statements posted on the Internet.

Still, media in Central Asia remains highly censored, and journalists face intimidation and retribution for their work. We urge the governments of Central Asian participating States to drop politically motivated cases and to release those imprisoned for exercising freedom of expression, including members of the media. In **Tajikistan**, we welcome the August 22 release of and reduced charges on independent journalist Khairullo Mirsaidov, who wrote articles about corruption and brutality by the authorities. However, we note that more work remains to be done to ensure that Tajikistan meets its international obligations and OSCE commitments on freedom of expression.

**Ukraine** has been the target of the worst of Russia's malign influence campaigns, designed to destabilize its society and undermine its government. We continue to urge Ukraine to take the high road and respond in ways that preserve the space for freedom of expression online and offline.

The United States notes that **Poland** reversed its decision to fine independent broadcaster TVN for coverage of rallies. We support the robust public debate that a pluralistic broadcast environment fosters. In **Hungary**, government allies, which benefit from state-funded advertising, continue to expand their control and influence over the media market, diminishing media pluralism and exposure to critical voices in the country.

A diversity of views can be expressed in the media in **Serbia**, including criticism of the government. However, economic pressures on media outlets encourage self-censorship, and the government appears to make decisions regarding advertising, tax audits, and the release of information on the basis of content. Some journalists have been harassed after reporting critically on government leaders.

The United States expresses its gratitude for the commitment of the Representative on Freedom of the Media to protect and advance freedom of expression for members of the media, online and offline.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 4:**

#### **Rule of law I, including:**

Right to a fair trial;  
Independence of the judiciary;  
Democratic law-making

As prepared for delivery by Amb. Michael Kozak, Head of Delegation  
Warsaw, September 12, 2018

The United States is committed to strengthening the rule of law within the OSCE region and across the globe. We are particularly concerned when authorities turn laws into political weapons to punish individuals for exercising their fundamental freedoms of expression, peaceful assembly and association, and religion or belief. Judicial independence is essential to democratic government.

Respected human rights organizations have identified more than 180 political and religious prisoners being held by the Government of the **Russian Federation**. Many have been subjected to cruel practices revived from the Soviet era, including punitive psychiatric incarceration, closed trials, the transferring of prisoners to harsh colonies far from their families, and threats to strip them of their parental rights. We are deeply concerned about the well-being of hunger striking Crimean prisoners Oleh Sentsov and Volodymyr Balukh. We call on Russia to immediately release them as well as the nearly 70 other Ukrainians it has unjustly imprisoned. We also reiterate our call to release without delay activist Oyub Titiyev, who is being prosecuted on trumped-up drug charges in Chechnya in retaliation for his work exposing human rights violations and abuses committed by local authorities. Chechnya, led by Ramzan Kadyrov, is the most lawless part of the Russian Federation.

Last month, the United States was proud to join fourteen other participating States in invoking the Vienna Mechanism at the OSCE Permanent Council meeting to demand a response from the Russian Federation about credible reports of serious human rights violations and abuses in Chechnya, including the reported unlawful detention, torture, and killing of people based on perceptions of their sexual orientation. Journalists and civil society members who have documented these and other violations and abuses have been subjected to reprisal. Russia has failed to provide substantive answers to the invoking states within the Mechanism's required ten days. We are evaluating next steps in coordination with our partners.

In **Turkey**, a succession of emergency decrees and restrictive constitutional amendments combined with the vague interpretation and broad application of new "counter-terrorism" laws have undermined the ability of the judiciary to provide timely, fair, and independent justice for

the over 70,000 citizens detained since the July 2016 failed coup attempt. We urge Turkey to immediately release unjustly detained persons, especially U.S. citizens Pastor Andrew Brunson and NASA scientist Sekan Golge, as well as three Turkish national employees of the U.S. Mission in Turkey.

Politically motivated prosecutions continue to call into question the independence of **Azerbaijan's** judicial system. After prominent opposition leader Ilgar Mammadov served five and a half years of his seven year sentence, an appeals court in August ordered his release, with two years' probation. We note the European Court of Human Rights rulings that determined Mammadov had been illegally detained and denied a fair trial. We urge Azerbaijani authorities to release all those incarcerated for exercising their fundamental freedoms and to lift foreign travel bans on Mammadov and other opposition figures such as Ali Kerimli, lawyers like Intigam Aliyev, activists such as Anar Mammadli, and journalists like Khadija Ismayilova. We also call for thorough investigations into credible reports of abuse in custody, including torture. For example, there was no investigation after prominent blogger Mehman Huseynov stated police had abused him in custody; instead he was charged with criminal defamation and sentenced to two years in prison. Nor has there been accountability for the reported torture last year in prison of Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov.

The need to bolster the rule of law and root out corruption must remain significant reform priorities for the countries of the Western Balkans. We also urge the governments of the region to ensure equal access to justice for all, resist historical revisionism, promote reconciliation, and fully prosecute those responsible for war crimes and other serious crimes.

The United States encourages **Serbia** to remain focused on judicial reform, utilizing its European Union accession negotiations as a catalyst to improve the independence of the judiciary and to address concerns about lengthy pre-trial detention. Despite promises made to us by Serbian officials at the highest levels that action would be taken, those responsible for the brutal murders in July 1999 of three American citizens – the brothers Ylli, Agron, and Mehmet Bytyqi – still have not been brought to justice. We are disturbed by credible assertions that the leading suspect – former Interior Ministry official Goran “Guri” Radoslavljjevic – enjoys close ties to the Serbian leadership, who protect him from prosecution.

We urge the governments of **Serbia, Kosovo, Croatia, and Bosnia** to stop politicizing justice, engaging in historical revisionism regarding the 1990s, and protecting those responsible for atrocities.

We encourage **Albania** to bolster its efforts to address systemic corruption, tackle organized crime, and ensure that justice institutions function properly and fairly. We similarly encourage **Macedonia** to continue its progress in improving the integrity of its judicial system, especially by strengthening the independence of its judiciary and prosecuting corruption wherever it is discovered.

**Romania** has made significant strides in strengthening the rule of law. However, we are concerned that changes in June and July to Romania's criminal code and code of criminal procedure will weaken the rule of law and the ability to fight crime and corruption, including human trafficking.

We continue to pay close attention to judicial reform in **Poland** and reaffirm our commitment to judicial independence.

Turning to the participating States from Central Asia, in **Tajikistan**, so-called anti-“extremism” and anti-terrorism laws are misused to restrict political pluralism and target defense lawyers of political opposition members, as in the cases of Burzurghmer Yorov and Nurridin Mahkamov. Tajikistan has misused international law enforcement tools such as INTERPOL Red Notices to target members of the political opposition for reprisal.

We repeat our call for access to and information on disappeared prisoners in **Turkmenistan**. We note in particular that our former OSCE Permanent Representative colleague Batyr Berdiev is among those about whom there has been no reliable information for years.

In **Kazakhstan**, we are concerned about allegations of irregularities in the trial of businessman Iskander Yerimbetov and reports from civil society asserting that the case is politically motivated and that he has been mistreated in detention. We remain concerned also about the judicial process that resulted in the conviction and sentencing of Maks Bokayev to five years in prison for his alleged role in organizing peaceful demonstrations in 2016. In 2017, the U.N. Working Group on Arbitrary Detention found the Bokayev’s detention to be arbitrary. We encourage the government of Kazakhstan to comply with the Working Groups’s opinion and recommendations.

To end on some encouraging notes, we welcome **Ukraine**’s newly adopted legislation establishing an anti-corruption court – a major accomplishment. That said, Ukraine must do more to address systemic corruption and move forward with other necessary reforms.

We welcome changes in **Uzbekistan**’s legislation to prevent the use in legal proceedings of evidence gained through torture and their openness to additional reforms that increase transparency.

And in **Armenia**, we welcome the progress on investigating cases of corruption since the inauguration of the new government and underscore the importance of rule of law and due process in any prosecutorial actions. We hope these moves will be accompanied by concrete reforms to bolster the independence and credibility of law enforcement authorities and the judiciary.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 5:**

#### **Rule of Law II:**

Protection of human rights and fighting terrorism;

Prevention of torture;

Exchange of views on the question of  
the abolition of capital punishment

As prepared for delivery by Amb. Michael Kozak, Head of Delegation  
Warsaw, September 12, 2018

The United States is committed to protecting human rights while countering terrorism and violent extremism. We believe in the necessity of independent judiciaries that uphold the rule of law; police and security forces that respect human rights; space for members of civil society groups and all individuals to exercise their human rights, including freedom of expression; and protection for freedom of religion and other fundamental freedoms to ensure lasting stability and security.

Our efforts to make these commitments a reality include: generating positive alternatives for those vulnerable to violent extremism, improving law enforcement relations with local communities that may be targeted by violent extremists, and rehabilitating and reintegrating violent extremists.

No crime offends human dignity more than torture. We believe torture and cruel, inhuman, and degrading treatment are abhorrent in all places, at all times, with no exceptions. The United States works to combat torture around the world. We support civil society organizations that campaign against torture and those that help its victims.

We recognize that participating States share the goals of countering terrorism and violent extremism, and commend the progress in certain countries in advancing these goals in ways that are consistent with respect for human rights. But we are concerned that laws against so-called “extremism” are misused in some countries to unduly restrict freedom of expression, to repress political dissent, or to interfere with the exercise of the freedom of religion or belief.

