



United States Mission to the OSCE

Opening Plenary Statement

As prepared for delivery by Ambassador Ian Kelly
OSCE Human Dimension Implementation Meeting
Warsaw, September 26, 2011

Thank you, Mr. Moderator.

It is an honor and a pleasure to come to Warsaw for the annual Human Dimension Implementation Meeting. I firmly believe that the OSCE's comprehensive approach to security, the human and democratic values at the core of the Helsinki process, and OSCE's recognition of the vital role of civil society—all are essential to shaping a peaceful and prosperous future not only for the men and women of the OSCE region, but for people all around the world. We are open to engage with our Mediterranean Partners as others have mentioned.

The United States of America values the annual Human Dimension Implementation Meeting as a unique forum where fifty-six countries set aside two weeks to discuss the whole range of OSCE human dimension commitments, including important issues relating to human rights and fundamental freedoms, democratic development, the rule of law, combating trafficking in persons, advancing tolerance, combating hatred and discrimination, and addressing the rights of persons belonging to religious and ethnic minorities. Over the last 36 years, the OSCE has become the place where governments and NGOs meet to raise concerns about issues in the Human Dimension with openness and directness that remains uncommon in most other multilateral settings.

This 2011 HDIM follows an eventful year for the Helsinki process. In 2010, we commemorated the 35th anniversary of the signing of the historic Helsinki Final Act. We remembered the 20th anniversary of the Copenhagen Document that raised to a remarkable new level the Human Dimension commitments on which our implementation review is now based. We recalled as well the 20th anniversary of the signing of the Paris Charter, the second summit in the Helsinki process and the one which created an institutional framework for our multilateral cooperation through path-breaking institutions like ODIHR. And, in December of last year, the OSCE held a summit in Astana, Kazakhstan, the sixth in the Helsinki process and the first in over a decade.

At Astana, the participating States, including those that joined the OSCE in the post-Soviet period, reaffirmed in the Summit's Commemorative Declaration the principles of Helsinki and all the commitments made to date. All of us also reaffirmed unequivocally that human rights are not solely a domestic issue, but also a matter of "direct and legitimate" interest to other States.

Reaffirmation, of course, is not enough. The OSCE must continue to address serious problems of implementation, so that our words become deeds in daily practice throughout the OSCE region. The annual HDIM provides us with an indispensable forum for identifying obstacles to implementation as well as practical approaches for overcoming them.

All countries, including the United States, have room for improvement in living up to our OSCE commitments and all participating States have a responsibility to improve, and stand accountable for our actions. The United States is ready to engage in principled discussion here at the HDIM and to work constructively with fellow participating States now and throughout the year to advance implementation objectives in the Human Dimension. We will, however, reject any efforts that serve to weaken or obstruct the OSCE, its principles and institutions, and by so doing, undermine OSCE's ability to continue to act as a history-making force for peaceful, democratic change.

The OSCE has not been merely a reflection of the great post-Soviet geopolitical changes. The OSCE's comprehensive concept of linking security *among* states to respect for human rights *within* states—and the citizens monitoring movements that the Helsinki process inspired—helped create and shape the new reality in Europe and Eurasia.

If one compares conditions for human rights and democracy in 1975 to those in 2011, change across the OSCE region has been dramatic, but progress over the past 36 years has not been steady or even. At the Helsinki Accord's 10th anniversary in Helsinki in 1985, for example, foreign ministers noted that the overall human rights performance in the Soviet Union and Eastern Europe had worsened so much in a decade, including with the incarceration or exile of members of Helsinki monitoring groups, that the future of the Helsinki process was itself in jeopardy. The Final Act's 20th anniversary in 1995, the first year the process was officially an organization, fell only weeks after the massacre at Srebrenica, the first genocide in Europe since World War II, and easily the single greatest violation of Helsinki's principles and provisions to occur since their adoption.

In both cases, participating States saw the link between massive human rights violations and their own sense of security. The participating States addressed the problems in the 1980s by insisting on implementation before accepting new commitments, and in the 1990s, the participating States developed specific response tools for the organization, including field activity like the missions deployed in the Western Balkans.

The United States is determined that the OSCE will continue to find ways to respond creatively and effectively to contemporary challenges to human dignity and security. Let me start by highlighting some of the current institutional challenges we face in the OSCE that require a principled response, and then I will highlight a number of serious implementation concerns within the OSCE region.

As we begin this meeting, we are pleased that consensus was finally achieved on the agenda before us, but we remain dismayed that some countries tried to renege on the consensus decision on the amount of time set aside for this HDIM. In future discussions on the HDIM modalities, the United States will hold firm on retaining the aspects of this meeting which

make it so useful. We will strongly resist any attempts to curtail the time set aside for HDIM discussions or to back away from existing principles, commitments, modalities and precedents governing NGO access and participation at the HDIM.

Belarus closed the OSCE Office in Minsk by refusing to renew the office's mandate, and denied permission for the OSCE Representative for Freedom of the Media to visit the country. Belarus did not agree to the invocation of the Moscow Mechanism initiated within the OSCE in response to its flagrant human rights violations, and it denied permission for the rapporteur chosen under the mechanism to visit the country to assess the situation firsthand. A German parliamentarian representing the OSCE Parliamentary Assembly was also denied permission to visit in order to attend the trial of a former presidential candidate jailed in connection with the notorious December 2010 post-election crackdown, although other OSCE observers did attend some of the trials.

