

# IRELAND'S CHAIRMANSHIP OF THE OSCE

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TWELFTH CONGRESS SECOND SESSION

FEBRUARY 8, 2012

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**IRELAND'S CHAIRMANSHIP  
OF THE OSCE**

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## **IRELAND'S CHAIRMANSHIP OF THE OSCE**

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**February 8, 2012**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 11:30 a.m. in room B-318, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

*Commissioner present:* Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe.

*Witness present:* Eamon Gilmore, Deputy Prime Minister and Minister of Foreign Affairs and Trade, Republic of Ireland.

### **HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Good morning. And we know that some members of the Commission are en route, so I don't want to delay you, Mr. Foreign Minister, so we will start but they will be here shortly.

I want to welcome everyone joining us this morning, especially Minister Gilmore, the Foreign Minister of Ireland and Chair-in-Office for the Organization for Security and Cooperation in Europe.

It is a privilege to have you testify before the Helsinki Commission today, Mr. Minister, on Ireland's leadership of the OSCE. You are continuing a tradition that we have followed for more than a decade of hearing directly from the country holding the chairmanship of the OSCE.

While today many countries in Europe are inwardly focused on economic crises—and that goes for the U.S. as well—the world still cries out for global leadership, and Ireland has stepped up to the plate, accepting the 2012 chairmanship of Europe's largest regional security organization, the OSCE, which does its best work in promoting human rights, democracy, the rule of law and free elections.

Ireland has, for a long time, been one of the most constructive countries within the OSCE, enhancing the credibility of the organization it now leads. Mr. Minister, I thank you and your government for taking on the responsibility—and it's a huge responsibility—to lead the OSCE.

Mr. Minister, the Helsinki Commission has a long history of engaging with the OSCE, both through and in cooperation with the U.S. Department of State, and independently. And, as Chairman, I am very happy with the priorities you have set for the Irish chair-

manship, particularly the emphasis on Internet freedom and your plans to hold a meeting this year on that issue.

I've recently introduced and am preparing to mark up a bill in my subcommittee, the Global Health, Global Human Rights and Africa Subcommittee, known as the Global Online Freedom Act, which counteracts the efforts of many governments, including some in the OSCE, to purchase U.S. technology to transform the Internet into a tool of censorship and surveillance.

Earlier versions of this legislation were also introduced in the European Parliament, so I look forward to working with you on this issue, and I think we now have the best draft ever, that really and very incisively goes after this witting or unwitting cooperation with dictatorships in finding, apprehending and putting into prison dissidents and people who are seeking democracy.

Your ideas for drawing on Ireland's experience in Northern Ireland's peace process in reference to protracted conflicts elsewhere in the OSCE region also connects a long-standing Commission priority.

Since the mid-1990s we have held, either in this Commission or in my subcommittee—I chaired those hearings—13 hearings on Northern Ireland's peace process, keeping a special focus on the police reform. And the problem of policing, if it went unaddressed, would have probably unraveled the entire peace process and the Good Friday Agreement.

Perhaps the key issue the Commission will be pursuing in the OSCE this year is international parental child abduction. Last year the Parliamentary Assembly passed a resolution urging the OSCE to take up the issue of international parental child abduction, and urging a ministerial decision on that issue.

I believe the U.S. government agrees that this is an issue which could benefit from a ministerial decision this year. That is, the benefit would go to the children, who suffer greatly. "Parental alienation" is the term of art given to us by the experts in psychology. It is a very real and a very significant form of child abuse. And governments and national courts need to do more to live up to their obligations under The Hague Convention.

Another important issue will continue to be the fight against anti-Semitism, which, following a Commission hearing in May of 2002, we worked to get the issue of anti-Semitism as a front-burner issue, resulting in a series of high-level and ministerial conferences on anti-Semitism and a ministerial declaration on combating anti-Semitism, the implementation of which has been sadly lacking. Many countries have been very, very infirm in terms of their response, even to the chronicling of this horrific millenniums-old abuse.

The work of battling anti-Semitism is now being led by the Personal Representative Rabbi Andy Baker, and I can't emphasize too strongly how important it is to support his work, and I know you do, and the work of the other personal representatives to do—and to do otherwise by any of us would be a tragic step backwards.

I know Rabbi Baker personally. I've known him for many years. He was instrumental in helping us craft the Berlin language. I remember when certain impasses were being reached as to what the actual text ought to look like. Now, he was, you know, brilliant in

coming up with the language that really made all the difference in bringing that consensus to bear on combating anti-Semitism, which is only getting worse, as we all know.

I plan on chairing a hearing on UNRWA very shortly, and the textbook issue. I've done it before. We'll be doing it again, which, sadly, in the Palestinian refugee camps where the textbooks are rife with anti-Semitic, anti-Israeli and anti-American rhetoric. And even when Fatah was in charge of the PLO, they too allowed Hamas—or Hamas had control of education. And if you train kids to hate—remember that famous song in “South Pacific”? You must be taught about hatred being passed on generation to generation. I've read the textbooks, of course the English translations, and they are true and authentic. We even had a witness right here, standing where Mr. Glynn is standing, who brought textbooks with him and read from them, and they were rife with anti-Semitic hatred.

And if you tell 12-year-olds and 8-year-olds and hold pep rallies about how blowing oneself up is in the interest of the Palestinians and the interest of Islam, you will get radical child soldiers, as we've seen with Joseph Kony's group in Uganda and elsewhere, the Lord's Resistance Army. They get radicalized.

So we will be focusing on that further in our Commission with a hearing that's set—Mark, do we have a date for that?

Mr. MILOSCH. We have early March.

Mr. SMITH. Early March for that hearing. So it's something I think we all need to be looking at.

Anti-Semitism is an aspect of larger problems of religious freedom in the OSCE region today. A recent example of intolerance took place in Macedonia. I met with a number of parliamentarians from Macedonia just last week, where a local Muslim set fire to a local church, reportedly in response to the mocking of their own faith by other locals.

