

# UKRAINE'S LEADERSHIP OF THE OSCE

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

MAY 8, 2013

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# UKRAINE'S LEADERSHIP OF THE OSCE

MAY 8, 2013

## COMMISSIONERS

	Page
Hon. Benjamin Cardin, Chairman, Commission on Security and Cooperation in Europe .....	1
Hon. Christopher Smith, Co-Chairman, Commission on Security and Cooperation in Europe .....	3
Hon. Stephen Cohen, Commissioner, Commission on Security and Cooperation in Europe .....	5
Hon. Michael Burgess, Commissioner, Commission on Security and Cooperation in Europe .....	5

## WITNESSES

Leonid Kozhara, Minister for Foreign Affairs of Ukraine .....	6
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## APPENDICES

Prepared Statement of Hon. Benjamin Cardin .....	23
Prepared Statement of Hon. Christopher Smith .....	24
Prepared Statement of Leonid Kozhara .....	25
Materials for the Record .....	28



## UKRAINE'S LEADERSHIP OF THE OSCE

MAY 8, 2013

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,  
Washington, DC.

The hearing was held from 2:05 p.m. to 3:31 p.m. EST in Room 562 of the the Dirksen Senate Office Building, Washington, D.C., Senator Benjamin Cardin, Chairman of the Commission on Security and Cooperation in Europe, presiding.

*Commissioners present:* Hon. Benjamin Cardin, Chairman, Commission on Security and Cooperation in Europe; Hon. Christopher Smith, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Michael Burgess, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Stephen Cohen, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Leonid Kozhara, Minister for Foreign Affairs of Ukraine.

### HON. BENJAMIN CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Well, let me welcome Minister Kozhara to our commission, the Helsinki Commission. It's a pleasure to have you here. Mr. Kozhara is the president, or the chair-in-office, of the OSCE. The Helsinki Commission has always hosted the chair-in-office, and we thank you, Mr. Minister, for carrying out that tradition of coming to the United States, visiting the Helsinki Commission during the year of your chair-in-office. We know this has been an extremely busy year, with many matters of particular concern within the OSCE region, as well as the continuation of the agenda that's so important to the member states.

I'm joined by the co-chair of the commission, Commissioner Smith, who I think you know very well, and Commissioner Burgess, Dr. Burgess, a member from Texas. So we expect to be joined by other members of the commission. But let me welcome you here to the United States.

The 1975 Helsinki Final Act and process it initiated, with its focus on human rights and fundamental freedom, played an important role in the achievement of your country's independence. As you know, the Helsinki Commission has had a long history of support for Ukraine's independence and democratic development. We want Ukraine to succeed.

I recall my visit to Ukraine, both to Kyiv in early 2005, shortly following the Orange Revolution, a time of great promise. And I will always remember that first visit and seeing just the energy among the people of the Ukraine and how they were able to re-

claim their country and establish democratic institutions that represent the will of the people. I returned in 2007, where you hosted the OSCE Parliamentary Assembly's annual meeting. And it was one of the more interesting Parliamentary Assembly meetings that we've had. I had the opportunity during that visit to visit Chernobyl, the site of the worst nuclear power plant disaster in history, which for nearly three decades has had such a profound impact on the Ukraine and her neighbors.

Like any chair-in-office, Ukraine faces formidable tasks in leading this multilateral organization that operates on the basis of consensus and includes 57 countries ranging from democracy to dictatorship. As I said to you before this hearing started, you have to be an incredible diplomat to deal with the different types of issues represented by the 57 participating states. And we thank you for being willing to step forward to serve in that leadership position.

As chair-in-office, you also must display strong democratic credentials in order to be the example for the other states that need to do better in their adherence to OSCE obligations. It's incumbent upon Ukraine to lead by example in upholding the OSCE human rights and rule of law commitments.

I welcome the recent pardons of former high-ranking officials and believe that they are a good first step. I trust that you will build on your promise of further judicial and electoral reforms. And we hope that last week's European Court on Human Rights' ruling that the detention of former Prime Minister Yulia Tymoshenko before and during her trial was arbitrary and a violation of rights will provide further impetus for her release. Mr. Minister, your appearance here allows us to hear your reflections on your achievements and challenges to date, and how your priorities are being executed and the plans for the remainder of your tenure. We all must do what we can to insure security and economic cooperation and to safeguard not only democracy's progress, but its preservation.

That is why strengthening the implementation of the human dimension commitments by all participating states is so important. We're for strengthening all three baskets. All three baskets are important. We don't want to weaken any of the baskets. The human dimension is extremely important, as is the economic, environmental and the security baskets. I had the opportunity to chair the second committee of the Parliamentary Assembly and worked on the economic and environmental. So all three baskets are critically important. The U.S. Helsinki Commission has, in recent years, made priorities many of the issues that you're dealing with today: the tolerance agenda and the establishments of the special representatives. We take particular pride in having the first hearings dealing with the problems of bigotry.

The human trafficking issues: Congressman Smith has been a world leader on promoting greater accountability, not just by the destination countries but by the origin countries and the transit countries. We all have responsibility. And we're proud of the report that we issued, the TIP Report, which reflects how well a country is doing in meeting its international commitments against human trafficking.

In the area of transparency and fighting corruption, the commission has taken a very strong position for greater transparency, par-

ticularly with the extractive industries. And as I told you in our private discussion, we are very much concerned about strengthening the election monitoring process and resolving any conflicts that might exist between ODIHR and the Parliamentary Assembly to make sure that there's an effective mechanism in place for that critically important role that the OSCE plays in monitoring to make sure elections are free and fair. And then let me mention we have many dispute areas of borders that we want to see resolved in a peaceful way. And these conflicts in many cases have been frozen for way too long, and we welcome your assessment as to how progress is being made on all these fronts. The bottom line is that we want to thank you for your leadership in the OSCE, and we wish you continued success as you have completed about the one-third mark of your chairmanship presidency and have two-thirds to go. We want you to know that this commission wants to work with you to accomplish our mutual objectives within the OSCE.

As I explained to you and my colleagues a little bit earlier, this is a bicameral body, with House members and Senate members. The Senate is in the process right now of two votes on a water resource bill. I'm going to be leaving and turning the gavel over to Chairman Smith, but I expect to be back in about 15 minutes. I know the House has scheduled votes around 3:00 this afternoon, so the members may be coming in and out during the course of the hearing. But that's not a reflection of the importance of the subject, and we certainly want to extend to you the greatest courtesies. Thank you.

**HON. CHRISTOPHER SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Thank you very much, Mr. Chairman—Chairman Cardin. And, Mr. Foreign Minister, welcome, and your leaders from Ukraine who are here with you today. I'd like to join my colleagues in officially welcoming you, along with the co-chair, and of course welcome everyone who's in the room, many of whom have labored long and hard for many years on behalf of human rights, democracy and freedom in the Ukraine.

Ukraine has come certainly a long way since I first joined the Helsinki Commission 30 years ago. At that time it was a great nation suffering under Soviet oppression, and independence and freedom seemed like a distant dream. Even in those days, however, Ukraine distinguished itself by the number of courageous men and women who fought for human rights and freedom.

When the Helsinki monitoring groups were formed in the Soviet Union to call on the dictatorship to live up to its Helsinki human rights commitments, the Ukrainian monitoring group was the largest and the most harshly repressed of them all, and in the early 1990s played a leading role in establishing democracy in an independent Ukraine. In many ways Ukrainians were at the forefront of the struggle to replace the old Soviet Union with governments that respected human rights, a great honor to Ukraine.

So it is a special privilege to have you here today, Mr. Foreign Minister. And it is a fitting and long-awaited distinction for Ukraine to lead the OSCE this year. You and your country will face many challenges and opportunities this year in your role as

chair-in-office, and I look forward to hearing, as well as my colleagues, you present your ongoing plans for the remaining, as Ben Cardin said, two-thirds of your tenure in office at the OSCE.

Of course it is good news that your priorities as chairman-in-office include an emphasis on the human dimension issues, especially human trafficking, media freedom, tolerance and nondiscrimination in democratic elections. As author of the Trafficking Victims Protection Act of 2000 and its 2003 and '05 reauthorizations, I especially applaud the leadership, the energy and the vision which you have shown in taking on the fight to combat the scourge of modern-day slavery, human trafficking.

All of us in the fight against trafficking appreciate the special trafficking conference that Ukraine is convening in Kyiv this June in order to look closely at overlooked aspects of human trafficking and, most importantly, the strengthening, the coherence of the OSCE's response, including international law enforcement response to trafficking in persons.