We are encouraged by **Uzbekistan** President Mirziyoyev’s reform efforts since coming to power, including abolishing the use of evidence obtained by torture, removing thousands of individuals from blacklists, and releasing dozens of prisoners of conscience. We urge further progress and encourage Uzbekistan to invite the UN Special Rapporteur on Torture to visit.

**Tajikistan** has imprisoned members of peaceful political opposition groups in the name of countering violent extremism. There have been allegations of torture of detainees. The

government also is accused of misusing international law enforcement mechanisms, such as the INTERPOL Red Notice, to target opposition group members abroad.

We welcome **Kazakhstan's** pardon and release from prison of Jehovah's Witness Teymur Akhmedov, who had been convicted of extremist activity in 2017 for practicing his religion. However, Kazakhstan continues to use charges of so-called "extremism" to exert pressure on political, religious, and civil society groups. We note allegations of torture in detention and prison facilities.

There are continuing reports of **Turkmenistan's** use of excessive force to intimidate individuals and coerce confessions, as well as arbitrary detention, and collective punishment by security forces.

At the OSCE's August 30 Permanent Council meeting in Vienna, the United States joined 14 other permanent States in invoking the Vienna Mechanism to press **Russia** for a substantive response to credible reports alleging a 2017 mass torture campaign by Chechen authorities against perceived LGBTI individuals and other human rights violations and abuses. Since Russia failed to provide a meaningful response within the Mechanism's required ten-day window, the United States and our like-minded partners are considering next steps.

The Russian Federation continues to use overly broad "anti-extremism" laws to prosecute many forms of dissent and religious practice. We condemn the government's actions this year to imprison several dozen Jehovah's Witnesses on baseless "extremism" charges, and we again call for their immediate release.

Numerous credible reports during the year indicate that Russian law enforcement and prison personnel continue to engage in widely practiced torture and other forms of abuse. We were particularly troubled by the emergence in July of horrifying video footage of prison guards in Yaroslavl torturing inmate Evgeniy Makarov. We urge Russian authorities to provide full accountability for this and other documented cases of torture and to ensure the safety of the human rights defenders who brought the footage to light.

Regarding Russia-occupied Crimea, we remain troubled by reports, including by the UN Human Rights Monitoring Mission, that occupation authorities routinely use torture and other forms of abuse, such as arbitrary psychiatric internment, against Ukrainian detainees.

We remain troubled by credible reports of torture and mistreatment in **Azerbaijan** of prisoners, including to coerce confessions. We call upon the authorities to meaningfully investigate all such reports. There have been no investigations into allegations of the torture last year of Muslim Unity Movement figures Abbas Huseynov and Jabbar Jabbarov, nor of prominent blogger Mehman Huseynov. Those who expose torture often face retribution. After Mehman Huseynov stated that police had tortured him, he was charged with criminal defamation and sentenced to two years in prison. Last September, police reportedly sexually assaulted some detained LGBTI individuals with truncheons, while others stated they were subjected to electric shock until they signed documents confessing they were engaged in prostitution.



This February, the UN Special Rapporteur on Torture stated that in **Turkey** allegations of torture and mistreatment in police custody have increased since December 2016. Also highly disturbing are continuing reports that some doctors will not sign their names to medical reports alleging torture due to their fear of reprisal. As a result, victims often are unable to get medical documentation that could help prove their claims. The Peoples' Democratic Party (HDP) alleged that police tortured dozens of civilians in Hakkari Province in August 2017. Ten former detainees filed claims of torture against police. We understand that the authorities opened an investigation, and we would appreciate an update. We also call on Turkey to enforce laws prohibiting torture and promote a law enforcement culture that upholds and protects human rights.

Turning to capital punishment, while we respect the views of those who advocate for the abolition of the death penalty or a moratorium on its use, we note that international law does not prohibit capital punishment. Rather, each country is entitled to choose whether to authorize the use of the death penalty. Any decision to eliminate capital punishment must be addressed through the domestic democratic processes of individual countries.

The American people, both at the federal level and in the majority of our individual states, have enacted laws authorizing the death penalty for the most serious crimes.

The International Covenant on Civil and Political Rights (ICCPR) specifically recognizes that it is lawful for countries to impose the death penalty for “the most serious crimes,” in accordance with the law in force at the time of the commission of the crime, when carried out pursuant to a final judgment rendered by a competent court and in accordance with applicable provisions of the Covenant, including requisite safeguards and fair trial guarantees. U.S. law and the U.S. judicial system provide an exhaustive system of protections at both the federal and state levels to ensure that the death penalty is not applied in an unlawful or arbitrary manner or in any manner inconsistent with the U.S. Constitution.

We continue to believe that greater focus is needed on addressing and strengthening compliance with existing international obligations regarding the application of the death penalty. The United States urges all States to address and prevent human rights violations that may result from the improper imposition and application of capital punishment.

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## United States Mission to the OSCE

### **OSCE Human Dimension Implementation Meeting**

#### **Working Session 6: Tolerance and non-discrimination I, including combating anti-Semitism, combating intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions**

As prepared for delivery by Ambassador Sam Brownback  
Ambassador-at-Large for International Religious Freedom,  
Warsaw, September 13, 2018

The United States commends the Italian Chairmanship for hosting the January conference on the Responsibility of States, Institutions, and Individuals in the Fight against Anti-Semitism. My government's takeaway from the conference, and I hope it is shared by all here today, is that taking responsibility means taking action. And our actions must be informed by one overarching truth: there is no justification for anti-Semitism. Ever.

Despite the lessons that we all should have learned from that singular horror of the last century, anti-Semitism is not a relic of the past but a present reality. We are alarmed at the spread of extremist ideologies. And today, the vile messages of anti-Semites gain global reach through the use of technology.

Too many governments proclaim policies of "zero tolerance" but fail to call out and condemn anti-Semitism when it arises. Today, there is clear need for governments to identify, monitor, and combat anti-Semitism in all of its ugly forms, both traditional and contemporary. We urge all governments that have not yet done so to embrace the International Holocaust Remembrance Alliance's working definition of anti-Semitism and apply it to relevant policy-making, educational curricula, and awareness-raising efforts in cooperation with civil society. It is also critical that governments partner with civil society to advance strong counter narratives. The investigation and prosecution of hate crimes against Jews and others remain vitally important.

The United States rigorously prosecutes hate crimes. Governments need comprehensive, disaggregated data to combat these crimes. My government strongly supports the work of ODIHR's Hate Crimes Unit and its efforts to collect such data. But we need governments to report the data diligently. Only 14 participating States reported anti-Muslim hate crimes data to ODIHR in 2016, while NGOs provided information to ODIHR on hate crimes in 26 States. Thirteen States reported anti-Semitic hate crimes to ODIHR, while NGOs provided information on such crimes in 23 participating States. Eight participating States reported anti-Christian hate crimes, while NGOs provided information for such crimes in 30 participating States.

At home and abroad, the United States is committed to protecting the freedom to practice one's faith. That is why this July Secretary of State Pompeo hosted the first Ministerial to Advance Religious Freedom -- which we will talk about in the next session -- and why we welcome the Italian Chairmanship's plans to host a conference this October on combatting intolerance and discrimination against Christians and Muslims that will complement the January conference on anti-Semitism.

ODIHR's "Turning Words into Action to Address Anti-Semitism" Project also has been a helpful initiative. The Project brings together members of Jewish, Romani, Muslim, immigrant, and other communities across generations from throughout the OSCE region. The participants engage in educational activities, exchange experiences, and build coalitions for combatting anti-Semitism and other forms of intolerance. ODIHR's June publication, *Coalition Building for Tolerance and Non-Discrimination*, is a useful resource, and we look forward to ODIHR's forthcoming publication focused on combatting hate crimes against Muslims.

We urge participating States to better utilize OSCE Tolerance instruments to put our common commitments into practice. We commend the contributions of the Chair's Tolerance Representatives. The United States remains committed to working with governments, businesses, faith communities, and civil society across the OSCE region to condemn and combat intolerance based on religion or belief.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 7:

#### Tolerance and non-discrimination II,

Fundamental freedoms II, including:

Freedom of thought, conscience, religion, or belief

As prepared for delivery by Ambassador Sam Brownback  
Ambassador-at-Large for International Religious Freedom,  
Warsaw, September 13, 2018

Promoting and defending international religious freedom is a fundamental issue for the United States. This July, U.S. Secretary of State Pompeo hosted the first Ministerial to Advance Religious Freedom. Following the Ministerial, the United States issued the Potomac Declaration and the Potomac Plan of Action. The Declaration reaffirms the fundamental freedom of religion or belief. The Plan of Action provides concrete ways to defend it. Separately, we thank **Armenia, Canada, Denmark, Estonia, Georgia, Hungary, Kosovo, Lithuania, Poland,** and the **United Kingdom** for signing on to one or more of the statements of concern issued at the Ministerial, including on “Counterterrorism as a False Pretext for Religious Freedom Repression,” “Religious Freedom Repression by Non-State Actors, including Terrorist Groups,” and “Blasphemy/Apostasy Laws.” The statements remain open for endorsement, and we invite all countries to join.