We're all against the mocking of anyone's faith, but setting fire to a church, that is outrageous. It takes the evil to a whole new level, and I note with sadness how few political leaders outside of Macedonia responded by condemning this violence against a Christian church.

I'm particularly concerned about the Coptic minority in Egypt. As the largest and one of the oldest minorities, they're suffering portends suffering throughout the region. And make no mistake about it, they are suffering. Coptic women and girls, some as young as adolescents, are being systematically lured from their families or kidnapped off the street corners and forced to change their religion and forced to marry outside of their community.

They frequently suffer physical and psychological abuse, including rape, beatings, forced isolation, and lack of personal freedom, both before and after their so-called marriage/conversion. The drugging of victims appears to be commonplace.

Michele Clark, who is well-known in OSCE circles for the great work she did at ODIHR, working on human trafficking—she is an internationally recognized anti-trafficking expert and advocate on behalf of vulnerable women—estimates that this happens to thousands—*thousands* of Coptic women and girls each year. And we believe it is getting worse with the rise of Islamist groups, particularly now after the elections in Egypt.

We know of no instance where the government has prosecuted anyone connected with disappearances. And of course Egypt is part of our Mediterranean partnership and hopefully a real focus will be placed there.

Punitive tax on Copts was commonplace under Mubarak, and I and many colleagues have raised that with Mubarak both in Cairo, on trips there, and every year when he made his trip here, but now it's becoming the hallmark of the new regime. We had hoped for better. We still hope. And we have tied Egypt's 1.3 billion [dollars] in aid to its treatment of religious minorities.

There are a number of conditionality clauses in the most recently enacted foreign ops bill. One of them is that there be no abrogation of the Israeli-Egyptian peace treaty. Another is religious freedom and especially the focus on religious minorities. We expect attacks to be prosecuted and attackers to spend significant time in jail.

Mr. Minister, one of the reasons the United States so values the OSCE is that its work touches on so many human rights issues. And I believe it's why you and the Irish Government, which certainly values human rights just as highly as the U.S. government—you are truly a beacon—will find your work this year rewarding. And I look forward to your presentation.

I would like to note, in the audience—I'm very pleased to note that the Minister is joined here today by David Donoghue, political director of Ireland's Department of Foreign Affairs; Brian Glynn, the deputy head of Ireland's OSCE task force.

And we are also joined by Ian Kelly, Ambassador Kelly, the head of the U.S. mission to the OSCE. Ambassador Kelly, thank you for the good work you are doing on behalf of the United States. And, as always, you are welcome and considered a great friend of this Commission.

Foreign Minister Gilmore, please proceed.

**EAMON GILMORE, DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS AND TRADE, REPUBLIC OF IRELAND**

Chairman Smith, Commissioners, ladies and gentlemen. Thank you, Chairman, and thank you for your introduction and for your opening statement.

I'm delighted to be here today as Chairperson-in-Office of the OSCE. The Helsinki Commission has made a hugely important contribution to the work of the OSCE throughout the years, and I wish to pay tribute to the dedication of the Commission and all of its staff who have participated in these efforts.

The United States is a crucial player within the OSCE, and I know I can rely on its support during our chairmanship. It is of course always a pleasure for me to visit Washington, given the special ties which link our two countries. And I will particularly like to thank you, Chairman Smith, long-time friend of Ireland, champion of human rights in Northern Ireland and around the globe, for your kind invitation to me to join you today.

This is Ireland's first time to chair the OSCE. We view the task as a unique opportunity to make a tangible contribution to the promotion of European peace and security.

In 1975, the Helsinki Final Act heralded a new vision in European security, pledging to end East-West divisions and to build a



more secure Europe. I think we can all agree that that vision has largely been realized. The cooperative and inclusive nature of the OSCE is its best asset, and it continues to play a significant role in conflict resolution and in the promotion of peace, security and respect for human rights and the rule of law.

That being said, there is no room for complacency. The need for effective multilateralism is as compelling today as it was all those decades ago, particularly now as we faced the most challenging political and economic crisis of recent times.

As we look towards the 40th anniversary of the Helsinki Final Act in 2015, we have an opportunity to reflect on the contribution which the OSCE can make in tackling these global challenges and in ensuring its continuing effectiveness.

Mr. Chairman, I want to turn to some of the priorities of the Irish chairmanship. We will be ambitious in progressing work across all three dimensions, and we will strive to achieve concrete results and to deliver tangible benefits through a small and balanced package of decisions and declarations for adoption at the Dublin Ministerial Council in December.

Ireland has always attached a particular importance to the human dimension, and we will aim to make progress in this field. Of course, the Helsinki Commission has made a hugely important contribution in this area.

The continuing threat to fundamental freedoms and human rights in a number of OSCE participating states is a cause of real concern. You have mentioned some of the issues of greatest concern. I can assure you that the Irish chairmanship is committed to addressing specific instances where OSCE human dimension commitments are not being met, working closely with the relevant OSCE institutions.

As you know, in Astana, participating states reaffirmed categorically the human dimension commitments are of direct and legitimate concern to all participating states and do not belong exclusively to the internal affairs of states.

Our key priority in this dimension will be Internet freedom. As in other parts of the world, the threat to freedom of expression online is ever-present in the OSCE region and regrettably appears to be growing.

Our intention is to highlight the simple fact that human rights and fundamental freedoms do not change with new technologies but extend into the digital age. We will work to ensure that existing OSCE commitments in relation to freedom of expression and freedom of the media apply to all forms and means through which they are exercised.

As part of these efforts, we intend to organize a human dimension meeting in Dublin in June, with involvement of key stakeholders such as civil society and ICT companies. I do not think it is an exaggeration to say that many governments, including my own, are still grappling with the implications of rampant technological change. We can all benefit from an in-depth discussion of this kind.

Human dimension meetings are also planned on a range of other topics. I believe that there will be particular interest in our proposal to focus on racism, discrimination, and intolerance in sport,

in view of the European soccer championships in Poland and Ukraine this year, and the Olympic Games in London.