I also want to commend Ukraine for the work it has done already to focus attention on the hundreds of thousands of trafficking victims who are moved across borders each year who could be rescued in transit if airline and other transportation personnel were appropriately trained and law enforcement ready to intervene. Last month Ambassador Motsyk took the lead in spearheading the Airline Ambassadors airline initiative, with other ambassadors here in Washington, and other diplomats from OSCE countries, as well as with representatives of airlines in the United States. This training will create the situational awareness in the transportation industry that will make it much harder to traffic women.

At the event at the Ukrainian Embassy—and I was very privileged to have been invited and to join you there—Ambassador Motsyk introduced Nancy Rivard, the founder and president of Airline Ambassadors, who demonstrated that transportation personnel, once trained, can rescue people in flight, of course by contacting law enforcement, so when that flight lands they can be protected and the perpetrators arrested. They have rescued more than a hundred victims already. And of course the Ukrainian government has taken the lead in organizing another major trafficking event to be held later this summer in Kyiv. So, Mr. Foreign Minister, your government's efforts will ensure that thousands of women and girls will be rescued from the horrors of trafficking and will impede the traffickers so that many other women and children will never undergo it. It will have a chilling effect.

Your commitment to introducing this program in the 57 OSCE participating states will ensure that we can rescue thousands more. And I know I speak for everyone in this fight in thanking you for that extraordinary leadership.

I also want to mention one of the remaining problems in Ukraine, probably the chief symbol of problems touching on human rights, and that is our ongoing concern for former Prime Minister Yulia Tymoshenko. As Ben Cardin mentioned, you know that that is of deep concern to each and every one of us, and I do hope that you and your government will do all that it can to release her. The recent release of opposition leader Yuri Lutsenko was a great step.



It sent a message to each and every one of us of progress, and we are all very grateful for that.

So again, Mr. Foreign Minister, Mr. Chairman, thank you for being here and we look forward to your testimony. But I'd like to now yield to Mr. Cohen for any opening comments that he might have.

**HON. STEPHEN COHEN, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. COHEN. Thank you, Mr. Chairman. And to our guest, I appreciate your capacities that you are engaged in, in government and in the OSCE. I am concerned about these issues. And some of the issues concerning the Ukraine that have come to my attention concern some attacks when, I believe it was Mr. Kuchma was the president. And at that time there was a journalist, Yeliashkevich, who was a party official, and he was beaten badly.

And it's my understanding that the perpetrators of that action have not been brought to justice, and that some, I understand, in the Ukraine feel that the perpetrators have since been identified. There was some issue about the proof, but the proof is—I think it's a judgment call.

There was a journalist killed, Mr. Gongadze. And two others at the same time were terribly beaten. I do know, as I understand, one of the perpetrators there was sentenced to life, but others have not been. And there was involvement expected through the government, and they have not been brought to justice. And Mr. Podolsky, a journalist who survived a beating at the same time. In all those cases, justice does not seem to have been carried out to the extent that it might have been to bring all the parties responsible to justice. And my questions to you will be, what is being done to see that justice, even if it goes to the highest levels in your government, is meted out so that these atrocious murders and beatings, which were political in nature and against the civil rights of these individuals, and against the Ukrainian government, in essence, will be brought to justice?

And with that, I look forward to your remarks and appreciate your service.

Mr. CARDIN. Thank you, Mr. Cohen. I now yield to Dr. Burgess.

**HON. MICHAEL BURGESS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. BURGESS. Well, thank you, Mr. Chairman. And I appreciate you having the hearing on Ukraine's leadership of the Organization for Security and Cooperation in Europe, indeed the world's largest regional security organization.

The OSCE is well known for promoting human rights, democracy and the rule of law. Ukraine, through the leadership of the chairman-in-office, has assumed the highest political position in the OSCE during an important and challenging time. Over the past several years, participating states have tasked OSCE with an increasingly long list of issues, from poor compliance with the OSCE's democratic commitments by some participating states to consistent efforts by Russia and its allies to undercut the work on

human rights. The OSCE is in need of Ukraine's strong leadership and continued commitment to doing good work.

And I believe that Ukraine is capable and rising to the challenge one-third of its way through this year. In your tenure as chair, the priorities during that time remain attainable. Ukraine's focus on human trafficking, media freedom, energy security and a new framework for increasing work on good governance are worthwhile and achievable through steadfast leadership.

I also want to join with Commissioner Cardin, Chairman Cardin and Chairman Smith—and, Chairman, thank you for having that hearing in the last Congress on Yulia Tymoshenko, and certainly we do need to remain focused on the difficulties that she and her family have faced during this prolonged incarceration. The Helsinki Commission has a strong working relationship with the Ukrainian chairmanship. Foreign Minister Kozhara is familiar with the work of the commission from the mid-'90s when he was the Ukrainian Embassy's congressional liaison here in Washington. Today the commission continues to work with the Ukrainian Embassy on many issues. And I thank you for being here, and welcome back to Washington.

Thank you, Mr. Chairman, for holding this hearing. And certainly we share common goals and look forward to your testimony. Thank you.

Mr. CARDIN. Mr. Foreign Minister, Mr. Chair-in-Office, the floor is yours.

**LEONID KOZHARA, MINISTER FOR FOREIGN AFFAIRS OF  
UKRAINE**

Mr. KOZHARA. Thank you. Mr. Chairman, ladies and gentlemen, I am extremely pleased and honored to be here with you today as a chairperson-in-office of the Organization for Security and Cooperation in Europe.

It's a great responsibility for me personally, and for Ukraine, to lead the world's largest regional security organization throughout this year. With 57 participating states, stretching from Vancouver to Vladivostok, the OSCE is uniquely designed as a comprehensive and inclusive platform for security dialogue in the Euro-Atlantic and Eurasian area. We strongly believe that the OSCE is well suited to address the changing security challenges in its area, and that we need to continue strengthening its toolbox and improving its coherence.

Ukraine, as the chairmanship-in-office, is a consistent advocate of the OSCE concept of comprehensive cooperative, equal and indivisible security. We take the view that lasting and sustainable peace and security can only be achieved by pursuing a balanced approach across all three dimensions: the political and military, the environmental and economic, as well as the human dimensions.

As we approach the 40th anniversary of the Helsinki Final Act, the Helsinki-plus-40 process launched in Dublin last year should serve in our understanding as a catalyst for re-energizing the entire organization. A strong engagement from the United States will be of a great importance for success of this effort.

Distinguished audience, we are convinced that the human dimension belongs to the core of the concept of comprehensive security.

The Ukrainian chairmanship outlined the over-reaching goal of promoting full implementation of the existing human dimension commitments by all participating states.

The fight against trafficking in persons remains one of the key issues that are being addressed by the OSCE under the Ukrainian chairmanship. It's a plague that many OSCE countries, including Ukraine, have been suffering for many years. We need to combine all possible instruments to meet this challenge. A set of public events has been organized to this end, one of them being the international conference on strengthening the OSCE response to trafficking in human beings, to be held in Kyiv this June. And in this regard, I would like to use this opportunity to invite members of the Helsinki Commission to attend this important event in my home country and in the city of Kyiv. Fostering the freedom of the media is also among our priorities in this dimension. A human rights seminar in Warsaw is planned to address the media freedom legislation issues. It would result in developing relevant recommendations for the participating states.

We will also strive to achieve progress in the areas of free movement of people, promotion of tolerance and nondiscrimination, freedom of association and assembly, inter-religious dialogue in promoting freedom of religion or belief, as well as democratic elections and election observation. Attaching great importance to the promotion of tolerance and nondiscrimination through youth education, the chairmanship is preparing to host the OSCE youth summit in July-August this year in Crimea, Ukraine.

We also believe in the importance of constructive engagement of civil society in achieving the OSCE goals. Election monitoring is one of the hallmarks of the OSCE. A smooth cooperation between the OSCE Parliamentary Assembly and the ODIHR is essential. The OSCE must speak in one voice. It is for the benefit of all the OSCE participating states to take recommendations made by the international observation missions seriously. For instance, following the October 2012 parliamentary elections in Ukraine, its government approved a relevant action plan on priority measures to improve the electoral legislation. At the same time, to ensure compliance in election observation, it is important to safeguard independence, impartiality and professionalism of observers in line with the OSCE decisions.

Ladies and gentlemen, progress in finding a sustainable and long-term solution to the protracted conflicts in the OSCE area is on top of our agenda. My visit in the capacity of the OSCE chairperson-in-office in January was to Moldova. I encouraged the leadership in Chisinau and Tiraspol to engage constructively into the negotiations process.