During the Ministerial, the United States highlighted one country for its recent progress: **Uzbekistan**. President Mirziyoyev and his government have taken significant positive steps including: easing registration requirements for religious organizations; registering the Presbyterian church “Light of the World”; permitting children to attend mosques; removing 23,000 names from a list of so-called “extremists”; releasing hundreds of prisoners held for their religious beliefs; and passing a “road map” to implement the recommendations of the UN Special Rapporteur on Freedom of Religion or Belief.

Uzbekistan has more to do to institutionalize these reforms and protect religious freedom for all, consistent with Uzbekistan’s international obligations and commitments. We encourage Uzbekistan to work with the OSCE, the UN Special Rapporteur for Religion or Belief, and other international experts as it drafts new laws and pursues new policies. We urge the government to release the remaining prisoners arrested for practicing their religion. We also urge authorities to cease violating the rights of individuals to freely and peacefully gather and express their religious views publicly. The government should continue to honor its public statements to register peaceful religious congregations without a cumbersome, multi-tier bureaucratic practice.

Unfortunately, a number of OSCE participating states are not taking actions to promote religious freedom; instead they are violating this human right. The **Russian Federation** continues to cloak its restrictive laws and legal rulings in trappings of combating so-called “extremism”.

Russian law enforcement agencies have escalated targeted raids, detentions, arrests, criminal prosecutions, and imprisonments of Jehovah's Witnesses on absurd "extremism" grounds. Other members of peaceful religious groups, including some Muslims, have similarly been targeted as "extremists." According to credible NGO accounts, Russia currently imprisons over 130 people for their peaceful religious practice.

Russia is responsible for abuses in occupied Crimea. Russian occupation authorities continue to arrest, prosecute, imprison, and, in some cases, torture Crimean Tatar Muslims in retaliation for their opposition to the occupation and for peacefully practicing their religion. We call for these abuses to end and for the 2016 ban on the Mejlis of the Crimean Tatar People to be lifted. In eastern Ukraine, Russian-led forces are responsible for abuses in the areas they control. This spring, authorities of the self-proclaimed Lugansk People's Republic issued a regulation requiring numerous religious groups to re-register places of worship wherein at least 30 people meet. The regulation also prohibits meeting for religious purposes in unofficial buildings like homes or storefronts. Baptists, Pentecostals, Charismatics, Seventh Day Adventists, and Jehovah's Witnesses are among the affected groups.

The United States government has designated **Tajikistan** as a Country of Particular Concern since 2016 for having engaged in systematic, ongoing, and egregious violations of religious freedom. Tajik law prohibits children under 18 from participating in "public religious activities," including attending public worship services, and restricts Muslim prayer to mosques, homes, cemeteries, and shrines. Jehovah's Witnesses have been banned in the country since 2007 and designated as a so-called "extremist" group.

The United States government also has designated **Turkmenistan** as a Country of Particular Concern since 2014 for engaging in particularly severe violations of religious freedom. This year, the government resumed jailing conscientious objectors to military service. So far, all have been Jehovah's Witnesses, including Arslan Begenchov, Kerven Kakabayev, Ikhlosbek Rozmetov, Veniamin Genjiyev, and Maksat Jumadurdiyev.

In **Kazakhstan**, which takes pride in local traditions of ethnic tolerance and religious diversity, the government nonetheless continues to deny registration applications from so-called "non-traditional" religious groups, censor religious materials, and prosecute individuals for "illegal missionary activities." In March, authorities raided the New Life Protestant Church in Kyzylorda, and its pastor, Serik Bisembayev, was put under investigation for "inciting discord." We welcome the Kazakh court's decision to dismiss this charge and several recent decisions by Kazakhstan's Supreme Court dismissing charges against the Jehovah's Witnesses. We encourage Kazakhstan to utilize ODIHR's expertise in its consideration of draft amendments to its religion law that could impose more restrictions. We call on the government to release all those imprisoned for their faith.

**Azerbaijan** says many of the right things about religious tolerance, but according to credible reports, the government continues to deny or delay registration to minority groups it considers "non-traditional." Authorities disrupt their religious services and fine participants. The government has shut down mosques operating without registration and has imprisoned dozens of individuals associated with politically active Muslim groups.

The United States calls for the immediate release by the Government of **Turkey** of Pastor Andrew Brunson, who has been under house arrest since July following his prolonged and unjust detention on baseless terrorism charges. We are deeply disturbed by the portion of the indictment filed against Pastor Brunson that accuses him of acting to undermine the Turkish state by sharing his faith with citizens of Turkey, including distributing the Bible. Such a claim is a challenge to the rights of members of any religious minorities to discuss or teach their faith and is out of step with Turkey's historic commitment to religious freedom. We positively note comments in June by then-Prime Minister Yildirim indicating the Turkish government's intention to allow the registration of Alevi houses of worship.

In the OSCE region, we are also concerned about government interference in the ability of individuals to freely express themselves through religious attire and symbols, including in **France, Belgium, Austria, the Netherlands, and Denmark**. We stand behind the right of all persons to practice or manifest their beliefs, through wearing – or not wearing – religious attire and symbols. Similarly, we encourage governments to eliminate impediments for members of religious communities to gather for worship and construct places of worship. Such impediments have at times appeared to target members of minority faiths, as in the case of the ban on mosque minarets in **Switzerland**.

Finally, the United States is concerned about the prohibition of Muslim and Jewish religious slaughter of animals, commonly known as halal and kosher. These prohibitions contravene respect freedom of religion or belief. **Denmark, Iceland, Norway, Slovenia, and Sweden** unduly ban this exercise of religious freedom. **Liechtenstein and Switzerland** prohibit it except for poultry. Two of **Belgium's** three regions have enacted laws prohibiting halal and kosher slaughter that will become effective next year unless litigation pending before the constitutional court prevails. **Finland** is updating its Animal Welfare Act to limit religious exceptions, which, if passed, will enter into force in 2020. We commend **Cyprus, France, Germany, Luxembourg, and Poland** for enacting religious exemptions to general requirements on animal slaughter.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 8: Tolerance and Non-Discrimination I (continued), Including: Rights of Persons Belonging to National Minorities, and Preventing Aggressive Nationalism, Racism and Chauvinism**

As prepared for delivery by Harry Kamian,  
Chargé d'Affaires of the U.S. Mission to the OSCE  
Warsaw, September 14, 2018

Let me begin by expressing my delegation's appreciation to High Commissioner on National Minorities Zannier and his office and note we look forward to his visit to the United States next month. The HCNM has a well-earned reputation for independence, objectivity, and practical approaches to problem-solving.

The OSCE region continues to witness serious violations of OSCE commitments regarding the rights of persons belonging to national minorities. The bloody conflicts in the Western Balkans in the 1990s are behind us, but countries in the region continue to face a number of challenges. In **Bosnia and Herzegovina**, not all individuals enjoy equal political rights. There is pervasive discrimination against those who are not ethnic Bosniaks, Serbs, or Croats; against those who belong to those three ethnicities; against those who are a minority within their region; against those who proclaim their mixed heritage; and against those who feel their ethnicity should be irrelevant or simply a personal matter. The ability to self-identify should include the ability to keep that identification private.

Within the Bosnian entity of Republika Srpska, under the leadership of Milorad Dodik, official policies and rhetoric have sanctioned intimidation of and discrimination against non-Serb returnees, including in employment.

Within the Federation of Bosnia and Herzegovina, we have the absurdity of "two schools under one roof," one for Bosniaks and the other for Croats. Institutionalizing the separation of communities is the wrong way to heal the divides caused by war. Some argue this system protects communities, but it doesn't. It segregates them and reinforces ignorance of the other. The plan announced by the government of the Republika Srpska to adopt Serbia's curriculum fails to consider the needs and sensitivities of non-Serb students and appears designed to further sway Serb citizens of Bosnia and Herzegovina to associate themselves more with Serbia than Bosnia.

Serbs in **Croatia** continue to face intimidation and historic revisionism from certain elements in society, elements that some officials and segments of society fail to sufficiently condemn and correct.

Minority communities in **Kosovo** still face varying levels of discrimination, both institutional and societal, in employment, access to legal and social services, and regarding their freedom of movement.

Survivors of conflict are traumatized anew when they hear denials of past wrongs, including the denial of the July 1995 Srebrenica genocide, or when they see support, sometimes high-level, in **Serbia** and **Croatia** for those convicted of war crimes, crimes against humanity, and genocide. We join all those, including in Serbia, who condemned the tweet by the Deputy Speaker of Serbian Parliament, Vjerica Radeta, mocking the recent death of Hatidza Mehmetovic, a leader of the Mothers of Srebrenica. Mrs. Mehmetovic lost her husband, two sons, and a brother in the genocide. And we condemn expressions of adoration by some leading Croatian politicians for music with hate-filled lyrics.

The United States condemns the **Russian Federation's** aggression in **Ukraine** and **Georgia**. Its occupation of parts of their territory are egregious examples of aggressive nationalism. Russia seized Crimea by force, and as it seeks to “russify” the peninsula, occupation authorities continue to discriminate against and target for reprisal the two largest non-Russian minorities – Crimean Tatars and ethnic Ukrainians. Russian occupation authorities have banned most Ukrainian and Crimean Tatar-language media, replacing the content with Russian programming, and commit gross and widespread harassment of organizations representing minority communities. Ukrainians and Crimean Tatars can no longer gather to celebrate their national holidays and mark historic dates, school instruction in their languages has decreased dramatically, and their leaders have been subjected to arbitrary arrest, interrogation, politically motivated prosecution, and imprisonment.