We are all too familiar with the manifestations of racism and other forms of discrimination and intolerance against sportsmen and -women. The risk that younger sports fans may inherit prejudices or have them reinforced by their role models is all too evident.

Nor is this problem restricted to the sports field. We should work harder to address racism, intolerance and discrimination in coaching, management, and other areas in the sporting world. Happily, sport lends itself to bringing forward good practices, and we aim to highlight some of these practices.

We don't need to look very far for good examples. A very good one is the work of Ambassador Dan Rooney, the United States ambassador to Ireland, who, in introducing the Rooney Rule in the NFL helped to achieve a large increase in the number of African-American coaches.

As chairmanship, we will also continue to prioritize the OSCE's efforts to fight intolerance and discrimination based on religion or belief, a subject which you addressed comprehensively in your opening remarks.

One of the first decisions I made in January was to appoint three personal representatives to deal inter alia with intolerance and discrimination against Jews, Muslims, Christians and members of other religions.

I am very pleased that Rabbi Andrew Baker of the United States agreed to continue his excellent work in combating anti-Semitism alongside Senator Akhmetov of Kazakhstan, and Mrs. Justice Catherine McGuinness, a retired judge of the Irish Supreme Court.

I was also delighted to appoint a special representative on gender issues, Ms. June Zeitlin. Ms. Zeitlin, who currently works at the Leadership Conference on Civil and Human Rights here in Washington, DC, has been a leader on women's issues for more than 30 years, with extensive public policy experience in the United States and globally. We look forward to her work in the year ahead to promote women's rights and gender equality in the OSCE region, working together with the Gender Section in the OSCE Secretariat and the gender advisor in ODIHR.

Our other human dimension priorities include trafficking in human beings, freedom of association and assembly, professional and ethical standards in democratic life, and freedom of religion or belief. It is my hope that an early agreement can be reached on the package of meetings so that detailed planning for the individual events can begin as soon as possible.

Ireland is also committed to taking forward, in parallel, the process of review of human dimension meetings, which was begun under the Lithuanian chairmanship. We will provide a space for discussion of all proposals aimed at improving the functioning of human dimension meetings, with a view to concluding these discussions in the second half of 2012.

The chairmanship is conscious that hard choices may have to be made and that delegations will be called upon to show flexibility and a spirit of compromise. We hope that you will put your trust in the chairmanship.

I should like to mention just one more area of work in this dimension that is so crucial to the OSCE's work as a community of states committed to respect for human rights, democracy and the rule of law.

Ireland will strive to provide all necessary support to ODIHR and the Parliamentary Assembly of the OSCE in the crucial area of election observation. As has been the case to date, we hope that states holding elections in 2012 will issue timely invitations to ODIHR to organize election missions. Of course, the United States itself holds elections later this year, and we trust that the U.S. authorities will meet their OSCE commitments in this regard. We will also work to ensure appropriate followup to recommendations made in election observation mission reports.

Mr. Chairman, the confidence and security-building measures adopted within the political-military dimension remain central to the enhancement of security in the OSCE region. Our collective goal, as agreed in Astana, is to work towards a genuine security community.

To help us to reach that goal, we will call on participating states to reflect on the building blocks available to us in the areas of arms control, conflict prevention and resolution, and transnational threats. This will be the theme for the Annual Security Review Conference in June.

We will also continue the good work carried out last year in updating the Vienna Document, and we'll work with the 2012 FSC chairs in this regard. We will take forward work on tackling transnational threats such as organized crime, cyber threats, drugs, terrorism and trafficking, challenges which we face in all of our societies.

The economic and environmental dimension has a particular resonance today, given the global economic and environmental challenges with which we are all confronted. Our central theme for the economic and environmental forum will be the promotion of security and stability through good governance. There will be a particular focus on measures to counter corruption, money laundering, and terrorist financing.

The first preparatory conference took place in Vienna earlier this week, entitled "Anti-Money Laundering and Countering the Financing of Terrorism." The next will be held in Dublin in April. We will also initiate a review of the 2003 Maastricht Strategy Document to ascertain whether it needs to be adopted, and to take into account evolving economic and environmental challenges.

Conflict resolution remains at the core of the OSCE's mandate, a fact which was highlighted by the agreement of the conflict cycle decision in Vilnius. We will take forward the implementation of this decision, which will assist the OSCE to deepen its involvement in all phases of the conflict cycle, and to strengthen its capacity to tackle conflict, from prevention to resolution.

As Chairperson-in-Office, I will seek to make progress towards lasting settlements of a number of conflicts in the OSCE area. I have nominated two special representatives, Ambassador Pádraig Murphy and Ambassador Erwan Fouère, to assist and advise me on these issues. They are cooperating with international actors on the ground, as well as maintaining close contact with the parties.

The chairmanship will seek in particular to promote confidence-building measures and to address humanitarian needs.

As regards Moldova and Transnistria, we look forward to welcoming the participants in the 5-plus-2 talks to Dublin later this month. We stand ready to build on the momentum created following the successful resumption of official talks at the end of last year.

Ireland strongly supports the Geneva discussions as the best forum for facilitating engagement and providing a way forward in relation to the situation in Georgia. The first discussion under our chairmanship will take place next month.

We also commend the continuing work of the Minsk Group co-chairs in addressing the long-running dispute over Nagorno-Karabakh. I look forward to working closely with Ambassador Bob Bradtke and the other co-chairs and members of Minsk Group throughout my term in office.

Mr. Chairman, as you well know, we in Ireland can empathize only too well with those who are engaged in seemingly intractable conflicts. In Northern Ireland, the courage of leaders on both sides to negotiate and make compromises in the interests of peace, together with the perseverance of the Irish and British Governments, as well as international support, in particular from the United States, has resulted in a lasting settlement.

While each conflict situation is different, I believe that sharing this experience can support and encourage efforts to resolve conflicts in the OSCE region. With this in mind, I will host a conference in Dublin on the 27th of April, which would present aspects of the Northern Ireland example as a case study. I will be joined at the conference by the deputy first ministers of Northern Ireland, and I am pleased that Senator George Mitchell will also share his experience with us.