The political will for mutual rapprochement at both banks of the Dniester River is a key to finding compromise solutions. We hope that the results of current political process in Moldova will give a new impetus to further development of dialect between Chisinau and Tiraspol, to which Ukraine remains ready to contribute. We remain convinced the success of the Geneva process is crucial for improving the security and humanitarian situation in the conflict areas in Georgia. The chairmanship welcomes and supports the efforts of the Minsk Group co-chairs directed at promoting dialogue

between Azerbaijan and Armenia on the settlement of the Nagorno-Karabakh conflict.

During my upcoming visit to the South Caucasus on June 17th–20th, I intend to outline the need for a strict implementation of ceasefire and to support the call of the Minsk Group co-chairs for a more active engagement in the negotiations over the basic principles of the settlement. Within the political and military dimension, we aim at modernizing the OSCE political military instruments. As a strong advocate of nonproliferation, Ukraine attaches special importance to enhancing the OSCE's profile in countering the threat of proliferation of weapons of mass destruction.

We appreciate the high level of cooperation between Ukraine and the United States on updating the 1994 OSCE principles governing nonproliferation. We expect that, in close collaboration with the United States and other key stakeholders, we will be able to finalize this work prior to the key OSCE Ministerial Council in December this year.

Combating cybercrime remains of paramount importance. To this end, Ukraine will contribute to provide support to the OSCE open-ended informal working group. We will also work together with this chair, the permanent representative of the USA to the OSCE, and all participating states to achieve progress on the initial set of confidence-building measures to reduce the risks on conflicts stemming from the use of information and communication technologies.

Distinguished audience, it would be hardly possible to promote a comprehensive and lasting security in the OSCE region without properly addressing challenges in the economic and environmental sphere. We have proposed to explore whether the OSCE could provide an added value and play a role in the development of the new trade and transport corridors. The core theme here is also increasing stability and security by improving the environmental footprint of energy-related activities. In this context, we came out with the initiative to hold a high-level international conference on energy security under the auspices of the OSCE chairmanship in Ashgabat, Turkmenistan in October this year. We count on active U.S. engagement in implementing this initiative.

Ladies and gentlemen, the withdrawal of international security forces from Afghanistan in 2013 will have considerable security implications for the OSCE area. As the OSCE chairmanship, we will further explore areas that require enhanced interaction with Afghanistan, as well as synergy in activities of relevant international actors to effectively address challenges arising from transition of responsibility in the country. The OSCE has regular dialogue with partners in the Middle East. It also promotes and creates projects which can offer the best practices of the OSCE, together with lessons learned on the challenges of democratic change upon request by partners in the region. The number of the requests is growing, and the scope of interest is increasing in all three OSCE dimensions. We remain fully committed to this process.

Ladies and gentlemen, now, as I have dwelt enough upon the OSCE chairmanship agenda, let me put on the toga of the foreign minister of Ukraine and say some words about my country's foreign and internal policies. They are of obvious interest to this distinguished audience.

The Ukrainian politics are currently streamlined by two processes, perfectly complimentary to each other. The first is the ambitious program of internal reforms that the government is deliberately implementing under the clear mandate by the citizens that have elected it. The second is the process of the European integration of Ukraine, and in particular the preparation for signing of the association agreement with the European Union November this year.

Ukraine is focused at conducting successful reforms in budget, financing, electoral, legislation, rule of law sphere, administrative governance, fight against corruption, and public policy. There are several reforms currently ongoing in Ukraine, but I would like to underline our actions in reforming our judiciary system, the adoption of a new criminal procedure code, and laws on cornerstones of this judiciary reform.

At the same time, a special constitutional assembly has been established to elaborate approaches of visions for reforming the constitution of Ukraine. While reforming the judicial system, we followed direct consultation and expert advice from the Council of Europe and the Venice Commission. Many of the EU's requirements regarding legal reform have already been implemented.

Numerous Ukrainian reforms have been praised internationally; for instance, the pension reform was estimated as one of the most socially balanced reforms in Europe by the World Bank. The World Custom Organization has commended the new Custom Code for its compliance with the international and European standards. And the Danish Helsinki Committee for Human Rights, together with the Council of Europe experts, regards the new Criminal Procedure Code as, indeed, one of the best in Europe. The Ukrainian leadership is truly committed to doing everything in its power to ensure the signing of their association agreement with the European Union during the Eastern Partnership Summit in Vilnius in November this year.

The Ukrainian leadership is truly committed to—nevertheless, in the end, we are determined to implement all the declared reforms, not so much to report good news to the European Union and other Ukrainian partners, but to ensure democratic and pro-European development of Ukraine from within.

Let me finally say some words about Ukraine's relations with Russia. No country can obviously change its geography. This means there is no other option for Ukraine but to strive to maintain good, neighborly and partnership relations with Russia. There is an intensive public debate in Ukraine about its relations with the Custom Union of Russia, Belarus and Kazakhstan. Let me be absolutely clear on this matter: Russia and the Custom Union as a whole are key trade partners of Ukraine. Should Ukraine not aim at the most favorable trade regime with the Custom Union? Of course it should.

Just two examples: The European Free Trade Association that unites four wealthy European countries has already held eight rounds of talks about a free trade area with the Custom Union. New Zealand is currently doing exactly the same.

Ukraine has asked for an observer status in the Custom Union. We consider that it would serve Ukraine's interests in its trade

with the Union and, at the same time, it would correspond to Kyiv's commitments within the WTO and with the European Union. Ukraine's proposal is currently under consideration. And we hope for a prompt positive result.

Ladies and gentlemen, much speech is one thing; well-timed speech is another said the great Sophocles two and a half thousand years ago. As I do not believe either in the effectiveness of sterile monologues or flamboyant speeches, I stand ready in my both current capacities to be engaged with you and in an informal yet substantial discussion.

Thank you very much.

Mr. CARDIN. Well, let me thank you for that very comprehensive testimony. I'm going to recognize the House members first in the event that there is a vote that takes place on the House side. So let me call upon Congressman Smith first and then we'll—others may have questions also.

Mr. SMITH. Mr. Chairman, thank you very much. And thank you, Mr. Chairman, for your very comprehensive look at the huge challenges that you face as the chair in office. You know, your trip to Moldova, I'm wondering, whether or not—what the fall of the—of the government, if that now portends new challenges that weren't even something that you had on the plate when you were there.

But the issue of the Azerbaijan and Armenian casualties in Nagorno-Karabakh is obviously a huge issue. They are both building up their military capabilities and many of us are very concerned where that might all lead to. So we wish you well on that trip, especially well, in trying to bring peace to that frozen conflict that has been with us for so long. And if you might want to elaborate on that, that would be great.

And if I could also—just a couple of questions as well—you know, the OSCE does pass a number of very important action plans. In 2004, we passed the Berlin Declaration on Anti-Semitism and all of us were very much involved with that very important declaration, the Roma declaration in 2003. But part of the problem that we all have—and I think we all suffer from this—is that we put on paper something that looks very good but then when it comes to implementation time, we all fall far short. And that has been the experience on all of these issues. So—and I'm just hoping that—if during your chairmanship in office, the emphasis can be put on concrete deeds. Words are important, but we do need those deeds. Anti-Semitism—I just chaired a hearing on combating anti-Semitism just several weeks ago—it is bad and it's getting worse and particularly in certain parts of Europe and the United States. So I would hope that you would—you would all that you could possibly do in combating anti-Semitism.

On trafficking, again, as I said in my opening, congratulations for the extraordinary leadership you are demonstrating. It is a breath of fresh air. And it will mean that women who otherwise would have been exploited and raped will evade that horrible cruelty because of your work. We all need laws. We pass trafficking laws, you pass them. But frankly, we need more public-private and public faith-based cooperatives. And I know that as—the one that you've taken up with the airlines and the hotels and all will have a—make a huge difference.

You might want to speak to that, if you—if you would. And the ambassador, again, is doing a wonderful job on that. If we have people who are situationally aware that a trafficking situation is occurring right in front of their eyes and have a way of getting it to proper law enforcement. It will mitigate the instances of trafficking. And it will certainly help rescue that woman as she's being trafficked.

And finally, I would just say, Ms. Tymoshenko, we are very concerned about her. I chaired a hearing a year ago. We heard from her daughter via Skype, but she made an impassioned plea on behalf of her mother. So you know, friends encourage and appeal. I make an encouragement and an appeal to you to finally, at long last, resolve that case.

Mr. KOZHARA: Thank you, Mr. Co-chairman.

And yes, indeed, the day after I opened our presidency in the OSCE in Vienna, I traveled to Moldova and I visited both sides of the Dniester River. I started from Chisinau and next day, I traveled to Tiraspol. And for Ukraine, it's quite natural to strive for peace and quietness in Moldova, because we have 1,000-miles border with Moldova. And I remember 22 years ago, when the military confrontation happened in Moldova, thousands of refugees fled from Moldova to Ukraine. And we experienced a terrific humanitarian tragedy that time. That is why maybe for no other country but Ukraine, we want peace in that region.