Russia fomented the conflict in eastern Ukraine on the false pretext of protecting Russian speakers. As the direct result of Russian aggression, the population has undergone terrible suffering: nearly two million people have been displaced and more than 10,000 killed. In Russia-controlled territory, civilians considered to have pro-Ukrainian sympathies have been imprisoned, tortured, and subjected to extrajudicial killings.

In Russia-occupied regions of Georgia's South Ossetia and Abkhazia, ethnic Georgians and others face restrictions on their fundamental freedoms, including freedom of movement. De facto authorities and Russian forces detain those attempting to cross the Administrative Boundary Lines. In February, one such Georgian citizen, Archil Tatunashvili, died following his arrest and detention in South Ossetia. We continue to call for a full, transparent investigation of this incident.

Although Russia has been a constructive participant in negotiations about the separatist Transnistrian region of **Moldova**, it has not lived up to its commitment to remove its forces from Moldova, consistent with its 1999 Istanbul OSCE Summit commitments.

**Kyrgyzstan** uses security concerns to justify overly broad “extremism” restrictions on the ethnic Uzbek population. This is part of a wider policy of discrimination hindering ethnic Uzbeks' access to education and to media in their native tongue.



Persons belonging to national minorities are not only vulnerable to the violations of their rights at home but also to malign manipulation from abroad. The Russian Federation is a particular concern in this, and we see it as a problem among some Western Balkans and Central European countries as well, including a few that belong to the **European Union**. As the High Commissioner has reminded us, majorities in one country can have affinities for kin who are minorities in other countries. But reasonable care must be taken to ensure that all Helsinki Final Act principles are respected. We can and should express our legitimate concern for the rights of persons belonging to national minorities in other countries, including those with whom we have affinities, but without ethnic double standards, inflammatory rhetoric, or destabilizing intent.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 9: Tolerance and non-discrimination II Including Roma and Sinti issues**

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 14, 2018

I’d like to begin by welcoming Dan Doghi to his first HDIM in his role as Senior Advisor. We are glad to see you back in the OSCE.

It has been 15 years since the adoption of the Action Plan on Roma and Sinti. As a guide for the participating States, the OSCE institutions, and field missions, the Action Plan remains an important tool in our common effort to improve the situation of Roma. We are grateful to the **Romanian** government for the role it played in shepherding the drafting of the Action Plan.

There has been a great deal of progress since the OSCE first recognized, in the 1990 Copenhagen Document, the particular human rights problems Roma face. Yet, there is much more to do [as the most recent ODIHR report on the implementation of the Action Plan makes clear – *placeholder pending the release of the report by September 14*].

The United States is concerned by a spike in attacks on Romani communities in **Ukraine**, including the murder of David Popp in the Lviv region in June. Ukraine should work to ensure that the perpetrators of these attacks are brought to justice and that individuals or groups implicated in such violence are barred from receiving state funding. We also urge Ukraine to include Roma in policy-making processes such as the possible update to Ukraine’s 2013 strategy for inclusion, which runs through 2020.

The United States is troubled by an escalation in the calculated use of anti-Roma rhetoric for political purposes. It is an abhorrent tactic. As we have noted in other sessions at this meeting, we strongly support the work of ODIHR in forging diverse coalitions across generations and the region to combat hate crimes and counter intolerance of all kinds.

In 2000, the High Commissioner on National Minorities issued a seminal report examining the situation of Roma. I would like to revisit one recommendation in particular: the need to improve data collection to facilitate the work of policymakers. As the High Commissioner noted, this issue is fraught with ethical and legal challenges. The collection of ethnic data, for the census or other purposes, must be on a voluntary basis and respect individuals’ self-identification (consistent with Copenhagen Document para. 32).

National censuses are well-known as an aid in ensuring the principle of one-person, one-vote. Disaggregated data also are critical for identifying and addressing disparities in education, employment, health, and housing. The **United Kingdom's** "Race Disparity Audit" is a useful tool to identify and develop effective strategies to reduce inequities.

Ultimately, it is up to participating States to act: to adopt, implement, and enforce comprehensive antidiscrimination laws; to investigate and prosecute hate-motivated violence; and to build a climate of tolerance. In these efforts, the OSCE can be a helpful partner.

Finally, I would like to note that next August will mark the 75<sup>th</sup> anniversary of the Nazis' destruction of the so-called "Gypsy Family Camp" at Auschwitz, when the remaining 2,898 men, women and children imprisoned there were murdered. As we prepare for the anniversary, the United States underscores the importance of engaging closely with Romani youth groups throughout the OSCE region who will be involved in the commemoration.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 10:

#### Fundamental freedoms I (continued),

Including freedom of expression, freedom of peaceful assembly and association, national human rights institutions and the role of civil society in the protection of human rights, and freedom of movement

As prepared for delivery by Harry Kamian,  
Chargé d'Affaires of the U.S. Mission to the OSCE  
Warsaw, September 17, 2018

States have the obligation to respect an individual's exercise of human rights and fundamental freedoms as set forth in international law. In practice, the rights of expression and movement are closely interrelated. States that unduly restrict one tend to unduly limit the other, often denying freedom of movement in reprisal for peaceful dissent. OSCE states committed themselves in the Vienna Concluding Document to: "respectfully the right of everyone to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country." Some OSCE states restrict both internal and external travel for human rights advocates, independent journalists, and members of the political opposition. Some governments have denied civil society activists the right to leave their own countries specifically to prevent them from participating in international fora like this Human Dimension Implementation Meeting in Warsaw.

**Azerbaijan** has imposed travel bans and other restrictions on independent journalists, such as Khadija Ismayilova and Aytan Farhadova; opposition leaders, such as Popular Front Party chairman Ali Kerimli (banned from travelling abroad since 2006) and Republican Alternative Party chairman co-founder Ilgar Mammadov; and human rights lawyers, such as Intigam Aliyev and Asabali Mustafayev. Some of those now banned from travel had been previously imprisoned for exercising freedom of expression.

In some countries, relatives of imprisoned or exiled critics of the government discover at the airport that they cannot leave their own country. The mother, brother, and ten-year-old daughter of **Tajik** activist Shabnam Khudoydodova were pulled off the plane when they attempted to travel abroad to see her in exile. After several days of international and domestic expressions of concern, including an online petition that garnered some 140,000 signatures, the family members were allowed to leave. Tajik authorities also initially prevented the four-year-old grandson of exiled political opposition leader Muhiddin Kabiri from leaving the country for emergency cancer treatment. **Turkmenistan** appears to maintain a "black list" of individuals not allowed to leave the country. Movement for residents inside Turkmenistan continues to be

restricted by use of a “propiska” or pass system requiring government permission to establish a new residency. We welcome **Uzbekistan**’s recent abolition of such a system.

The United States fully supports the unity and territorial integrity of **Ukraine and Georgia**. It is the **Russian Federation**, not the government of Ukraine or Georgia, that denies Ukrainian and Georgian citizens the right to move freely within the internationally recognized borders of their own states. In the Russian-occupied Georgian regions of Abkhazia and South Ossetia, the United States remains deeply concerned about actions that restrict civilians’ freedom of movement and damage the livelihoods of local residents, including through the closure of crossing points and the placement of physical barriers and demarcation signs along the Administrative Boundary Lines, in violation of Russia’s obligations and in contraventions of its commitments.

In parts of Ukraine under the control of Russia-led forces, civilians seeking to gain access to government-controlled territory must cross the line of contact, which is only allowed at certain checkpoints and often includes long, dangerous delays. As we noted last year, many crossing points have been closed, further preventing residents from moving freely for work, education, commerce, to visit relatives, or obtain critical medical and government services. Russian occupation authorities in Crimea continue to prohibit Crimean Tatar leaders like Mustafa Jemilev and Refat Chubarov from visiting the peninsula, thus denying them their right as Ukrainian citizens to move freely within their own country. Since 2014, Russia has required all residents of Crimea to be Russian citizens. Those who refuse could be subjected to arbitrary expulsion. Russian occupation authorities have deported multiple Ukrainian citizens for violating Russian immigration rules, including for not possessing a Russian passport. Those without Russian citizenship are treated as foreigners and are subjected to discrimination in health care, employment, education, and access to other services. Those who express opposition to the occupation are subjected to raids, baseless prosecution, and other forms of harassment and violence.

Finally, some participating States seek to silence human rights activists and critics of the government through laws supposedly aimed at protecting the countries’ international reputations or punishing the “spread of false information.” In **Turkey**, for example, hundreds of individuals, including journalists, civil society activists, and students were indicted in 2017 for insulting the president, prime minister, or state institutions. In **Kazakhstan**, human rights activist Yelena Semyonova came under investigation after she testified before the European Parliament in July about conditions in Kazakhstan’s prison system. Separately, journalists from independent news websites Ratel.kz and Forbes.kz face criminal libel charges in Almaty for reporting on the business dealings of a former minister. Due to this case, Ratel.kz remains banned from publishing online.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 11:

#### Fundamental freedoms I (continued),

Including freedom of peaceful assembly and association, national human rights institutions and the role of civil society in the protection of human rights

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 17, 2018

The Helsinki Final Act recognizes the right of the individual to act alone or in community with others. In Copenhagen in 1990, the participating States reaffirmed their commitment “to ensure effectively the rights of the individual ... to contribute actively, individually or in association with others” to the promotion and protection of human rights and fundamental freedoms, including peaceful assembly and association.