Mr. Chairman, I will now turn to some current issues within the OSCE region. As I stated earlier, I am committed to addressing specific instances where OSCE commitments are not being met, and we will work closely with all participating states to ensure that their commitments are being fulfilled.

I would like to mention briefly the situation in Belarus. Continuing erosion of human rights in Belarus is a cause for concern. By prosecuting human rights defenders and limiting freedom of association, Belarus is regrettably falling short of its OSCE commitments.

There is no doubt that a reinstatement of an OSCE presence in Belarus in some form will be an important step in the right direction and will send a positive signal to the international community. I will maintain an open channel to the Belarus authorities throughout our chairmanship.

Turning to our wider neighborhood, we can see the changes that are underway in the Southern Mediterranean. The OSCE stands ready to share its experience with democratic transitions, where sought, and through a partnership approach. I welcome the positive Ministerial Council decision on Mongolia's application to become a participating state, and we will aim to move this forward during our chairmanship.

As we approach 2014, the OSCE will have an increasing role to play in providing assistance to Afghanistan, building on the work achieved to date. We will work to implement the decision on expanding the OSCE's engagement with Afghanistan through concrete projects across all three dimensions, and in close cooperation with other international actors and organizations in the region.

As I said at the beginning, the cooperative and inclusive nature of the OSCE means that it is uniquely positioned to play a significant role in building a comprehensive security community. A busy year lies in store, both for the OSCE and the chairmanship, and I will be in New York tomorrow to present our program to the United Nations Security Council.

I am confident that through effective cooperation with all relevant actors, we can achieve good progress during 2012. Thank you for your attention.

Mr. SMITH. Chairman Gilmore, thank you very much for your excellent statement—very comprehensive. And I know my colleagues and I are all looking forward to your leadership. We know it will be robust and very effective. Just a couple of questions, if I could, on some specific issues.

You mentioned Belarus, and Belarus has been the subject of not only hearings but trips on our behalf. I and some 11 other members were in Belarus a couple of years ago—met with Lukashenko. It was a very disappointing, to say the least, meeting. It was more of a he spoke, he expected us just to listen. And it was more of a diatribe rather than a discussion.

But, that said, you know, last year 14 OSCE states invoked the Moscow Mechanism. And I'm wondering if there's any indication that Belarusian authorities have acted upon any of the reports, recommendations.

And, secondly, just good news. On January 3rd, the Belarus Democracy Act—and I am the sponsor of that legislation—was signed into law by President Obama. It reiterates, strengthens a number of provisions of our original law that we passed in 2004.

And the fact that both the Europeans and the United States have lists of abusers that are denied visas, I think it makes it very clear that we're not kidding, that Lukashenko increasingly is isolated. And obviously many of your friends and mine today are languishing in Lukashenko's prisons.

We had a hearing a few months ago, and one of the presidential candidates testified, and he talked about how he was stripped virtually every day, humiliated and degraded by the KGB, and talked about just the awful treatment that he and other political dissidents—candidates, men and women who just simply sought to leave their country because of that—found themselves in prison.

He was one of the lucky ones who got out. There were many others who received long prison sentences. So maybe if you could spend a little time on the mechanism, the report, and what you think we can do even further to promote democracy and respect for human rights in Belarus.

And I'd just say, parenthetically, I have applied for a visa. I've been denied. I would love to go and meet with Lukashenko again—I'll give him a copy of our bill—and bring some focus, if you will,

and Congress' angst to his ongoing persecutions of people simply because they disagree with his dictatorship.

Sir.

Mr. GILMORE. Thank you. I thank the Chairman.

I want to address first of all an issue which you raised in your opening statement, and that is the issue of international parental child abductions.

As a party to the Hague Convention, Ireland shares concerns about international parental child abduction, and we are keen to use the chairmanship to raise awareness of the Hague Convention and to highlight the importance of ratification and implementation of the convention by all OSCE participating states.

Regarding the possibility of us seeking a Ministerial Council decision in Dublin, we need to assess whether it will be possible to build the necessary consensus. Obviously, to move forward without the strong possibility of securing agreement could be counter-productive, and we're encouraging participating states who wish to see ministerial decisions on specific topics adopted at Dublin to work closely with other member states—participating states in the year ahead to build support.

With regard to Belarus, there is no doubt that the situation with regard to human rights and fundamental freedoms in Belarus has continued to deteriorate since the presidential election in 2010. The Moscow Mechanism, as you have said, has been invoked, but the Belarus authorities have not acted on the recommendations that have been made.

The election observation mission, which is organized by the OSCE's office, ODIHR, was extremely critical of the presidential election, which was characterized by fraudulent activities. Many opposition figures and human rights activists were arrested after the election.

Since then, the environment for the opposition has become more difficult, with legislation adopted on the legal requirements for gatherings and the prohibition on political parties and NGOs from keeping assets abroad. This has been accompanied by increased harassment of human rights defenders.

I recently issued a statement expressing concern about the case of the human rights defender, Ales Bialiaski, whose appeal against his conviction for tax evasion on charges that were almost certainly politically motivated was rejected. Bialiaski is now serving a sentence of four and a half years in a prison camp.

Ireland condemns the harassment of opposition and human rights organizations in Belarus. I regret that the situation in Belarus has deteriorated. Nevertheless, as OSCE Chair-in-Office, I have to keep a channel open to the Belarus authorities.

And I might add that the situation in Belarus is discussed regularly at the European Union Foreign Affairs Council, of which obviously I'm a member state, and sanctions have been considered there; indeed, decisions made in relation to sanctions.

And, obviously, in our capacity as a member state of the European Union, we identify and support with those. But in my capacity as Chair-in-Office of the OSCE, I think it's important that we keep the channel open to Belarus, maintain that communication and hope that we can use our good offices—because at the end of

the day, what we are talking about, our standards which have been agreed by all participating—including Belarus.

The OSCE—what has been agreed by the OSCE, agreed by consensus—it's right across the board—and the obligation is on Belarus to comply with those standards.