I found all support in Chisinau and I think I also found a constructive response in Tiraspol from the local leadership. And it seemed that we agreed on three important matters: number one, that the negotiation should not stop and go on; number two, that the two leaders of Moldova, top negotiators on Moldova in Tiraspol, should meet on a regular basis. And we suggested the Ukrainian territory as a place to meet for them. And number three, negotiations should also contain talks on the political status of Transdnistria, because the unclear political status is a problem not only for Moldova, but for Transdnistria as well.

With regards Azerbaijan and Armenia—yes, Mr. Co-chairman, I agree. The situation is extremely difficult and we are watching—the tension is rising and because of the—some political statements from both sides. And for Ukraine, all two countries, Azerbaijan and Armenia, are very close countries from the historical humanitarian people-to-people point of view. We have in Ukraine big diasporas of Azeri people and of Armenian people. That's why we cannot stand the sight from that conflict.

But I also understand that in the last 20—more than 20 years, when the war happened between these two countries, so many checks and balances were created and my task as I can see it, not to break those checks and balances, but to push a progressive negotiation.

So it would be for me much easier to talk to you and to say what happened, because the situation is really, really complicated. But I think the Ukrainian leadership in the OSCE can be the most effective in settling all the problems in that area.

Regarding anti-Semitism—for Ukraine is a mother place for many religions and many nations, so it's quite natural to have a big Jewish community. And yesterday, when I came to New York

on my first day in the United States, I met with the Jewish community there. And I think Ukraine today is one of the best examples of interethnic and interreligious tolerance. And under our leadership in the OSCE, we are going to hold several events on tolerance and interethnic peace. And one we have already had in Kiev, a conference on interreligious communications and I was speaking before that conference. And by the way, that conference was arranged by the prominent leaders of the Ukrainian Jewish community. And another one will be arranged under our presidency in Vienna this summer, very soon.

Human trafficking is also an extremely important question and problem for Ukraine. Unfortunately, Co-chairman, Ukraine has not a good record in this sphere, because Ukraine as a modern country is a young democracy. And we accept that sometimes, we lack some democratic procedures, which are quite common to developed democracies. That's why our chairmanship will be focusing on human trafficking. And in this regard, we also are going to hold a few events to combat these unacceptable practices and unacceptable activities. The issue of Roma rights was also mentioned. And just recently, the president of Ukraine signed a special decree which provides for protection of Roma ethnic groups in Ukraine.

And regarding your last point, Mr. Co-chairman, regarding Mrs. Tymoshenko, we accept that the former Prime Minister Tymoshenko's case is a problem in relations of Ukraine with the European Union. And believe me, Mr. Co-Chair, no one is happy that she is in jail today. But at the same time, millions of people in Ukraine believe that Mrs. Tymoshenko was convicted rightfully by the Ukrainian criminal court. Her deliberate illegal actions caused a huge damage to the Ukrainian society and Ukrainian state and now our national economy.

Ukraine is losing not less than 6 billion U.S. dollars because of the contract promoted by Mrs. Tymoshenko in 2009. And that contract, as widely known, was consented from former prime minister, without any consent from the government, as the law in Ukraine demands. And Mrs. Tymoshenko promoted the contract while having strong personal conflicts of interest.

One is a huge corporate debt of her company, United Energy Systems of Ukraine, before the Russia defense ministry, and another one she was campaigning for the presidency in Ukraine. And it would be even stronger motive for former prime minister to consult with the government, as the constitution and the law in Ukraine say. She didn't do that. So that's why, while we are not so much happy, we want that this issue would be resolved soon.

At the same time, it is extremely important that everything related to Mrs. Tymoshenko should be done in full compliance with the Ukrainian law. Otherwise, we often hear from the West some statements on the so-called selective justice in Ukraine. If Tymoshenko would be released, out of legal frameworks in Ukraine. So it would be a strong blow on the Ukrainian justice system. That's why everything should be done according to the law in Ukraine. Thank you very much.

Mr. CARDIN. Before I turn to Congressman Cohen, let me just follow-up on that one point with the former Prime Minister Tymoshenko. And I couldn't agree with you more; we want to make



sure that the rule of law is the rule of law and that decisions are made based upon a fair application of laws without discrimination. And that's a very important principle in a democracy.

But I'd just make an observation—two observations in this case. One is that we've seen in too many cases where young democracies have done very well in their first and second elections, but then we see that the opposition usually ends up in jail. Without, again, trying to judge the manner in which the Tymoshenko trials were handled, it seems to be following a pattern that's not healthy as democracies change by the ballot box from one government to another government.

And this view in regards to the Tymoshenko case is further bolstered by the human rights court of Europe in their findings suggesting that there was too much politics played in this case. Our plea is that this appears to have been politically motivated. And that is presenting problems with Europe and it does, I think, require some additional attention by the Ukrainian legal system. And we hope this will be resolved in a satisfactory manner consistent with your laws.

Congressman Cohen.

Mr. COHEN. Thank you, Senator. Mr. Chair, I talked about three gentlemen who have been the victims of political attacks in your country. And while your country has indeed made great strides, and I commend you for the strides you've made to perfect your justice system, it seems that in these cases justice has yet to be carried out. There was a conviction, a perpetrator of the assassination of the journalist Gongadze. But there were apparently—he has implicated, I believe—or President Kuchma—former president Kuchma in ordering that attack.

And there were two other people attacked who were seriously hurt. Perpetrators of that act have not been, I believe, arrested or brought to justice. The very brutal attack on the politician Elyashkevich has not been brought to justice. And he did seek and received asylum here because of threats from the previous president. He is, I believe, living in Ukraine now, but yet that crime has not been satisfactorily resolved, I think, to the credit of the Ukrainian government. And the other journalist who was attacked, Podolsky, his perpetrators have not been brought to justice.

And so my question to you is, do you know of any actions that are being brought or any actions that we can foresee where possibly the perpetrators will be brought to justice, and if it reaches to the level of the former president, that he would be brought to justice? That's the end of the question. There may be more.

Mr. KOZHARA. Should I respond?

Mr. COHEN. Please.

Mr. KOZHARA. Thank you. Thank you, Mr. Cohen. And I appreciate your awareness of so many very famous criminal cases in Ukraine. And you know that investigation on the late journalist, Mr. Gongadze, is going on. And I'm here not in a position to comment on the investigation. But what I can say here before the commission, that there is a common feeling that the investigation is going on and getting close—closing closer to the resolution of this very topical case for Ukraine.

I cannot reply specifically on Mr. Elyashkevich because I don't know that case. Mr. Elyashkevich is my former colleague by the Ukrainian Rada, by the parliament. And I saw him a few months ago in Kiev. And he looks OK. But I don't know specifically what happened to him. Mr. Podolsky and—so unfortunately I don't have this name in my files, my talking points. And you also mentioned Mr. Chornovil. Who died in the car accident more than 10 years ago. And he was a leading opposition leader in Ukraine.

But what I can tell the commission for sure, that Ukraine is doing a lot in this sphere over the justice reform. And three years ago when, after the presidential elections in Ukraine, we started immediately with reforming of the judiciary and reforming the police and the prosecutor's offices. As a result, last year a new criminal proceeding code was put into effect. And this code was adopted after a previous old criminal proceeding code which was adopted, can you imagine, Mr. Cohen, in 1961, when Mr. Khrushchev was in charge from the Kremlin at that time.

So we consider that the adoption of the criminal proceeding code is a big step forward for Ukrainian criminal justice system. And it's worth mentioning that the new criminal proceeding code was elaborated along with the Venice Commission of the Council of Europe, a professional body of the Council of Europe, where lots of lawyers and professionals were helping us deliberate this code. And there is another important reform on the parliamentary floor in Ukraine today, the reform of the police and the reform of the prosecutor's office.

And we hope that the Ukrainian Rada, the parliament, which was elected at the end of last year, will be effectively adopting legislation necessary for Ukraine to comply with the requirements of the European Union to sign the association agreement with the European Union. And the only problem we have here, Mr. Cohen, that the deep reform of the judiciary and of the police and of the prosecutor's office is possible only within the constitutional reform because to reform completely those offices, we need to change the constitution adopted in 1996.

So that's why last year President Yanukovich called for the Constitutional Assembly. And we all want very much that both Ukrainian ruling parties and Ukrainian opposition would take an active part in drafting the new constitution. Thank you.