Kazakhstan failed to fully implement the commitments on domestic reform it had made in 2007 in Madrid upon receiving the Chairmanship for 2010, key promises that helped galvanize consensus on its chairmanship. Inconsistent with its role as the host of the first OSCE summit in more than a decade, the government of Kazakhstan has kept human rights activists, including Yevgeniy Zhovtis, in prison through trials that lacked due process, adopted measures in a one-party parliament giving the current president continued power and immunity from prosecution for life, and held a poorly-conducted snap presidential election following an attempt to push through a referendum to obviate future elections for the incumbent. On net, 2010 was a year of missed opportunities for reform in Kazakhstan.

Future Chairs-in-Office should examine their own human rights and democratic practices carefully, even as they press others to abide by the democratic norms of the OSCE. In this context, I urge the Ukrainian authorities to address the democratic backsliding many see in their country well in advance of their turn as Chairman-in-Office in 2013. Our current Chair has provided an excellent example, addressing politically complicated domestic problems while tenaciously working against third dimension violations by others and not bending to threats against the Chair in the process.

In response to the ethnic violence which erupted in the southern parts of Kyrgyzstan in June 2010, the OSCE had difficulty garnering consensus on a small police assistance mission aimed at helping build confidence among different ethnic groups—largely because the proposal was intentionally misrepresented and misused inside Kyrgyzstan for domestic political reasons. Although a more locally palatable mission was eventually deployed, its effectiveness was undercut, and its future remains unclear. The OSCE also joined other international bodies and national governments in supporting the request of that government for an Independent International Commission of Inquiry, led by former Finnish parliamentarian and dedicated OSCE advocate Kimmo Kiljunen. His commission undertook a detailed and objective investigation of what had transpired in and around the southern cities of Osh and Jalalabad, and we appreciate that the government of Kyrgyzstan enabled the Commission's work. The report documented widespread and systematic targeting of the local ethnic Uzbek population that could rise to the level of crimes against humanity, in addition to severe abuses of human rights. Alarming, the Commission of Inquiry report

found that abuses against ethnic Uzbeks were continuing; such practices continue even today, most often in the form of arbitrary police detention and abuse to extort money.

We continue to urge the government in Bishkek to hold accountable those responsible for crimes, to ensure that continuing abuses by law enforcement stop immediately, and to follow-up on the recommendations of the report of the Independent International Commission of Inquiry. The recommendation of the Kyrgyz parliament to ban the respected chair of the Commission of Inquiry from entering Kyrgyzstan was not helpful, nor in line with the spirit of commitments to ensure justice for human rights abuses through full and transparent accounting of events. We understand that leaders of the Kyrgyz parliament have since shown some willingness to resolve the matter more amicably in discussion with Mr. Kiljunen, and we hope to learn whether the parliament's recommendation has been rescinded. We have appreciated the willingness of the government of Kyrgyzstan to take the recommendations of the Commission of Inquiry seriously, including co-sponsoring a resolution with us in the UN Human Rights Council to provide for technical assistance and cooperation with the international community to improve human rights practices. The OSCE should continue to support the Commission of Inquiry's recommendations, urge further action aimed at reconciliation and accountability for human rights abuses in Kyrgyzstan, and support and monitor the work of the special commission to be set up by the government of Kyrgyzstan to implement the recommendations of the Commission of Inquiry and similar reports. We also hope that the work of the Community Security Initiative on policing will continue next year.

The Russian Federation has often hindered the work of the Office for Democratic Institutions and Human Rights by restricting international observation of Russian elections in 2007 and 2008, and by trying to subject the conclusions of field observers to the approval of diplomats in Vienna. More broadly, we hope Moscow will support the re-establishment of a status-neutral OSCE mission in Georgia, including South Ossetia. Russia also refuses to work for consensus on the draft OSCE Convention on legal personality and privileges and immunities, demanding instead a "Charter" that could weaken the organization's institutional framework and re-open established OSCE commitments. These commitments were undertaken freely by all of us. As December 4 Duma elections approach, I call on the Russian government to adhere fully to its OSCE commitments in all dimensions.

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

Media—particularly independent media—are under pressure to be silent or to self-censor. For practicing their profession, journalists are victims of brutal, sometimes deadly, attacks, often carried out with complete impunity. Countries in the OSCE region are also part of a growing global trend by governments to restrict Internet Freedom, and thus the exercise of freedoms of expression, association and assembly via new media. Democratic development is uneven across the OSCE region. Not all elections meet OSCE’s standards. Not all officials and government institutions operate in an accountable and transparent manner.

The divide that concerns us is not geographical and we should not be tempted to cast our challenges in terms of east and west. The OSCE and this HDIM, must be concerned with gaps between commitments and practice and we must address these gaps wherever they occur forthrightly, with political will and in a spirit of cooperation. Looking all across the OSCE, community, for example, we see intolerance and hate crimes against religious and ethnic minorities, including Roma and Sinti. Violence against women and assaults on individuals because of their sexual orientation or gender identity are widespread problems. People with disabilities experience discrimination and tend to be relegated to the margins of society. The OSCE region is both a source and a destination for human trafficking. Men, women and children are forced into servitude within its borders.

For our part, the United States has been, and will be, responsive to concerns raised by other participating States and NGOs about our performance in the Human Dimension. We will continue to engage on this here in Warsaw and elsewhere. My government realizes that a failure to acknowledge and correct the shortcomings in its own record would limit our ability to press other countries to acknowledge and correct theirs.

Finally, let me welcome and encourage the non-governmental organizations among us to contribute vigorously to these HDIM discussions. I can assure you that no other government represented here supports your participation in the HDIM and the OSCE more than the United States. President Obama and Secretary Clinton have made support and defense of civil society a global foreign policy priority, and we see our work in OSCE as integral to that effort.

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

In closing, Mr./Madam Moderator, my delegation and I look forward to joining our fellow OSCE States and the civil society representatives who take part in these proceedings as together we address the Human Dimension, the principles that animate it, the challenges that confront it, and what all of us can and must to defend and advance it.