Mr. SMITH. Thank you for that excellent answer.

Let me ask you, with regards to—and I thank you for your comment on international child abduction. In 2000 I actually wrote a law on international child abduction. I and many members of Congress thought that, you know, with the Hague convention it was largely taken care of, that the issue, you know, had a mechanism—while not enforceable, it binded countries that signed it.

And I got my big education on a case that arose out of New Jersey. A man by the name of David Goldman was not even allowed to see his own abducted son. His wife had passed away. A man, not the father, had custody. And an expert on the Hague Convention in Rio actually used his knowledge of the Hague Convention to the detriment of all attempts to get his son back—David Goldman.

I traveled with him several times. I met with members of the supreme court. There were some very good jurists in both Brasilia and in the supreme court and in Rio de Janeiro. But at the end of the day, where there was a determined abducting party, they were able to use—and this happens all over the world, as you know—appeal after appeal until the child ages out and then there's almost no chance, other than a voluntary reuniting, to get that son or daughter or siblings back.

I found, to my shock and dismay, that we had very few tools in the U.S. Government to—other than jawboning and pretty much pleading, to say please send our kids back—we've got about 2,500 children—Japan never sends anybody back. There was a recent case but it was filled with extenuating circumstances. But once those kids get there, they don't come back. And Japan obviously is not a signatory.

In two weeks I'm marking up a bill—maybe it will be three—again, International Child Abduction Prevention Act of 2012. It was my lessons learned and my staff's lessons learned from what we can't do as a government to try to effectuate the return of these children.

And as I said earlier, it is under-appreciated just how bad parental alienation is, the poisoning of that child's mind vis-à-vis the left-behind parent. And so it's been a wakeup call to me and I think many of my colleagues.

Our embassy did a great job with welfare and whereabouts. They're totally empathetic to the left-behind parent. The bottom line is I know that—and, you know, Ambassador Kelly is working hard. It would be very important if that could be a ministerial decision, because we need to relook at this.

The Hague Convention reads beautifully, but how do you enforce it? We're going to take some of our penalties that we learned work on religious freedom and in the area of trafficking—and I wrote the trafficking laws for the U.S., and I know they're working—to try to get states to realize it's a government-to-government fight. Otherwise if it's left-behind parent versus government indifference or complicity, they lose. They lose almost every time.

So I would ask you and appeal to you—and I know you're empathetic—do everything you can to get that on the docket because these kids are being hurt. It is child abuse in plain sight. That if we do more in the OSCE—who better than the OSCE to do so? So that's pretty much an appeal as well as a question.

Internet freedom, if I could. I know that you're very strong on that issue. I know Russia blocked the ministerial decision on this subject in Vilnius last December. If you might want to speak to that further because obviously we have a Global Online Freedom Act that we will mark up in a few weeks as well.

I'm the one who chaired the hearings that had Google, Microsoft, Cisco and Yahoo all taking the oath. And most of it was focused on China, but we know that Belarus—we know that many countries are using the Internet increasingly to completely stop dissidents and human rights activists, and to find and put them into prison as a result of what they post online or what their emails might contain.

So that's a very important issue, and I would hope that at the meeting that will be held on the Internet, there will be a focus on anti-Semitic hate and some of the other issues that continue to exacerbate that problem. If you just want to comment or—

Mr. GILMORE. Well, thank you, Chairman.

First of all, in relation to the issue of child abduction—and you have, I think, described very well what can happen and what is happening in practice and how courts are used in different countries. The time elapses and the child grows up and alienation from parents is exacerbated.

I have some experience of this as foreign minister of my country where our consular services are called upon. And this is something of course—we're dealing with this in, I suppose, a more modern and sometimes more complex set of circumstances where people's parentage of children of different countries—parents from different countries, family arrangements, are somewhat more complex; in some cases perhaps sometimes less stable than had traditionally been the case. Very, very complex sets of circumstances arising and ending up in the courts, and very real human problems associated with it.

Can we get a decision in relation to child abduction issues through the OSCE again? We operate on the basis of consensus, and if there's a willingness obviously on the part of participating states to work towards a decision on this, then certainly as chair-in-office I will be happy to work with that and to facilitate that. So it is an area that we have to keep under review.

You raised the wider issue of human trafficking, and I referred to that in my contribution. I know that all of our OSCE partners are unanimous in the view that it is vital that the public is made aware, first of all, of the existence of this terrible crime, and that national authorities take the necessary step, legislatively and operationally, to deal with the perpetrators.

Ireland has made significant progress in fighting this crime, which knows no boundaries. Our intention would be to organize a human dimension meeting during 2012, focused on labor trafficking, which is really a modern-day form of slavery.



And in this regard, it's vitally important to highlight that perpetrators are not limited to those involved in the physical transfer of victims from one country to another, but includes those who recruit them, those who employ them, and those who exploit them in many other ways.

In relation to the issue of Internet freedom and our intention to hold a conference on Internet freedom, I'm sure you regret that it wasn't possible to get agreement on this issue in Vilnius. The conference on Internet freedom which we planned to hold is scheduled to take place in Dublin in June.

Our intention is to bring together experts from OSCE states from industry, from civil society, and to look at how the OSCE commitments, in relation to freedom of expression and freedom of the media, are being applied to the online world.

Now, we're not seeking to agree to new commitments, but to ensure that the existing commitments apply seamlessly between off-line and online worlds. The intention is to shine a spotlight on particular issues which might need more attention, such as the need for greater transparency by states in their request to—the various requests that they make to Internet companies for data.

But I think the general principles that we've got to apply here are the principles in relation to freedom of expression or freedom of the media, which have already been agreed and accepted by the OSCE, and to look at how that can be applied to online media.

Mr. SMITH. OK. Part of what we're going to be doing in our Global Online Freedom Act is to focus on the censorship issue, but even more so on the selling of those capabilities by U.S. companies, and what due diligence, or lack of it, those who list on the U.S. Stock Exchange are doing relative to surveillance capabilities, to dictatorships and countries that really are using that capability just as they would use any other weapon to undermine or arrest and jail people who are just calling out for freedom of religion and democracy.