Mr. COHEN. Mr. Chair—I might not have heard you correctly. I believe you said that you recalled serving with Mr. Elyashkevich who you saw recently. And are you—did you say you were not aware of the fact that he was attacked—brutally attacked, and that there was a special commission of the Verkhovna Rada of Ukraine, of the 3rd and 4th convocations that unanimously came to a conclusion that Ukrainian President Kuchma and then-chairman of the security service of Ukraine, Derkach are accomplices in attempts on the life of people's deputy of Ukraine, Elyashkevich? That this was public—you're not aware of this? This is a colleague?

Mr. KOZHARA. May I reply?

Mr. COHEN. Please, sir, yes.

Mr. KOZHARA: Thank you. I became a member of the Ukrainian parliament in 2006. And Mr. Elyashkevich finished his parliamentary job in 2002, I think. And, yes, indeed, I heard of that case.

And as far as I remember, a special parliamentary commission was established to investigate that case. Unfortunately, Mr. Cohen, I cannot tell you specific points of that case because I'm not prepared to testify on that now.

Mr. COHEN. I appreciate that. And I appreciate—

Mr. KOZHARA. But what I promise that some additional information will be addressed to you from—through our embassy in Washington, D.C.

Mr. COHEN. Thank you. That's all we can ask for. And I appreciate your assurances that you're improving your systems and that you'll get us that information. And one last thing, on anti-Semitism, what Mr. Smith asked about was: How is that being dealt with throughout the OSCE? You mentioned, I think some things in Ukraine that you were doing about anti-Semitism. Where is anti-Semitism the most rampant, in your opinion, in the OSCE? And what is the OSCE doing to see to it that there is some type of action taken in those areas?

Mr. KOZHARA. Thank you, Mr. Cohen. And I cannot say official things on the question you asked because I don't have them on my talking points. But as a Ukrainian politician and representative of the ruling party, I can say that indeed in the last years when Europe and other regions of the world started to experience hardships of the financial and economic crisis, and this is a substance where this is a time when radical thoughts and simple slogans are easy to say to the people.

And unfortunately, we are watching today that some radical parties in Europe have more popularity in their societies. I won't be naming those countries. I think you know all of them. And I can say about my country—and in the course of last elections, last October, radical nationalistic party has won popular vote and got into the Ukrainian parliament. They received more than 10 percent of popular vote. And it testifies that simple slogans and simple antagonistic ideology during the hard times of the financial and economic crisis gained some popularity in many societies, unfortunately.

With regards to Ukraine, anti-Semitic, Nazi or fascist ideology is prohibited by the criminal law in Ukraine. And my government and my party which is in charge in Ukraine today, we are watching very carefully that those radical movements in the party do not cross the border of the law. Thank you.

Mr. CARDIN. Let me interrupt at that point and let Dr. Burgess have a chance here.

Mr. BURGESS. Thank you. Thank you, Mr. Chairman. I'm up against some time constraints, so I'm not going to be terribly long. And I do appreciate you being here and sharing this with us. I was particularly encouraged to hear you talk about cybersecurity and energy security. I serve on another committee in the House that deals with that, and I know the importance in, certainly, your part of the world.

Let me just go back to Yulia Tymoshenko for just a moment. Congressman Smith, when he held that hearing last—in the last Congress and had—through the miracle of some technology, had her family members to testify—I'm not a lawyer, I'm a physician and what I got from the family was, here is a woman who has—

it sounded like some pretty acute medical problems, some back injuries that needed treatment. And I would just ask you if nothing else, if there were a humanitarian basis for a release or a change in custody to allow this individual to have those injuries treated effectively and properly. And you may not be able to comment on that, but that was my takeaway from that hearing. It was pretty compelling testimony by your family. I realize the rule of law must be adhered to, and certainly, again, I'm not a lawyer and I can't advise on that. But from a physician's perspective, it seems like this might be—from a humanitarian basis, this might be the correct course of action. And thank you for your testimony today.

Mr. KOZHARA. Thank you. So maybe you know that the European Court on Human Rights ruled over the—Tymoshenko's case just recently—on April 30th. And I would cite some comments from the European Court of Human Rights ruling. I cite, I quote: "On 30th of April 2013, the court delivered the judgment on this case in which it declared inadmissible for the reason of their obvious groundless complaints raised by Mrs. Tymoshenko concerning the conditions of her pretrial detention and alleged lack of appropriate medical treatment. Her complaints on alleged round-the-clock surveillance in the hospital were declared inadmissible, as not all the domestic remedies were exhaustive. Mrs. Tymoshenko did not file an appeal on the national court decision according to the set her—to the set procedure." So sorry for reading that. So that's all I can comment on the case. Thank you.

Mr. CARDIN. Let me first compliment you for your statement, where you say right in the beginning that you are convinced that the human dimension belongs to the core of the concept of comprehensive security. To me, that's the hallmark of the OSCE, the recognition that if we're going to have secure countries, the countries need to deal with the human dimension as well as the economic dimension. And I applaud you for putting that in the spotlight and just urge you, as I said in my opening statement, that we strengthen all three baskets. And as we move the strength in a basket, we certainly don't do it at the cost of particularly the human dimension, but of any of the three baskets. We've already commented that we're celebrating the 10th anniversary of the OSCE Roma Action Plan, and next year we will celebrate the 10th anniversary of the Berlin Declaration. Congressman Smith and I participated in the Berlin Declaration. So we've seen the progress that's been made over the years, and we are very proud of the role that the OSCE has played on the Roma issue, on anti-Semitism, on xenophobia and anti-Muslim activities. As special representatives, we are proud of the role that they play. We meet with them regularly and get updates. Congressman Cohen asked a question, what's the status of anti-Semitism. We've worked with Rabbi Baker to find out which countries could benefit from best practices in other countries. And OSCE has been in the forefront on that.

I guess my question to you is, these issues, as Congressman Smith points out, are still very much in the need for improvement. I have visited Roma communities regularly in Europe and know that they are still a very persecuted group and need the attention of the OSCE. Anti-Semitism is still too prevalent in Europe, and

we need to deal with that. The same thing is true with anti-Muslim activities and xenophobia.

So I guess my question to you is, during your chairmanship, how do you intend to keep active these areas of protecting minority communities such as the Roma population, to deal with the broad issues of tolerance so that countries don't become complacent, that we continue to showcase best practices in an effort to help countries understand what they need to do in order to be in compliance not only with the letter but the spirit of the OSCE?

Mr. KOZHARA. Thank you, Mr. Chairman. So for centuries, Ukraine has been a sort of crossroads for many civilizations, and Ukraine is a multinational community today where we have many different religious, national, linguistic and other communities. And in 20 years with independence, Ukraine has adopted a comprehensive legislation on ethnic minorities, language minorities. Just recently, as an example, I can say that the Verkhovna Radam the parliament of Ukraine, adopted a law on languages in Ukraine and to allow—actually, this law is a Ukrainian national legislation to implement the European Charter on regional languages and national minorities languages. And today on the local level, some foreign languages are adopted as regional ones. For examples, in the regions—in the region of Transcarpathia, on the border with Romania, Hungary and Slovakia some local communities adopted Hungarian language as a regional language, which allows those national minorities to use Hungarian as a second to the official Ukrainian language in Ukraine.

So as I have already mentioned, just recently the president of Ukraine adopted a decree to secure the rights of the Roma community in Ukraine. And Ukraine for centuries also has been a homeland for many Roma people. With regards to anti-Semitism, also for centuries Ukrainians, other nationalities and Jews lived together in peace. And Kyiv has been recognized as number three city in Europe, after Paris and London, by the Jewish population, and Ukraine also is a country of many Jewish holy places. And annually, the small city of Uman, where the tomb of Nachman is, one of the Hassid community clerics. So for example, last year we had 37,000 pilgrims, and many of them came from the United States.

Mr. CARDIN. I guess my point would be, what you're doing, the right thing, you need to showcase to other countries within the OSCE that are not doing as much as they should. I think sharing best practices, we help countries improve their records. And political leadership, to me, is the key. If you have political leadership that wants to work on these issues, it works. And sharing that with other countries, I think, would make additional progress. And I thank you for your commitment there.

I want to get to the issue of election monitoring. You and I had a chance to talk about that before the hearing. It is one of the most important functions of the OSCE, is monitoring elections, to give an objective account as to—whether these elections are open, free and fair, and then as you pointed out in your testimony about the Ukraine election, giving good information on how to improve the election procedures. We had an election observation team here in the United States during our past election. We know that there were certain misunderstandings between the parliamentary assem-

bly and ODHIR. I believe very strongly in the role of the parliamentarians in the process. I believe very strongly in the ODHIR, in the role that it plays in giving us the continuity of election monitoring. Can you just give us a brief status report as to how you have been able to work as the president of the OSCE to marshal our forces within the parliamentary assembly and ODHIR to have the most effective election-monitoring capacity?