While participating States recognize the right to freedom of assembly, some impose such onerous conditions that the right can hardly be said to exist at all.

Since the last HDIM, **Russian** authorities have continued to restrict demonstrations opposing government policies. We were troubled by the mass arrests of thousands of demonstrators across Russia protesting President Putin’s inauguration on May 5. Police failed to intervene when pro-government vigilantes physically attacked demonstrators.

In **Belarus**, authorities employ a variety of means to discourage demonstrations, disperse them, minimize their effect, and punish participants. On July 16, for example, LGBTI activist Viktoria Biran was photographed alone in front of the Ministry of Interior holding a sign protesting a Ministry of Interior statement. After posting the images online, Biran was charged with violating “the procedure for the organization and holding of *mass events*.” Belarus also continues to use a system of “catch and release” – cyclical arrest, detention, and release of activists without trial and conviction – to prevent or punish independent organizing.

Since the 2016 coup attempt, **Turkey** has maintained a blanket ban on demonstrations and shuttered more than 1,500 foundations and associations. Following the formal end of Turkey’s State of Emergency in July, the parliament has codified in law certain government powers previously authorized under the State of Emergency for a period of three more years. These powers include serious restrictions on the exercise of freedom of assembly and association.

Within a number of OSCE states, the operating environment for civil society organizations remains restrictive and in some cases has deteriorated since last year’s HDIM.

Governments use restrictive laws to designate organizations as “extremist” or “terrorist” for politically motivated reasons. For example, after **Kazakhstan** designated the political opposition group “Democratic Choice of Kazakhstan” as a so-called “extremist” organization, association with or dissemination of its information was criminalized. Authorities continue to routinely refuse civil society requests to hold protests. Maks Bokayev, sentenced in November 2016 for holding an unauthorized rally and for participating in peaceful protests, remains in prison. Independent labor unions cannot organize under current Kazakhstani law, which effectively blocks freedom of association by their members.

**Tajikistan** designated the peaceful Group 24 opposition movement and the Islamic Renaissance Party of Tajikistan (IRPT), once a leading opposition group in the country, as terrorist organizations in 2013 and 2015 respectively. Since their designation, a number of individuals in Tajikistan have been fined or imprisoned for “supporting” the IRPT, which includes interacting with IRPT’s social media content. Alijon Sharipov was sentenced in May to nine and a half years in prison in Tajikistan for having watched videos posted by the IRPT while he was working as a migrant laborer in Russia. These excessive restrictions on civil society can create public disillusionment, limit necessary civic debate, feed radicalization to violence, and ultimately leads to greater instability.

In recent years, **Belarus, Russia, and Azerbaijan** all have adopted restrictive laws that shrink the operating space for civil society. Laws putatively aimed at improved transparency regarding the sources of NGO funding are in fact intended to stigmatize civil society organizations, especially those that promote human rights, fight corruption, or have the capacity to challenge laws or policies of the government.

Since the last HDIM, the **Russian** government has continued using its law on “foreign agents” to justify a constant stream of raids, fines, harassment, and legal proceedings that obstruct the work of non-governmental organizations. Russia also has expanded the law’s reach to include media outlets, designating as “foreign agents” nine outlets affiliated with Voice of America and Radio Free Europe/Radio Liberty. Russia’s list of banned “undesirable foreign organizations” has continued to grow and now contains 14 well-regarded international organizations promoting rule of law and democracy.

As we often hear gross mischaracterizations in this forum of the United States’ own Foreign Agents Registration Act (FARA), I would again like to make a few points: First, FARA does not compel individuals or entities that receive funding from international sources to register as “foreign agents” unless they act on behalf of or at the direction of a foreign principal. The receipt of funding alone does not create an agency relationship. Second, I would note that unlike the situation in Russia for RFE/RL and VOA, which have been blocked from broadcasting for years, the Russian news outlets RT and Sputnik continue to broadcast freely on U.S. television and radio, even after registering as “foreign agents” in the United States.

We again voice our deep concern about politically motivated prosecutions and multiple violent attacks on activists affiliated with the respected human rights NGO Memorial. We repeat our call for the release of Memorial’s imprisoned Chechnya office head Oyub Tityev. We also

call for an end to the prosecution of Yuriy Dmitriev, the head of Memorial's Karelia office and a renowned historian of the Soviet gulag. In April, we joined the European Union in welcoming the court decision to acquit Dmitriev on spurious child pornography charges after a year of unjustifiable pre-trial detention, but in June we were shocked to see his re-arrest and the announcement of new charges against him. We urge Russian authorities to conduct prompt, thorough, and impartial investigations into the January 2018 attacks on Memorial's office in Ingushetia and into the threats made on the lives of Memorial employees and the arson attack on a vehicle belonging to its Dagestan office.

Last year, **Hungary** adopted a law requiring NGOs that receive foreign funding to register and to publish their "foreign-funded" status or face fines and closure. More recently, Hungary adopted a law imposing additional restrictions on NGOs that focus on migration issues, including criminalizing legitimate aspects of their work. Separately, Hungary introduced a 25 percent tax on financial support that NGOs earmark for or spend on immigration. . Measures to unduly impede members of civil society organizations are inconsistent with OSCE commitments.

We are encouraged by **Uzbekistan's** efforts following its May 4 presidential decree to "Enhance the Role of Civil Society Institutions" as part of the country's reform process. Steps taken thus far to implement the decree suggest that Uzbekistan is serious about improving the regulatory environment for NGOs. However, there are reports that implementation of the decree is uneven across the country. In some instances, local authorities discouraged organizations from registering. It is important that laws requiring NGOs to seek permission to conduct activities or hold events are not so onerous as to unduly impede freedom of peaceful assembly and association. As it deepens its reforms, we urge Uzbekistan to seek international expertise on legislation that could affect NGO operations to ensure it is in keeping with international law, OSCE commitments, and best practices.

Finally, I regret that we continue to see politically motivated efforts by some participating States to limit the activities of civil society organizations at OSCE. The United States opposes any attempts to reduce or unduly restrict civil society's access to and participation in OSCE proceedings, and we will continue to champion the courageous efforts of civil society activists across the region.

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## **United States Mission to the OSCE**

### **OSCE Human Dimension Implementation Meeting**

#### **Working Session 12: Rights of migrants**

As prepared for delivery by Harry Kamian,  
Chargé d'Affaires of the U.S. Mission to the OSCE  
Warsaw, September 18, 2018

We appreciate Italy's efforts as the Chair-in-Office to use the OSCE as a platform for discussing immigration challenges and, where possible, to seek out ways in which participating States can assist each other.

The United States recognizes the need to protect the dignity of all persons, including through conventions that address specific challenges associated with, among other subjects, slavery, human trafficking, and refugees. Non-citizens within the territory of the United States, regardless of their immigration status, enjoy substantial protections under our Constitution and domestic laws.

The United States supports international cooperation on immigration issues, but emphasizes that it is primarily the responsibility of sovereign states to ensure that their immigration is well-managed and consistent with their state's laws and policies. When faced with the challenge of mixed flows, states must prioritize their national security and public safety while also accounting for legitimate individual protection needs. Such efforts should include, as central tenets, respect for international obligations, including with regard to the principle of non-refoulement, and the human rights of all persons.

Finally, the United States reiterates its position that UNHCR, IOM, ICRC, and other relevant international organizations and civil society groups must play the principal roles supporting the efforts of sovereign states to address their immigration issues. The OSCE can continue to play a helpful, complementary role by discussing trends that affect countries and by empowering OSCE field missions to play a supporting role in their host countries.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 13: Rights of migrants II**

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 18, 2018

The United States welcomes these sessions that promote respect for human rights. We note with concern that immigrants continue to undertake perilous journeys from North Africa to Europe and that the percentage of dead or missing from among those who undertake such journeys is increasing.

We support coordinated efforts to address immigration challenges through the development of comprehensive solutions that account for the security needs of all countries and ensure respect for the human rights of all persons.

While it is primarily the responsibility of sovereign states to ensure that immigration is well-managed and consistent with each state’s laws and policies, coordinated regional responses can help address some of the challenges these countries face.

All states should work to strengthen their border security capabilities and enforcement activities, to support the humane return of foreign nationals who are ineligible to remain in host countries and can safely return to their places of origin, to provide relevant protections to those fleeing persecution and torture, and to work together to seek political solutions to conflicts around the world that cause displacement.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 14:

**Humanitarian issues and other commitments,**  
including: combating trafficking in human beings, refugees and  
displaced persons, persons at risk of displacement

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 19, 2018

The United States welcomes partnership with other participating States, non-governmental organizations, civil society, trade unions, and the business community in the effort to prosecute human traffickers, protect victims, and prevent human trafficking. Working together, we can make the OSCE region inhospitable to human traffickers, even as we face increased challenges in protecting vulnerable populations.