On trafficking, if I could share a best practice which I'm sure you're familiar with but ask you if, during you chair in office, you could put some additional push behind it. At the parliamentary assemblies I've raised the issue repeatedly, as the OSCE special rep for trafficking, of what is a high-impact, low-cost effort to train flight attendants and others as to how to spot, whether it be labor or sex trafficking, while it's happening.

And some outstanding flight attendants have actually saved people en route. One case was from Moscow to New York, where they noticed six women who were with one man, and it just looked awful and suspicious. En route, while the ladies were using the restroom, struck up a conversation, was sufficiently suspicious that they had the pilot call upon offloading. They interviewed and found out that all six were being trafficked.

That has morphed into a very, very robust effort of training by Delta Airlines, Carlson, Hilton, Global Exchange Tours, others are all doing it. We've had some hearings here where we've heard just how—you know, situational awareness, how well it is working.

Now the U.S. Department of Homeland Security has come up with a very fine training package which should be shared, I think, with all the OSCE countries, every country in the world. In talking

to our friends in the Netherlands, some of our Parliamentary Assembly friends have brought that. And KLM is now doing it, or have made commitments to do so, as have a few other countries.

So, you know, it's something Aer Lingus, all of us should be doing. And I think, you know, just perhaps having something—we'll give you all the information, as well as the new initiative by the U.S. Department of Homeland Security, which is outstanding. And it works. Eyes and ears—you know, close out the number of places. And they've got to transport them.

You mentioned the labor trafficking, which is equally covered by U.S. legislation and Palermo protocol as well. When Rabbi Baker and I and Ambassador Kelly were in Prague for a very important summit on public discourse and anti-Semitism, I learned while I was there that there were a number of Vietnamese laborers of questionable origin in terms of how they got there.

And I would note I've had two hearings on human rights in Vietnam. And Vietnam, like China, is now becoming one of the worst violators of labor trafficking and are sending people all over the world—mostly in Asia, mostly in Taiwan, but also, we believe, to Europe.

And when I learned that—I have a bill up in two hours called the Human Rights in Vietnam Act, and it focuses on trafficking and the fact that we need to do much more to find out who these people are, how they got there.

And we think there's a suspicion—we haven't been able to prove it—that many of those people in Prague, in and around obviously in the Czech Republic—may have been trafficked, because labor trafficking has become an extremely lucrative endeavor for the Vietnamese government.

They're selling their people all over the world. And the first case prosecuted my law, the Trafficking Victims Protection Act of 2000, was a case involving Vietnam and American Samoa—labor trafficking, ultra-big sweatshop. So we know they're doing it, and they have not abated. They're getting worse.

So if you could look into that, I'd appreciate that. But the airlines issue, it's camera-ready. It's all ready to be just rolled out, and that training can be extremely useful to everyone.

Mr. GILMORE. Yeah, thank you. Thank you, Chairman.

And, first of all, can I agree with you about the fine work that the Parliamentary Assembly is doing. And I think this is a very important dimension of the OSCE's work that the Parliamentary Assembly—which elected representatives of the people like you and I touch the concerns that people have. And that brings a particular perspective and a real focus to the work of the OSCE.

It certainly is my intention to work closely with the Parliamentary Assembly during this year. And only last week we had president and the secretary general of the Parliamentary Assembly with us in Dublin and had very good discussions with them.

I think in particular, and I think in relation to human trafficking, I think it is important that we use the best practice which is available, and I very much welcome the initiatives that are being taken on airlines, in training of flight attendants and so on to be on the lookout for the trafficking of people.

Of course, not all of the trafficking is by air. You know, it may not be as easily detected. But it is difficult to travel from one end of a continent to another—one end of a land mass to another, however one does it, by road or rail or air, without somebody being aware that something is going on. And I think you're absolutely right that we do need to develop a best practice sense in that area.

On the labor trafficking area, as I've indicated, this is an area where we intend to hold an event or a meeting on labor trafficking particularly. And, again, I think it's important that we look here at—that there is the trafficking, the actual trafficking aspect of the problem, where those who are directly involved in the trafficking per se. But I think there are issues here which we can address about the employment of people who are trafficked.

People—individuals, households, companies, organizations who employ people who they know are from overseas, whom they know are in difficult circumstances and who employ them very often in pay and conditions which are significantly less than applied generally in the local economy, they must know that they are dealing with people who—I believe that they know that they are exploiting those people, and they must have doubts as to how those people came to be in the country in the first place.

And I think that, you know, we need to put some focus on the employment side of labor trafficking. People, for example, who end up in domestic service in the homes of some of the great and the good sometimes, we need to—we need to sharpen our focus on that and to deal with that problem at source, at the point of employment.

So I think there are obligations on participating states of the OSCE, who in many cases have minimum legal standards of labor protection to ensure that those are applied in a way that people who are trafficked are not—[inaudible].

Mr. SMITH. Thank you.

Let me just ask one final question on the Ukraine, and with regards to former Prime Minister Tymoshenko's arrest. And with the upcoming October elections, can the Ukrainians meet a free and fair standard if that incarceration—or that disqualification, if you will, from even participating is not reversed?

And, you know, your thoughts on that, because we're very concerned about the trend line, and I'm sure you are as well, in Ukraine. Freedom House has downgraded Ukraine from free to partly free because of this deterioration, and it seems to me that, you know, all of us are in favor of a free and democratic Ukraine and don't like the trend lines. Your thoughts?

Mr. GILMORE. Well, thank you. I'm deeply concerned about the case of the former Ukrainian Prime Minister Yulia Tymoshenko. And these concerns relate to the outcome and conduct of her trial as well as the outcome of the appeal that concluded in December. Concerns have also been widely expressed about reports of the conditions of her detention, and I continue to encourage the Ukrainian authorities to address and to resolve these concerns.