Mr. KOZHARA. Thank you, Mr. Chairman. Ukraine, in the last years, has had many different elections—presidential, local, parliamentary elections. And all elections we welcome, OSCE/ODHIR monitoring missions. For example, during the last parliamentary elections, Ukraine had a record number of international observers; 4,000 people came to observe elections in Ukraine. This is a record number for the entire OSCE area.

And we also watched a conflict between the OSCE parliamentary assembly and the ODHIR office. I'm happy to say, Mr. Chairman, that today this conflict has been resolved, and I personally put my efforts into the resolution of this conflict. I met with the acting president of the OSCE parliamentary assembly. I visited the ODHIR office in Warsaw. And as far as I understand, today all very sharp issues are not so sharp. But at the same time, I think that ODHIR, being a professional organization, should care about professionalism of her own missions. That's why we think, as presidency in the OSCE, that first of all, we need to secure election standards which are used by ODHIR missions, and those standards should be common for all observation missions provided by OSCE.

And another comment. I think we are all applauding this compromise between the OSCE parliamentary assembly and ODHIR. But at the same time, I think it would not be easy to combine professional activities by ODHIR missions and political activities by OSCE parliamentary assembly, because parliamentary assembly consists of members of parliaments representing different parties. And, for example, in Europe—there is a trend that parties from single countries join bigger political groups. And it means—for example, if an observation mission consists of one political group of parties, and they observe a country, for example, where their political opponents are in power, it may cause a problem, Mr. Chairman.

So we need to take balanced approaches in this matter. But as I said, we applaud to the compromise between OSCE and ODHIR.

Mr. CARDIN. Well, that's good news. Thank you very much. Mr. Smith.

Mr. SMITH. Mr. Foreign Minister, thank you again for your testimony. You know, I just would like to ask you, if you would, one takeback for your conference in June. Last week we had another—yet another hearing on human trafficking, and the efficacy of having a phone hotline was underscored by the Polaris Project, which does it here in the United States.

And it would be a great advance in combating human trafficking if there were a Europe-wide hotline so that wherever a victim might be he or she—and most of the victims are women—or someone who sees a trafficking situation could call into that main number and help—hopefully a police would be on their way to rescue. So it's something that could work. It is not very expensive, it's just

a matter of having the will to do it. And it's something that might be considered by your conference.

Secondly, talking about Mediterranean partners, last Congress I chaired three hearings on what is happening in Egypt. And one of—the focus of two of them was almost exclusively on a barbaric policy—more of a phenomenon, but it's certainly a policy, because it was not in any way objected to by the government in Egypt, and that is of allowing young teenage girls—encouraging it, even, to be abducted, given over to Muslim men—they call it “Islamicizing the womb”—there is even a name for it. And at two of those hearings, the former deputy of the trafficking unit at the OSCE, Michele Clark, who is an adjunct professor now here in Washington at George Washington University, testified, and she did much of the reporting herself.

And the numbers are in the thousands of these young Coptic Christian girls who are abducted as teenagers, and some even as young mothers, and then forced into these marriages. I've been trying to get our own administration to raise this issue and to do so robustly, with very little success. But it seems to me that as chair in office—and you will have, I'm sure, opportunities to talk to President Morsi, to raise this horrible exploitation of little girls and young women who are then forced into a faith, that if they go back to their Christian faith, they will be accused of apostasy and maybe even killed.

And meanwhile, they have been trafficked in a terrible, terrible situation. And Michele Clark would be available to you if you would like or for your embassy to fully brief you. We'll provide you with the hearing records, but it is a very serious problem. It's not unique to Egypt, but it is going on in a very terrible way in Egypt.

And finally, you may not want to elaborate this, but if you could—you talked about—with the security implications of our exiting Afghanistan, that the OSCE chairmanship would have to further explore areas that require enhanced interaction with Afghanistan. I thought that was a very profound statement, because there are challenges that I think not enough of us are thinking about, and it was reassuring to know that you're thinking about it. So if you wanted to speak to that or perhaps get back to us later on that.

Mr. KOZHARA. Thank you. Responding to first question, we intend to review the existing OSCE plan on trafficking in human beings adopted in 2003. The introduction of the all-European hotline could be a part of this revised plan, and we'll take a note of that. With regards Mediterranean partners, thank you, Mr. Co-Chairman, for your comments. And we'll also take a note. And this problem is quite new for me, but in our negotiations and talks with Egypt on bilateral basis and within the OSCE, we can raise also this matter with the Egypt leadership. And Ukraine has long-time and deep relations with Egypt. Thank you.

And yes, on Afghanistan, Ukraine is actively supporting the discussion on Afghanistan and, some years ago, Ukraine lost 3,000 Ukrainians in the war in Afghanistan. So for us, this country is quite known, and we have a strong sentiment about Afghanistan as well. So we'll be supporting the dialogue on it.

Mr. CARDIN. Mr. Cohen has one last question.

Mr. COHEN. Thank you, Mr. Chair. The Azerbaijan government is advocating downgrading the OSCE mission in Baku to the level of project coordinator. It's my understanding that your chairmanship team has convened a working group on this matter, and I wanted to know what your position was on the Azerbaijani proposal, and how can your chairmanship team ensure that the OSCE remains actively engaged through the field operations of the—at the appropriate level, where support is still needed to implement OSCE commitments?

Mr. KOZHARA. Thank you, Mr. Cohen. Yes, indeed, Azerbaijan suggest to downgrade the OSCE mission there, and as a member state, Azerbaijan has a right to ask for downgrading. So we are actively working with Azerbaijan, and I am in constant communication with Azerbaijani-Azeri foreign minister, Mr. Mammadyarov, on that. We asked Azerbaijan not to block all other OSCE activities using this Baku OSCE office problem. We also understand that no change is possible this year, but again, I stress that it's a sovereign matter of Azerbaijan as an OSCE member state to identify the status of the OSCE office in Baku. Thank you.

Mr. CARDIN. One last point I want to put into the record and get your response on on behalf of Senator Wicker—Senator Wicker is the ranking Republican member of the Helsinki Commission and has been very actively engaged in the international adoption issue. And your commissioner of children's rights was recently here in Washington to talk about the issues of inter-country adoptions.

Within the OSCE region, we've had historic issues on tragic circumstances on denial of access to adoption. We saw that in Romania some years back, and we've addressed that with a hearing. More recently, we've had a serious problem with the Russian federation on inter-country adoptions, where Russia has made certain decisions to stop inter-country adoptions, particularly with children with special needs. These are children that have very difficult times finding permanent placement, and some of these procedures were in the process—I believe some of this has been resolved by bilaterals between Russia and the United States. My question to you is, this is an issue that cries out for some standards on how countries should deal with the issue of adoption, and would ask your support to see whether we cannot get some activity within OSCE dealing with this basic right as to what children should have that are being adopted by parents in other countries.

And I would ask your personal attention to that, and if you would have your staff look into whether there is a role for OSCE to play here, and particularly getting back to Senator Wicker on that point.

Mr. KOZHARA. Thank you, Mr. Chairman. So I am deeply convinced that when we are talking on children their future should be more important than politics. Yesterday, when I was visiting New York, I met with American families who adopted Ukrainian children, and it was a very sensitive meeting. And Ukraine also has a conflict of law with the American law, because according to the Ukrainian law, American families or other foreign families which adopted Ukrainian children should report to Ukrainian embassies, and Mr. Chairman, unfortunately, only 45 percent of the American families which adopted Ukrainian children report to the Ukrainian



diplomatic representations. But we also understand this reality, and as I said, the future not of Ukrainian or American or any other—of our human children—kids should be more important than any politics, and I think it is worth that. Thank you.

Mr. CARDIN. Well, I certainly—we all agree with you on that statement. I think you said that very well, and I appreciate your candor in answering the questions here and very much appreciate the willingness of your country and you personally to step forward in leadership within the OSCE during these, as I said earlier, very, very challenging times. And I look forward to continuing to work with you on behalf of the Helsinki Commission of the United States, and we wish you well. Thank you very much; the hearing stands adjourned.



# A P P E N D I X

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## PREPARED STATEMENTS

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

Today, I am pleased to welcome Foreign Minister Kozhara (Ko-ZHA-ra) to share his views with us one-third of the way into Ukraine's 2013 OSCE Chairmanship. A lot of hard work has already been done by your Chairmanship, and we appreciate it.