The United States warmly welcomes two OSCE Ministerial Decisions in 2017 to combat human trafficking in the OSCE region and beyond. Decision 7/17, sponsored by the United States, **Belarus**, and **Italy**, calls on participating States to prosecute those who misuse the Internet to facilitate access to children for sexual exploitation. This April, the President signed new legislation (“**Allow States and Victims to Fight Online Sex Trafficking Act**” [FOSTA]) that gives states and the federal government additional tools to take legal action against individuals or businesses that operate websites and technology platforms that advertise and facilitate prostitution, often involving victims of sex trafficking. The new law also makes it easier for survivors of sex trafficking to target websites with a federal civil action for enabling such crimes. The United States government also seized backpage.com, a classified advertising website operating across the OSCE region that allowed traffickers to post sex trafficking victims for sale.

The United States strongly encourages other participating States to take action to deprive human traffickers of a market for selling their victims. We commend **France** for taking judicial action in June against Vivastreet.com, the second largest website in France for classified ads, including for commercial sex.

Unfortunately, we recognize that the United States is a main country of origin for sex tourists, a reputation we are working hard to lose. We are leading an international cooperative alert system called “Angel Watch.” “Angel Watch” has warned over 100 governments about more than 4,000 sex offenders who had previous offenses against children and who were seeking entry into other countries. For instance, in February, an individual convicted in 2011 for sexual exploitation of a child and child pornography attempted to travel from the United States to another participating State. The United States sent advance notification to that State, which then conducted a border inspection of the suspected perpetrator and found child pornography on the perpetrator’s electronic devices. The suspected perpetrator, who was traveling to work as a cheerleading and

gymnastics instructor for children abroad, was arrested upon arrival and deported to the United States. Alerts on traveling sex offenders lift the secrecy and anonymity that allows exploitation of children. We urge all states to participate by creating their own registries and sending, receiving, and acting on alerts. We also urge all states to prosecute their own citizens when there is credible evidence that they have travelled abroad for child sex tourism.

In addition to protecting victims, an effective criminal justice response brings traffickers to justice both to punish them for their crimes and to deter others. Yet, in many countries, governments struggle to hold perpetrators of human trafficking criminally accountable and, even when convictions are obtained, they sometimes impose suspended sentences, fines, or administrative penalties in place of prison sentences. A strong anti-trafficking response should recognize the serious nature of trafficking in persons and impose punishments commensurate with those prescribed for other serious crimes in a given country, such as rape and kidnapping. The United States commends **Germany**'s federal and state-level police collaboration with EUROPOL, **Romania**, and **Bulgaria** on investigations of trafficking cases. The United States also commends **Cyprus** for increasing its convictions of traffickers and **Serbia** for consolidating jurisdiction over trafficking investigations. We strongly encourage **Ireland**, **Armenia**, and **Mongolia** to give priority to increasing prosecution efforts; in **Mongolia**, we urge the authorities to do this by ensuring that cases previously thrown out following passage of the new criminal code are reassessed for applicability under amended provisions and reopened accordingly.

The United States commends **Italy** for its efforts to address trafficking of migrants and refugees. In 2017, Italy increased investigations of and indictments for trafficking and related crimes, pursued trafficking rings, enhanced cooperation with 22 source countries in Africa, and doubled funds for assistance to victims. Italy also improved screening of youth claiming to be over 18, and sending youth instead to children's shelters where it is more difficult for traffickers to exploit them. **Greece** tripled its trafficking convictions in 2017. **Spain** increased its already strong international collaboration to bring down two major trafficking rings, one of which had trafficked more than 7,000 individuals. The efforts of Italy, Greece, and Spain, which are first entry points for migrants and refugees, are critical to preventing trafficking across the region.

Accountability for government officials' involvement in human trafficking is particularly important. To this end, authorities in the United States charged a municipal corrections officer, a municipal law enforcement officer, and a U.S. Navy seaman with sex trafficking. The United States commends **Moldova** for its progress in investigating and prosecuting complicit officials. The United States also commends **Uzbekistan** for its efforts to eliminate systemic forced child labor and reduce the use of forced adult labor during the annual cotton harvest, and encourages it to increase efforts toward ending forced adult labor in other sectors. We urge the **Kyrgyz Republic** and **Tajikistan** to continue investigating and prosecuting government officials complicit in trafficking and to combat the endemic corruption that enables many to do so with impunity.

The United States continues to be concerned about **North Korea**'s trafficking of its own citizens in OSCE participating States for the purpose of funding its nuclear ambitions. North Korean nationals working abroad often have 70 to 90 percent of their wages diverted to their government. Use of North Koreans as laborers in supply chains could trigger U.S. sanctions, and law enforcement actions. The UN Security Council resolution 2397 (2017) prohibits issuance of

work authorizations for these North Korean nationals and requires countries to expel virtually all North Korean laborers earning income abroad by December 2019. UNSCR 2397 exempts from repatriation North Korean defectors, refugees, asylum seekers, and trafficking victims who may face persecution and torture when repatriated by the North Korean regime. The United States issued an advisory on July 23 to highlight tactics North Korea uses to evade these sanctions. The advisory alerts businesses to sanctions compliance risks under U.S. and/or United Nations sanctions authorities. We highlight the relevance of the advisory to **Russia**, which historically has issued work permits to high numbers of North Korean workers, and continued doing so as recently as August, as well as **Belarus, Kyrgyz Republic, and Poland**, which are noted in the advisory as hosting North Korean workers in 2017-2018.

Consistent with OSCE Ministerial Decision 6/17 on States taking a victim-centered, trauma-informed approach, the United States commends **Estonia** and **Bulgaria** for significant progress in 2017 to provide assistance to trafficking victims. **Georgia** empowered victims with a national referral mechanism that provided victims with different paths to receive official victim status. We commend **Kazakhstan** for directly funding NGO-operated shelters for trafficking victims, and encourage continued progress in this area so foreign victims can also access services at these shelters. We also encourage **Mongolia** not to make victims wait for care and shelter until prosecutors initiate a case against the alleged traffickers, and to cease criminalization of child victims of commercial sexual exploitation arrested during anti-prostitution raids. We encourage **Hungary** to adopt and implement a non-punishment provision to ensure trafficking victims are not inappropriately criminalized for unlawful acts committed as a direct result of being subjected to trafficking and to fund services for trafficking victims without legal residence.

Those who face economic marginalization are highly vulnerable to trafficking. We welcome **Switzerland's** programs to fund NGOs in Bulgaria and Romania that provide victim assistance. We commend **Montenegro's** coordination with the Roma Council and NGOs to organize awareness campaigns for the Romani community on trafficking issues. **Macedonia's** seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors also are important, as is **Croatia's** awareness-building campaign for Roma. We urge **Bosnia and Herzegovina** not to excuse forced labor, forced marriage, or begging by children as "traditional practices" when the victims are Romani children.

The U.S. Agency for International Development continues its Migrant and Refugee Human Rights Protection Project in **Macedonia** to strengthen the capacity of frontline employees to assist migrants and refugees. The program also organizes cross-border meetings with civil society organizations from **Macedonia, Serbia, and Greece** to foster effective coordination in providing assistance. The project has trained 228 representatives of government institutions and civil society organizations providing assistance to particular categories of migrants and refugees that are most vulnerable to trafficking.

As the number of vulnerable people in our region grows, so, too, must our individual and collective efforts to fight human trafficking. The two OSCE Ministerial Decisions have provided the strategy and proven best practices to stay ahead of the traffickers and to effectively identify and provide assistance to victims of human trafficking. We look forward to the discussion of how each participating State can do more toward attaining our goals of a trafficking-free OSCE region.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Working Session 15:

#### **Tolerance and non-discrimination II,**

including: Equal opportunity for women and men in all spheres of life, including through implementation of the OSCE Action Plan for Promotion of Gender Equality

As prepared for delivery by Harry Kamian,  
Chargé d'Affaires of the U.S. Mission to the OSCE  
Warsaw, September 19, 2018

When women do better, countries do better. Yet in every country women and girls face particular challenges that hold them back from full, meaningful participation in all parts of society. Advancing gender equality and the empowerment of women and girls is not only just, it is essential to global peace, prosperity, and security. The United States is committed to this worldwide effort.

That is why President Trump signed into law the Women, Peace, and Security Act last October. The new law affirms the United States' commitment to expanding women's leadership role on the issues of international peace and security, especially efforts to prevent conflict and atrocities, promote peace and counterterrorism, and counter violent extremism.

No country can afford to have women kept from advancing in the workplace because of sex discrimination and harassment, discriminatory laws, regulations, and business conditions, or lack of access to property rights, finance, training, technology, markets, mentors, and networks. We note in this context that **Kazakhstan, Tajikistan, Turkmenistan, Armenia, and Belarus** still lack specific laws against sexual harassment, including in the workplace.

Reports show that, if the world were to close the gender gap in workforce participation, global GDP would increase \$28 trillion by the year 2025. That is precisely why President Trump galvanized the creation of the Women's Entrepreneurship Finance Initiative through a U.S. contribution of \$50 million at the G20 Leaders Summit last summer. With contributions from international partners, the initiative has leveraged more than \$340 million to help advance women's entrepreneurship around the globe.

Empowered women and girls also can be important agents in changing the attitudes that underlie sexual violence. Too many women exit the office only to be harassed on the street or abused at home.