And I'm conscious of the fact that Ukraine will succeed Ireland as the Chair-in-Office of the OSCE. I believe that Ukraine's role in the OSCE is important, and I hope that in preparing for this role,

the authorities in Kyiv will appreciate the need to address the significant concerns that have been widely expressed.

There is, as you know, a proposal for an association agreement between Ukraine and the European Union that's currently awaiting initialing. I have long favored bringing the EU and Ukraine closer together. I think that's a sentiment shared by the great majority of the Ukrainian people.

But this, however, is not an uncritical engagement, and the Ukraine-EU summit which took place in December was the occasion for some strong messages from the EU side, including some strong messages on the issue of Ms. Tymoshenko's case. It is an issue, certainly, that we're going to give very much to the fore or our talks and our discussions.

Mr. SMITH. Again, in closing, if I could just reiterate that strongest appeal to—and I know you will do this, so I'm talking to the choir but, to the greatest extent, backing the three religious freedom representatives. Many of us who follow religious freedom—and I've been in Congress now 32 years—I think it is getting worse, and demonstrably worse everywhere.

You know, the number of anti-Semitic acts that are occurring in the U.S., particularly on our college campuses, is rising. And, you know, it's worth noting that—you know, sometimes people say, well, why the emphasis on anti-Semitic hate? In the United States—and you probably know this—the FBI tracks these acts of hate, and in their annual report, traditionally just under 75-or-so percent of all the incidents are directed against Jews, and under 10 percent directed against Christians, and under 10 percent against Muslims.

And when you look at the disproportionality of the number of Jews that actually live in the U.S., the number far exceeds—any way you look at it, the focus is there, and we're seeing a rise in it. And you know as well in Europe it's the same.

A few years ago we had a hearing with Natan Sharansky, the great leader, obviously, who was finally let out—and you know this; everyone knows it—by the KGB, did this zigzag because he just wouldn't follow orders that the Soviet Communists imposed upon him.

Well, he came here twice and testified, and he brought with him a soap opera clip, two of them. And seeing is believing. I had never seen this before. And, as a matter of fact, I actually went to Perm Camp 35 where he was in the 1980s, right after he got out, and to see what this man had endured, the torture and the isolation, and to see how he never once wavered in his commitment to freedom.

Well, he showed this video that is being now broadcast throughout Europe through satellite television, and all the modern means of communications. And he said, this is what they feed on—"they" being many people in the Muslim world—and this gross, grotesque caricature of Jews that is painted.

And they actually showed this little boy named Christopher having his throat slit and the blood pouring into matzoh. And he talked about blood libel and the other outrages committed against the Jewish people. This is Sharanksy. And he said, then they turn it into humor and they turn it into documentaries. And he said,

this is what they feed on. And you wonder why these kids are so filled with hatreds towards Jews.

And even Ahmadinejad's most recent statement, and the Great Leaders website, which I went and checked out, which talked about the justification for the destruction of Israel because Israel is an impediment to Islam, and all of this—you know, this hatred giving some kind of religious basis.

You know, more than ever we need to be backing—and we certainly do in the United States—Rabbi Baker's mission, as well as the other two, which I'm so glad you have picked people who will really do the work. But this Commission remains absolutely committed in a bipartisan way to pushing these issues, because they are getting demonstrably worse.

As I said before, we will be holding a hearing in March on the textbooks and the anti-Semitism that is rife in UNRWA camps, which, again, feeds into this whole combustible stew of hatred that is just exploding.

So I thank you so much for your leadership. And we look forward to working with you. Any final thoughts before we conclude?

Mr. GILMORE. Well, thank you. Thank you very much, Chairman. It's been a great privilege to have the opportunity of exchanging questions and answers—

Mr. SMITH. Yeah.

Mr. GILMORE. —and thoughts with you.

I think that we have to work through 2012 and beyond to ensure that the commitments which have been entered into by the OSCE participating states are honored by all participating states, and that we deepen those where we can and that—I think we also, I think, as we approach the 40th anniversary of the Helsinki Final Act, I think it is worth reflecting on the huge contribution that the OSCE has made to peace and security in Europe and in that whole region, from—as we say, from Vancouver to Vladivostok.

You think of the—when the Helsinki Final Act was concluded, the state of tension that there was between two superpowers and all of the attendant issues that surrounded that, and the progress that has been made over that period of time.

We have the continuing conflicts, the protracted nature of those conflicts. We still have to deal with them and make a contribution to that this year. But we also have to deal with the new issues which are emerging, some of which we touched on today. And I think we have to work to find practical solutions to those.

And I think some of the talks that we've exchanged here today and some of the suggestions that you have made, Chairman, I think will be extremely useful to us in carrying that work forward. So, again, I thank you for—

Mr. SMITH. Thank you.

Mr. GILMORE. —the huge interest that you have taken and that you are taking, and the work of the OSCE, and finally, in particular, the interest that you have taken over many years in our issues and affairs in Ireland. And it's great to be here among friends. Thank you.

Mr. SMITH. That's great. And I would like to thank you for Michael Collins, your ambassador. Again, I've been here over three decades, interfaced with ambassadors and people representing

their countries. Nobody does it with greater professionalism and integrity than he does. He has been a joy to work with. And I know members on both side of the aisle feel that way. So, thank you so much for Michael Collins.

The hearing is adjourned.

[Whereupon, at 1:30 p.m., the hearing was adjourned.]

## **A P P E N D I X**

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## PREPARED STATEMENTS

PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

Good morning and welcome to everyone joining us this morning, especially Minister Gilmore, the Foreign Minister of Ireland and Chair in Office of the Organization for Security and Cooperation in Europe.

It is a privilege to have you testify before us today, Mr. Minister, on Ireland's leadership of the OSCE. You are continuing a tradition that we have followed for more than a decade of hearing directly from the country holding the chairmanship of the OSCE.

While today many countries in Europe are inwardly focused on economic crises, the world still cries out for global leadership. And Ireland has stepped up to the plate, accepting the 2012 chairmanship of Europe's largest regional security organization, the OSCE, which does its best work in promoting human rights, democracy, the rule of law, and free elections.