Mr. Minister, the 1975 Helsinki Final Act and process it initiated, with its focus on human rights and fundamental freedoms, played an important role in the achievement of your country's independence. And, as you know, the Helsinki Commission has a long history of support for Ukraine's independence and democratic development. We want Ukraine to succeed. I recall my visits to Ukraine, both to Kyiv in early 2005 shortly following the Orange Revolution, a time of great promise, and again in 2007 for the Annual Session of the OSCE Parliamentary Assembly. I also had the opportunity to visit Chernobyl, site of the worst nuclear power plant disaster in history, which for nearly three decades has had such a profound impact on Ukraine and her neighbors.

Like any Chair-in-Office, Ukraine faces formidable tasks in leading this multilateral organization that operates on the basis of consensus, and includes 57 countries ranging from democracies to dictatorships. A Chair-in-Office must itself display strong democratic credentials if it is to succeed in encouraging compliance with OSCE obligations in other countries. It is incumbent upon Ukraine to lead by example in upholding its OSCE human rights and rule of law commitments. I welcome the recent pardons of former high ranking officials and believe that they are a good first step. I trust that you will build on your promise of further judicial and electoral reforms, and we hope that last week's European Court of Human Rights ruling that the detention of former Prime Minister Yulia Tymoshenko before and during her trial was arbitrary and a violation of her rights will provide further impetus for her release.

Mr. Minister, your appearance here allows us to hear your reflections on your achievements and challenges to date, and to how your priorities are being executed and plans for the remainder of your tenure. We all must do what we can to ensure security and economic cooperation, and to safeguard not only democracy's progress, but its preservation. That is why strengthening the implementation of human dimension commitments by all participating States is so important.

I want to thank you for taking on the leadership of the OSCE and wish you continued success in your remaining 8 months. I'm hopeful that Ukraine's chairmanship of this important organization will enrich both Ukraine and the entire OSCE.

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

I'd like to join my colleagues in welcoming Foreign Minister Kozhara, the Chair-in-Office of the OSCE for 2013, and, of course, in welcoming everyone who is joining us this afternoon.

Ukraine has come a long way since I first joined the Helsinki Commission three decades ago—at that time it was a country suffering under Soviet oppression, and its independence seemed like a distant dream.

Even in those days, Ukraine distinguished itself by the number of courageous men and women who fought for human rights and freedom. When Helsinki Monitoring Groups were formed in the Soviet Union, to call on the dictatorship to live up to its Helsinki human rights commitments, the Ukrainian Monitoring Group was the largest and the most harshly repressed of them all—and in the early 1990s played a leading role in establishing democracy in independent Ukraine. In many ways, Ukrainians were at the forefront of the struggle to replace the old Soviet Union with governments that respected human rights—a great honor to Ukraine.

So it is a special pleasure to have you here today, Mr. Foreign Minister, and it is a fitting and long-awaited distinction for Ukraine to lead the OSCE this year. You and your country will face many challenges and opportunities this year in your role as Chair-in-Office, and I look forward to hearing you present on your on-going work and plans.

Of course it is good news that your priorities as Chairman-in-Office include an emphasis on human dimension issues, such as human trafficking, media freedom, tolerance and non-discrimination and democratic elections.

As author of the Trafficking Victims Protection Act and its 2003 and 2005 reauthorizations, I especially applaud the energy which you've shown in taking on the fight against human trafficking. All of us in the fight against trafficking appreciate the special trafficking conference that Ukraine is convening in Kyiv this June in order to look closely at overlooked aspects of human trafficking, and most importantly, to strengthen the coherence of the OSCE response—including international law enforcement response—to trafficking in persons.

I also want to commend Ukraine for the work it has done already to focus attention on the hundreds of thousands of trafficking victims who are moved across borders each year and who could be rescued in transit if airline and other transportation personnel were appropriately trained and law enforcement ready to intervene. Last month, Ambassador Motsyk took the lead in sharing the Airline Ambassadors airline initiative with other Ambassadors and Diplomats from OSCE countries as well as with representatives of airlines in the United States. This training will create the situational awareness in the transportation industry that will make it much harder to traffic women. At the event at the Ukrainian embassy, here in Washington, Ambassador Motsyk introduced Nancy Rivard, founder and president of Airline Ambassadors, who demonstrated the transportation personnel training that has already been used to rescue more than 100 victims. And of course the Ukrainian government has taken the lead in organizing another major anti-trafficking event, to be held later this summer in Kyiv. Mr. Foreign Minister, your government's efforts will ensure that thousands of women and girls will be rescued from the horrors of trafficking, and will impede the traffickers so that many other women and children will never undergo it. Your commitment to introducing this program in the 57 OSCE participating states will ensure that we can rescue thousands more—I'm sure that I speak for everyone active in fighting human trafficking in thanking you for that.

Mr. Foreign Minister, I must also mention one of the problems remaining in Ukraine—probably the chief symbol of problems touching on human rights, rule-of-law, and democracy, that is, the continued imprisonment of former Prime Minister Yulia Tymoshenko.

This is a serious injustice—and it can be corrected by Prime Minister Yanukovich. It was exactly twelve months ago that I chaired a hearing of this Commission on Ukraine, at which one of the key witnesses was Ms. Tymoshenko's daughter, Yevgeniya, testifying via Skype. I welcome the recent release of opposition leader Yuri Lutsenko as a positive step, and appreciate the other positive gestures of the current government—at the same time I strongly urge the Ukrainian government to enhance its Chairmanship of the OSCE by releasing Ms. Tymoshenko.

PREPARED STATEMENT OF LEONID KOZHARA, MINISTER FOR FOREIGN AFFAIRS OF  
UKRAINE

Excellencies, Ladies and Gentlemen, I am pleased and honoured to be here with you today as Chairperson-in-Office of the Organization for Security and Co-operation in Europe. It is a great responsibility for me personally and for Ukraine to lead the world's largest regional security organization throughout this year. With 57 participating States stretching from Vancouver to Vladivostok, the OSCE is uniquely designed as a comprehensive and an inclusive platform for security dialogue in the Euro-Atlantic and Eurasian area. We strongly believe that the OSCE is well suited to address the changing security challenges in its area and that we need to continue strengthening its tool box and improving its coherence.

Ukraine, as the Chairmanship-in-Office, is a consistent advocate of the OSCE concept of comprehensive, cooperative, equal and indivisible security. We take the view that lasting and sustainable peace and security can only be achieved by pursuing a balanced approach across all three dimensions—the political and military, the environmental and economic as well as the human dimension. As we approach the 40th anniversary of the Helsinki Final Act, the “Helsinki+40 process”, launched in Dublin last year, should serve, in our understanding, as a catalyst for re-energizing the Organization. A strong engagement from the United States will be of great importance for success of the effort.

Distinguished audience, we are convinced that the Human Dimension belongs to the core of the concept of comprehensive security. The Ukrainian Chairmanship outlined the overarching goal of promoting full implementation of the existing human dimension commitments by all participating States. The fight against trafficking in persons remains one of the key issues that are being addressed by the OSCE under the Ukrainian Chairmanship. It is a plague that many OSCE countries, including Ukraine, have been suffering from for many years. We need to combine all possible instruments to meet this challenge.

A set of public events has been organised to this end, one of them being the international conference on strengthening of the OSCE response to trafficking in human beings, to be held in Kyiv in June. Fostering the freedom of the media is also among our priorities in this dimension. A Human Rights Seminar in Warsaw is planned to address the media freedom legislation issues. It would result in developing relevant recommendations for participating States. We will also strive to achieve progress in the areas of free movement of people, promotion of tolerance and non-discrimination, freedom of association and assembly, inter-religious dialogue, in promoting freedom of religion or belief, as well as democratic elections and election observation. Attaching great importance to the promotion of tolerance and non-discrimination through youth education, the Chairmanship is preparing to host the OSCE Youth Summit in July—August 2013 in Crimea, Ukraine. We also believe in the importance of constructive engagement of civil society in achieving the OSCE goals. Election monitoring is one of the hallmarks of the OSCE. A smooth co-operation between the OSCE Parliamentary Assembly and ODIHR is essential. The OSCE must speak in one voice. It is for the benefit of all the OSCE participating States to take recommendations made by international observation missions seriously. For instance, following the October 2012 parliamentary elections in Ukraine, its Government approved a relevant Action Plan on priority measures to improve the electoral legislation. At the same time, to ensure compliance in election observation, it is important to safeguard independence, impartiality and professionalism of observers in line with OSCE decisions.

Ladies and Gentlemen. Progress in finding sustainable and long-term solution to the protracted conflicts in the OSCE area is on top of our agenda. My first visit in the capacity of the OSCE Chairperson-in-Office in January was to Moldova. I encouraged the leadership in Chisinau and Tiraspol to engage constructively into the negotiation process. The political will for mutual rapprochement at both banks of Dniester is a key to finding compromise solutions. We hope that the results of current political process in Moldova will give a new impetus to further development of dialogue between Chisinau and Tiraspol, to which Ukraine remains ready to contribute. We remain convinced that success of the Geneva process is crucial for improving the security and humanitarian situation in the conflict areas in Georgia.