We welcome a new law in **France** that allows for on-the-spot fines for harassment of women on the street or on public transportation and outlaws taking photos under a person's clothes without their consent.

In my country, we're still working hard on the problem of gender-based violence. Over the last year we have heard from many brave women who came forward to hold accountable the men who had abused their professional power and sexually harassed or even assaulted women in the workplace. Many of those men are now facing criminal allegations. Others were fired by their companies for unprofessional behavior.

We have seen first-hand that progress is possible when government, service providers, and civil society work together. That's why the United States also has a comprehensive global strategy that focuses on both prevention and response. U.S. assistance supports local efforts to provide social services for survivors and witnesses. They aim to improve the justice sector's response. And they foster the policy and legislative development essential to expanding the legal remedies, protections, and coordination needed for preventing, investigating, and prosecuting gender-based violence.

We urge participating States to consider how laws that allow men to buy women's bodies for sexual services undermine gender equality. Prostitution is a highly gendered phenomenon. The vast majority of purchasers are men, and the vast majority of the purchased are women and girls. Prostituted women are all too often from minority groups suffering from lack of access to economic and educational opportunity. 80 to 95 percent of prostituted women and girls report that they have suffered some form of sexual violence before entering prostitution. Sixty-two percent of prostituted women report having been raped while working as prostitutes, and 68 percent suffer from post-traumatic stress disorder – a percentage similar to that of torture victims. Prostitution perpetuates the attitudes of male dominance and misogyny that drive gender-based violence. Prostitution is a symptom of a society that is failing its women and girls. We commend **France** for changing its law to criminalize the purchase of sex.

The United States urges all participating States to redouble efforts to strengthen and implement all laws aimed at preventing gender-based violence. We welcome **Uzbekistan's** presidential decree of July 2 to prevent violence against women by increasing in the number of shelters and increasing punishment for perpetrators of violence against women. We remain very concerned that protections against domestic violence have been weakened in **Russia**. According to Ministry of Internal Affairs statistics cited by NGOs, approximately 12,000 women die annually from domestic violence in Russia. A majority of domestic violence cases filed with authorities were either dismissed on technical grounds or transferred to a reconciliation process that focused on preserving the family rather than on punishing the perpetrator.

The United States congratulates the Kyrgyzstani authorities for holding accountable those responsible for the death of 20-year-old Burulai Turdaaly Kyzy, who was murdered while in police custody by the man who had attempted to kidnap her. Although "bride kidnapping" is illegal in Kyrgyzstan, the law is not always enforced. We encourage the **Kyrgyz Republic** to implement to the fullest extent possible the laws protecting women from this horrific practice.

Far too many states still deny women the exercise of their human rights, discriminate based on sex, pose obstacles to women's ability to contribute to economic development, or fail to uphold the laws intended to protect them. As a result, communities and entire countries are deprived of



the substantial contributions that women can make. We all need to create safe, healthy, free, and opportunity-rich environments that empower girls to attain their aspirations.

The United States welcomes further discussion on how participating States can reach their full national potential by treating women equally.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 16:**

(specifically selected topic):

#### **Combating racism, xenophobia, intolerance, and discrimination**

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 20, 2018

At home and across the OSCE region and the world, the United States remains committed to working with government at all levels, businesses, faith communities, civil society groups, and international organizations to make clear that there can be no room for hate crimes against anyone, anywhere, for any reason. All states must meet such crimes with a strong law enforcement response.

In the United States, the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 has enabled the U.S. Department of Justice to bring hate crimes charges in close to 200 cases over the past decade. This includes 32 convictions for hate crimes offenses since January 2017 based on bias characteristics of race, religion, national origin, and sexual orientation.

In the past year, the United States has pursued justice for many hate crimes victims. Attorney General Jeff Sessions called the conviction in April of three men who plotted to bomb the mosque and homes of Somali immigrants in Garden City, Kansas, “a significant victory against domestic terrorism and hate crimes.”

In May, a Kansas man was sentenced to life in prison for shooting two Indian nationals and a third person who tried to intervene, killing one of the victims. As the U.S. Attorney’s office said at the time, “hate crimes are acts of evil, and the Department of Justice has prioritized their zealous prosecution.”

Last year, our nation was shocked when a neo-Nazi sympathizer drove his car into a crowd of protestors in Charlottesville, Virginia, resulting in the tragic death of activist Heather Heyer. We share the grief of those who mourned her death this year on the anniversary of her murder. On June 27, the perpetrator was charged with “a hate crime act, and racially motivated violent interference with a federally protected activity.” As Attorney General Sessions said, the indictment should send “a clear message to every would-be criminal in America that we aggressively prosecute violent crimes of hate that threaten the core principles of our nation.”

U.S. federal authorities continue to work closely with civil society and state and local law enforcement across the country to provide training, outreach, and other initiatives to equip

communities with tools to address hate crimes. This includes helping these organizations understand what constitutes a hate crime so that they can be investigated and prosecuted.

In the words of Attorney General Sessions, “No person should have to fear being violently attacked because of who they are, what they believe, or how they worship. The Department of Justice will continue to protect the civil rights of all Americans — and we will not tolerate the targeting of any community in our country. [...] Hate crimes are not only violent attacks on our fellow citizens, they are an attack on our country’s most fundamental principles. We have a duty to make sure that all Americans can live their lives without fear.”

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Working Session 17:**

(specifically selected topic):

#### **Combating racism, xenophobia, intolerance, and discrimination**

As prepared for delivery by Harry Kamian,  
Chargé d’Affaires of the U.S. Mission to the OSCE  
Warsaw, September 20, 2018

The United States is committed to combatting racism, xenophobia, intolerance, and discrimination at home and abroad. These are challenges that every State faces and that we must work on together to overcome.

As part of that effort, my government remains committed to implementing obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and we encourage other states to do so as well. We believe the CERD provides comprehensive protections and constitutes the primary international framework to address all forms of racial discrimination, including discrimination on the basis of national origin.

The United States remains concerned about speech that advocates national, racial, or religious hatred, particularly when it constitutes incitement to violence, discrimination, or hostility. From our own experience and history, the United States remains convinced that the best antidote to offensive speech is not bans and punishments but a combination of three key elements: the protection of freedom of expression, both on- and off-line, and the vigorous exercise of this freedom to counter hate-speech; robust legal protections against discrimination and hate crimes; and proactive government outreach to racial and religious communities.

According to ODIHR’s Annual Hate Crimes statistics, reports of bigotry and violence are increasing throughout the OSCE region, and racist and xenophobic crimes are at a record high. In its most recent survey on minority populations, the European Union Agency for Fundamental Rights found that in Europe persons of African descent – an estimated 15-20 million people – experience some of the highest rates of violence and discrimination, with close to 25% of those surveyed reporting incidents.

We commend the European Parliament for partnering with civil society and other European Union institutions to hold last May the first-ever People of African Descent Week, in part, to address these problems. We also applaud follow-on initiatives: this week in Warsaw, ODIHR held a civil society training for people of African descent. The Annual Forum of the EU Agency for Fundamental Rights features a session on African descendants, and we look forward in November to its forthcoming report on the issue.

Effective law enforcement is key to ensuring justice for bias-based crimes across the OSCE region. In addition to having the capacity to address crime, law enforcement must have trusting relationships with impacted communities that allow crimes to be reported, investigated, and successfully prosecuted. Weakened relations between law enforcement and the communities impacted by hate crimes impede such efforts. Police misconduct, including race-based and other xenophobic bias, undermines trust.

As U.S. Attorney General Jeff Sessions has said, “Those who enforce our laws must also abide by them—and this Department of Justice will hold accountable anyone who violates the civil rights of our fellow Americans.” Our Justice Department has worked over the past year with attorneys, law enforcement, and communities across the country to pursue more than ten cases involving questions of excessive use of force and other abuses by law enforcement, and to build trust between law enforcement and all communities in our country.

Police misconduct and bias are not challenges unique to the United States, nor are we alone in recognizing the importance of doing the hard work of building trust between law enforcement and minority communities. In July, the Mayor of Nantes in **France** called for an investigation into the death of a youth killed during a traffic stop, an incident that triggered riots. Former Dutch Councilman Mpanzu Bamenga filed a complaint against the Royal **Netherlands** military police after he and other passengers of color were singled out for security checks upon arrival into the country to purportedly, “prevent potential criminals and terrorists from entering the Netherlands.” In **Germany**, convictions were finally obtained this year against members of the National Socialist Underground responsible for more than ten murders and a series of bombings targeting migrants. Although many of the murders took place nearly two decades ago, the investigation and prosecution of these murders were slowed apparently because law enforcement did not initially work with the impacted communities.

We are concerned by a package of draft laws introduced in **Denmark** focused on integrating into Danish society children and families in marginalized communities that the Danish government labels “ghettos.” According to civil society and other reports, the legislative efforts have deepened distrust between government authorities and the residents of the targeted communities, which include Danish citizens and migrants of diverse backgrounds.

We are pleased to see participating States working with ODIHR to strengthen the capacity of governments and law enforcement to combat hate crimes, including by building relationships with communities. The dividends are self-reinforcing. Better relationships improve the reporting of these crimes, which in turn fosters unity between the communities and the authorities. ODIHR’s project on *Building a Comprehensive Criminal Justice Response to Hate Crime* builds collaboration among police, lawyers, prosecutors, judges, civil society, and victims to address hate crimes in **Bulgaria, Greece, Italy and Poland**.