Ireland has for a long time been one of the most constructive countries in the OSCE, enhancing the credibility of the organization it now leads. Mr. Minister, I thank you and your government for taking on the responsibility to lead the OSCE.

Mr. Minister, the Helsinki Commission has a long history of engaging with the OSCE, both through and in cooperation with the State Department and independently, and as Chairman I am very happy with the priorities you have set for the Irish chairmanship—particularly the emphasis on Internet freedom and your plans to hold a meeting this year on that issue. I have recently introduced and am preparing to mark up a bill on this issue, the Global Online Freedom Act, which counteracts the efforts of many governments, including some in the OSCE, to purchase U.S. technology to transform the Internet into a tool of censorship and surveillance. Earlier versions of this legislation were also introduced in the European parliament. So I look forward to working with you on this issue.

Your ideas for drawing on Ireland's experiences in the Northern Ireland peace process in reference to protracted conflicts elsewhere in the OSCE region also connects to a long-standing Commission priority—since the mid-1990s we have held 13 hearings on Northern Ireland and the peace process, keeping the issue of police reform on our government's and the British government's agenda.

Perhaps the key issue the Commission will be pursuing in the OSCE this year is international parental child abduction. Last year the Parliamentary Assembly passed my resolution urging the "OSCE to take up the issue of international parental child abduction," and urging a ministerial decision on the issue. I believe the U.S. government agrees that this is an issue which could benefit from a ministerial decision this year—that is, the benefit would go to the children, who suffer as the number of international parental abductions continues to climb, while governments and national courts do not always live up their obligations under the Hague convention.

Another important issue will continue to be the fight against anti-Semitism, which, following a Commission hearing in May 2002, I and a number of other commissioners, including Co-Chairman Cardin, worked successfully to put on the front burner of the OSCE—resulting in a series of high-level and ministerial conferences on anti-Semitism and in a ministerial declaration on combating anti-Semitism—the implementation of which has been sadly lacking.

The work of battling anti-Semitism is now being led by the Personal Representative, Rabbi Andy Baker, and I can't emphasize too strongly how important it is to support his work and the work of the other Personal Representatives—to do otherwise would be a tragic step backward.

Mr. Minister, one of the reasons the United States so values the OSCE is that its work touches on so many human rights issues—I believe this is why you and the Irish Government, which certainly values human rights just as highly as the U.S. Government, will find your work this year rewarding. I look forward to hearing your presentation.



PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE

I welcome today's Helsinki Commission hearing with Ireland's Minister for Foreign Affairs and Trade, His Excellency Eamon Gilmore, currently serving as the Chair-in-Office of the Organization for Security and Cooperation in Europe.

Ireland assumes this important leadership role amid numerous challenges, especially in the human dimension. Like other members of the Commission, I am grateful that the OSCE will benefit from clear-headed Irish leadership amidst this host of trials. These include the ongoing crackdown in Belarus and lingering, unresolved issues stemming from the outbreak of conflict in Kyrgyzstan in 2010. The unsettled political situation in Russia, with presidential elections set for March, also warrants our close attention.

The recent shooting of protesters by security forces in Kazakhstan may mean that Kazakhstan's repressive government is not or is no longer as stable as it has long claimed, and human rights violations may contribute to instability there. I want to express agreement here with the U.S. Representative to the OSCE, Ambassador Ian Kelly, who last year called 2010 a year of missed opportunities for reform in Kazakhstan—reform that could have put the country on a more secure and democratic footing today.

I am also concerned about some of the areas that are not necessarily on the front pages right now. I have visited many of the countries in the Balkans in recent years, including Serbia last July. The OSCE has done so much to foster peace, security, and human rights in this part of the OSCE region—we must not leave business in the Balkans unfinished now. Bosnia and Kosovo are of particular concern to many of us right now.

And while I am greatly interested in exploring ways to transfer lessons learned in the OSCE region to other areas, particularly in Mediterranean Partners, where the prospect of meaningful democratic reform is now before us, we must not overlook serious human rights problems that remain in some participating States. Turkmenistan and Uzbekistan remain the most repressive countries in the region, and their egregious human rights records deserve more attention.

Even countries that have already achieved great accomplishments in advancing democracy and human rights can sometimes experience backsliding—as the United States knows all too well. In its most recent annual report on Freedom in the World, Freedom House voiced particular concern about backsliding in Hungary, Ukraine, and Turkey, warning that “the democratic credentials of each is coming under question.” Clearly, more must be done to ensure not only democracy's advancement, but to prevent it from slipping away. Like the United States, the European Union must openly address the situation in countries among its ranks if it hopes to be a credible voice for change in other OSCE participating States.

I believe the OSCE has the potential to make significant contributions in all these areas, and I support the Irish Chairmanship as it seeks to maximize this potential.

As Ireland takes on this task, I urge you to work with—and protect the independence of—your partners in this endeavor: the High Commissioner on National Minorities, the Representative on Freedom of the Media, and the Office for Democratic Institutions and Human Rights. Each of these institutions are making important contributions every day, from the High Commissioner's Bolzano Recommendations on Inter-State Relations, to the ODIHR's on-going implementation of the EU grant for Roma integration in the Balkans, to the Representative on Freedom of the Media's tireless reporting on the day-to-day threats to journalists and free speech.

Field Missions need to be given similar independence if they are to address the real challenges of post-conflict recovery and democratic development, including respect for the rule of law.

I welcome the reappointment of the Personal Representatives focused on combating anti-Semitism and other forms of intolerance. The OSCE has developed a singular body of commitments in this area, but concrete implementation of them needs improvement. I am encouraged by Ireland's intention to continue work toward that goal.

Finally, this year I am concluding my second three-year term as a Vice President of the Parliamentary Assembly. Before taking this position, I also served as a Committee Officer for several years. I have enjoyed this active engagement in the OSCE process and believe that parliamentarians and diplomats are both essential to its success. I hope you agree, Mr. Minister, and will strive to maximize the impact of both.

This is an official publication of the  
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