The Chairmanship welcomes and supports the efforts of the Minsk Group Co-Chairs directed at promoting dialogue between Azerbaijan and Armenia on the settlement of Nagorno-Karabakh conflict. During my upcoming visit to the South Caucasus on 17–20 June I intend to underline the need for a strict implementation of ceasefire, and to support the call of the Minsk Group Co-Chairs for a more active engagement in the negotiations over the Basic principles of the settlement. Within the political and military dimension, we aim at modernizing the OSCE politico-mili-

tary instruments. As a strong advocate of non-proliferation, Ukraine attaches special importance to enhancing the OSCE's profile in countering the threat of proliferation of weapons of mass destruction. We appreciate the high level of cooperation between Ukraine and the United States on updating the 1994 OSCE Principles Governing Non-Proliferation. We expect that in close collaboration with the United States and other key stakeholders we will be able to finalize this work prior to the Kyiv OSCE Ministerial Council in December this year. Combating cybercrime remains of paramount importance. To this end, Ukraine will continue to provide support to the OSCE Open-ended Informal Working Group. We will also work together with its Chair, the Permanent Representative of the USA to the OSCE and all participating States to achieve progress on the initial set of confidence building measures to reduce the risks of conflicts stemming from the use of information and communication technologies.

Distinguished audience, it would hardly be possible to promote a comprehensive and lasting security in the OSCE region without properly addressing challenges in the economic and environmental sphere. We have proposed to explore whether the OSCE could provide an added value and play a role in the development of the new trade and transport corridors. The core theme here is also increasing stability and security by improving the environmental footprint of energy-related activities. In this context we came out with the initiative to hold a High Level International Conference on energy security under the auspice of the OSCE Chairmanship in Ashgabat in October this year. We count on active U.S. engagement in implementing this initiative. Ladies and Gentlemen, the withdrawal of international security forces from Afghanistan in 2014 will have considerable security implications for the OSCE area.

As the OSCE Chairmanship we will further explore areas that require enhanced interaction with Afghanistan, as well as synergy in activities of relevant international actors, to effectively address challenges arising from transition of responsibility in the country. The OSCE has regular dialogue with Partners in the Middle East. It also promotes concrete projects which can offer the best practices of the OSCE, together with lessons learned, on the challenges of democratic change, upon request by Partners in the region. The number of the requests is growing, and the scope of interest is increasing in all three OSCE dimensions. We remain fully committed to this process.

Excellencies, Ladies and Gentlemen, Now, as I have dwelt enough upon the OSCE Chairmanship agenda, let me put on the toga of the Foreign Minister of Ukraine and say some words about my country's foreign and internal politics, as they are of obvious interest to this distinguished audience. The Ukrainian politics are currently streamlined by two processes, perfectly complementary to each other. The first is the ambitious programme of internal reforms that the Government is deliberately implementing under the clear mandate by the citizens that have elected it. The second is the process of the European integration of Ukraine and, in particular, the preparation for signing of the Association agreement with the European Union in November this year. Ukraine is focused at conducting successful reforms in budget financing, electoral legislation, rule of law sphere, administrative governance, fight against corruption and public policy. There are several reforms currently ongoing in Ukraine, but I would like to underline our actions in reforming our judiciary system. The adoption of a new Criminal Procedure Code and laws on Bar became cornerstones of this judiciary reform.

At the same time a special Constitutional Assembly has been established to elaborate approaches and visions for reforming the Constitution of Ukraine. While reforming the judicial system, we followed direct consultation and expert advice from the Council of Europe and the Venice Commission. Many of the EU's requirements regarding legal reform have already been implemented. Numerous Ukrainian reforms have been praised internationally. For instance, the pension reform was estimated as one of the most socially balanced reforms in Europe by the World Bank. The World Customs Organisation has commended the new Customs Code for its compliance with international and European standards. And the Danish Helsinki Committee for Human Rights together with the Council of Europe experts regards the new Criminal Procedure Code as indeed one of the best in Europe. The Ukrainian leadership is truly committed to doing everything in its power to ensure the signing of the Association Agreement with the European Union during the Eastern Partnership Summit in Vilnius in November this year. Nevertheless, in the end we are determined to implement all the declared reforms not so much to report good news to the EU, but to ensure democratic and pro-European development of Ukraine from within.

Let me finally say some words about Ukraine's relations with Russia. No country can obviously change its geography. This means there's no other option for Ukraine

but to strive to maintain good-neighborly and partnership relations with Russia. There is an intensive public debate in Ukraine about its relations with the Customs Union of Russia, Belarus and Kazakhstan. Let me be absolutely clear on that. Russia and the Customs Union as a whole are key trade partners of Ukraine. Should Ukraine not aim at the most favorable trade regime with the Customs Union? Of course it should.

Just two examples: the European Free Trade Association that unites four wealthy European countries has already held eight rounds of talks about a free trade area with the Customs Union. The New Zealand is currently doing exactly the same. Ukraine has asked for an observer status in the Customs Union. We consider that it would serve Ukraine's interests in its trade with the Union and at the same time would correspond to Kiev's commitments within the WTO and with the European Union. Ukraine's proposal is currently under consideration and we hope for a prompt positive result.

Ladies and gentlemen! Much speech is one thing, well-timed speech is another, said the great Sophocles two and a half thousand years ago As I do not believe either in the effectiveness of sterile monologues or flamboyant speeches, I stand ready, in my both current capacities, to be engaged with you in an informal yet substantial discussion. I thank you!

SENATE CONGRESSIONAL RECORD: POLITICAL IMPRISONMENT IN UKRAINE, HON. BENJAMIN CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Madam President. I would like to address the current situation in Ukraine, an important country in the heart of Europe, a bellwether for democratic development in the region, and the current Chairman-in-Office of the OSCE.

Let me first welcome the release from prison Sunday of former Ukrainian Minister of Internal Affairs and leading opposition figure Yuri Lutsenko. Mr. Lutsenko had been convicted on politically motivated charges and incarcerated since December 2010. President Yanukovich's pardon of Mr. Lutsenko is an encouraging step in the right direction. I also welcome the pardon of former Environment Minister Heorhiy Filipchuk, who also served as a member of Ms. Tymoshenko's Cabinet and had been released last year after his sentence was suspended. By pardoning Mr. Lutsenko and Mr. Filipchuk, President Yanukovich is indicating not only a willingness to resolve what has been a major irritant in Ukraine's relations with the United States and the EU, but also a stain on Ukraine's democratic credentials.

At the same time, I remain deeply concerned about the politically motivated imprisonment of Ukrainian opposition figure and former Prime Minister Yulia Tymoshenko, who has been incarcerated since August 2011.

Mrs. Tymoshenko's case stands out as a significant illustration of Ukraine's backsliding with respect to human rights, democracy, and the rule of law since she was defeated by President Yanukovich in February 2010. The United States, EU, and Canada have repeatedly expressed concerns about the application of selective justice against political opponents, their flawed trials, conditions of detention, and the denial of their ability to participate in last October's parliamentary elections.

As Chairman of the Helsinki Commission, which has long been committed to Ukraine's independence and democratic development, I am especially mindful of Ukraine's 2013 OSCE chairmanship. Like any Chair-in-Office, Ukraine faces formidable tasks in leading a multilateral organization that operates on the basis of consensus, which includes 57 countries ranging from mature democracies to oppressive dictatorships. The United States wants Ukraine to succeed, but the reality is that the politically motivated imprisonment of Ms. Tymoshenko casts a cloud over its chairmanship. A Chair-in-Office must itself have strong democratic credentials if it is to succeed in encouraging reform in other countries.

Furthermore, democratic regression in Ukraine has harmed U.S.-Ukrainian bilateral relations, preventing a traditionally strong partnership from realizing its full potential. It has also slowed down the process of Ukraine's drawing closer to the EU, which is that country's stated foreign policy priority, manifested in the still-delayed signing of the EU-Ukraine Association Agreement. More than half a year has gone by since the unanimous adoption of S. Res. 466, calling for the release of Yulia Tymoshenko.

The Ukrainian authorities now need to follow up on the important step they have taken in freeing Yuri Lutsenko. They need to free Ms. Tymoshenko and restore her civil and political rights. By demonstrating commitment to the rule of law and human rights principles embodied by the OSCE, Ukraine will strengthen the credibility of its chairmanship and show it is serious about being a full-fledged member of the democratic community of nations.

I strongly urge the Ukrainian government to resolve the case of Ms. Tymoshenko.





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