Finally, we cannot emphasize enough the importance of disaggregated data to combatting hate crimes. We strongly support the work of the ODIHR’s Hate Crimes Unit and its efforts to collect such data.

Collecting data about the motivation for a crime does not place the human rights of members of one group above those of another or stigmatize an entire community for the crimes of

a few. But the ability to distinguish whether attacks were motivated by, say, race or sexual orientation or religious bias does help decision-makers formulate effective policies. Without reliable, disaggregated information on the motives of perpetrators and the impacted populations, a State cannot tell whether its efforts are helping, hurting, or having no effect whatsoever. We urge States to disaggregate data by type of crime committed and type of bias involved, and to use common criteria for identifying hate crimes. We also encourage States to work with civil society to develop strategies for addressing the multi-faceted problem of underreporting of hate crimes, including barriers that impede survivors from reporting the crimes committed against them. We look forward to the deployment of ODIHR's hate crimes reporting app.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### **Any Other Business: Turkmenistan – Moscow Mechanism**

As delivered by Michael Murphy,  
Deputy Assistant Secretary of State for European and Eurasian Affairs  
Warsaw, September 21, 2018

For many years, this agenda item has been used to follow up on the use of the Moscow Mechanism. It is up to the participating States to follow up on the concerns that gave rise to its use. It is in this framework that the delegations of Austria, Canada, Denmark, France, Germany, Ireland, Lithuania, the Netherlands, Sweden, Switzerland, the United Kingdom, and the United States would like to raise continuing concerns about human rights in Turkmenistan.

This year marks the fifteenth anniversary of the invocation of the Moscow Mechanism concerning Turkmenistan. We continue to lack adequate information on many individuals who have been arrested by authorities and disappeared in state custody, with no accounting for their fate or whereabouts. NGOs have documented numerous cases of individuals whose fate is still unknown – including former OSCE Ambassador and Foreign Minister Batyr Berdiev and former Foreign Minister Boris Shikmuradov. It is feared that many of those who have disappeared have been subjected to torture and abuse, and possibly death. Their families have no information on their whereabouts or their health, or even whether they are dead or alive.

They have a need to know the fate, health, and whereabouts of their loved ones.

Enforced disappearance is an offense to human dignity that places persons subjected to enforced disappearance outside the protection of the law and inflicts severe suffering on them and their families. It can also lead to violations of Turkmenistan's international obligations including, inter alia, the right to recognition as a person before the law; the rights to life, liberty, and security of the person; and the right not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment. As party to the International Covenant on Civil and Political Rights, as well as the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, Turkmenistan has undertaken to respect and ensure these rights within its territory.

Turkmenistan's new constitution represents progress as it contains an official prohibition of torture and ill-treatment; however, this positive step should be accompanied by effective implementation of all Turkmenistan's Convention Against Torture obligations.

In the OSCE, Turkmenistan has committed itself to "ensure that all individuals in detention or incarceration will be treated with humanity," and to "observe the U. N. Standard Minimum

Rules for the Treatment of Prisoners as well as the U. N. Code of Conduct for Law Enforcement Officials.”

We call on Turkmenistan to:

- Provide information to the families of persons in custody who previously have been reported as having disappeared, including their current place of detention and details of their custodial sentence, if any;
- Facilitate access for international monitors, diplomats of locally resident embassies, and relatives to visit identified persons who remain in detention;
- Facilitate access to medical care and legal counsel of choice for those who remain in detention;
- Cooperate with relevant UN mechanisms and treaty bodies; in particular by responding constructively to the views of the UN Human Rights Committee;
- Grant international monitors access to places of detention;
- Release from custody those individuals whose prison term has ended, or whose health condition would justify an early release for humanitarian reasons.

We highly value dialogue with the government of Turkmenistan, and trust that it will continue to engage with us constructively and in good faith.

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## United States Mission to the OSCE

### OSCE Human Dimension Implementation Meeting

#### Closing Statement

As prepared for delivery by Michael Murphy,  
Deputy Assistant Secretary of State for European and Eurasian Affairs  
Warsaw, September 21, 2018

As we look toward the Milan Ministerial, the United States will focus on defending and advancing Helsinki Final Act Principles and the OSCE's comprehensive approach to security.

The **Russian Federation** has caused large-scale civilian death, displacement, and destruction in eastern Ukraine and relentlessly abuses Crimean Tatars, ethnic Ukrainians, and others who oppose the occupation in Crimea. Nothing Russia or its GONGOs has said at HDIM changes these facts or its culpability. Today is the 131<sup>st</sup> day of Ukrainian filmmaker Oleh Sentsov's hunger strike to seek the release of his compatriots held by Russia. Among them is Volydymyr Balukh, who, according to credible reports, was imprisoned on trumped-up charges just because he flew a Ukrainian flag. We again call on Russia to release all unjustly held Ukrainian prisoners.

The United States joins our European and other partners in reaffirming that our sanctions against Russia will remain in place until Moscow fully implements its Minsk commitments and returns full control of the Crimean peninsula to Ukraine. U.S. support for Ukraine's sovereignty and territorial integrity remains unwavering. Likewise, Abkhazia and South Ossetia remain integral parts of **Georgia** despite Russia's continuing occupation. The United States supports Georgia's sovereignty, independence, and territorial integrity within its internationally recognized borders.

While Russia has been a constructive participant in the 5+2 Transnistria settlement negotiations, it has not lived up to its commitment to remove its forces from **Moldova**, consistent with its 1999 Istanbul OSCE Summit commitments.

The United States is also concerned about Russia's internal repression. Impunity is rampant for threats and violence against human rights defenders, journalists, environmental activists, political rivals, ethnic and religious minorities, and those who do not conform to so-called "traditional values." Russian authorities arrested some 1,000 peaceful demonstrators across Russia on September 9. The use of excessive force against peaceful protestors violates freedoms of expression and peaceful assembly under Russia's Constitution and international law.

Moscow is failing to stop the lethal lawlessness and violation of human rights in the Republic of Chechnya. The United States will confer with the other 14 invoking countries about next steps following our invocation of the OSCE's Vienna Mechanism.

We are troubled by the news yesterday that in the baseless drug possession case against Chechen human rights defender Oyub Titiyev, the judge ruled to close the trial to public observers. The eyes of the international community remain on this case and on the human rights situation in Chechnya. We again call for his release.

The United States is concerned about restrictions on human rights in other participating States as well. We call on **Turkey** to stop using Pastor Brunson, other detained U.S. citizens, and our locally employed staff as bargaining chips. All those being held by Turkey, Russia, **Azerbaijan**, and other OSCE participating States for exercising their fundamental freedoms or for other politically motivated reasons must be released.

Despite assurances from high-ranking **Serbian** officials, there is still no accountability for the murders of the Bytyqi brothers.

We welcome **Tajikistan's** participation this year. We are concerned, however, that some Tajik civil society representatives chose not to attend because they were reportedly threatened by authorities and that family members of those who participated were interrogated. We call on the Tajik government to cease these reprisals.

We are encouraged by the transition in **Armenia** and the reform process launched in **Uzbekistan**. We look forward to seeing steady and concrete progress, and we believe that OSCE can assist in these efforts.

As stated in the 2004 Berlin Document, anti-Semitism and other forms of intolerance “pose a threat to democracy, to the values of civilization, and to overall security.” Hate crimes must be condemned, investigated, and prosecuted. ODIHR’s “Words into Action” program has helped communities combat anti-Semitism and should be continued. Complementary programs could be adapted from it to address other manifestations of prejudice.

We support OSCE institutions, Field Missions, and the Chairmanship’s Special Representatives, and we will defend their independence, mandates, and budgets.

HDIM’s great value is that it provides a regional platform for honest, rigorous, open debate. This does not constitute interference in internal affairs. As we all reaffirmed at Astana, Human Dimension commitments “are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned.” No government secure in its democratic legitimacy would be frightened by efforts, whether domestic or international, to expose abuses. U.S. positions have at times been criticized here by fellow States and civil society members. We might not agree with the criticism, but we try to respond in a meaningful way because we take our commitments seriously. We also propose eliminating the practice of using Introducers, so that States and civil society have more time to engage. The experts who now serve as Introducers would be outstanding speakers at side-events.

We continue to object to the content-based restrictions in ODIHR’s Code of Conduct for this meeting. One doesn’t have to agree with what a government or an NGO says in order to defend the right to say it. Although the moderators were restrained in their implementation of the

Code at this year's HDIM, we believe its content-based prohibitions are inappropriate and should be eliminated. Arguments should be challenged, not prohibited.

We oppose attempts by States to reduce or unduly restrict civil society access to HDIM and other OSCE proceedings. Attempts to flood these proceedings with GONGOs in order to crowd out authentic voices are counterproductive.

The United States is grateful to the courageous civil society activists who have enriched our discussions. We value your role in holding governments accountable. Your first-hand insights and personal stories inspire us throughout the year. We have listened carefully to your recommendations -- and those of other governments -- and have attended your side events. We will take to the Ministerial in Milan the ideas that can best improve the implementation of OSCE commitments.

I thank Director Gísladóttir and her team for organizing this meeting and the people and government of Poland for hosting us.

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