

**Testimony of  
Deputy Assistant Secretary Thomas O. Melia  
House Foreign Affairs Europe and Eurasia Subcommittee  
“Eastern Europe: The State of Democracy and Freedom”  
July 26, 2011**

Thank you, Chairman Burton, Ranking Member Meeks, and Members of the Committee. I appreciate the opportunity to speak to you today about the state of human rights and democracy in Eastern Europe. Before I turn to U.S. policy toward this region, Assistant Secretary Michael Posner asked me to send his regards to the Committee, and to emphasize that the Bureau of Democracy, Human Rights and Labor is keenly interested in working closely with Members of this Committee to address both the challenges and the opportunities in this key region.

President Obama has said that, “Europe is the cornerstone of our engagement with the world and a catalyst for global cooperation.” Certainly, we are all sadly aware that during the last century, Europe was the venue for two World Wars and a Cold War. Twenty years after the fall of communism in Europe and the breakup of the Soviet Union, it is appropriate to look at how the region has developed and to note where there has been progress and where there has been disappointment. The Committee is wise to distill lessons learned and to look closely at the challenges that remain.

This is a timely moment to discuss democracy in the region given recent events as well. Lithuania has just concluded a very successful term as chair of the Community of Democracies, and it continues until December as Chairman-in-Office of the OSCE. Moldova has this year seen an orderly change of government and improvements in democratic performance. Turkey and Hungary -- both NATO allies and countries in the midst of consolidating democratic transitions -- are in the midst of major constitutional reforms. And in recent weeks the people of Belarus have found creative ways to protest against harsh repression.

Of course, we hope that we one day achieve a Europe “whole, free, and at peace,” but for now our job is to lay the groundwork for that future. We believe that the consolidation of genuine democracy in Central and Eastern Europe is in fact a prerequisite for our other goals in the region.

Strong European democracies -- with respect for minorities, tolerance of dissent, freedom of assembly and expression, regular and democratic elections, and credible and accessible justice systems that recognize all individuals are equal

before the law – are the strongest allies of the United States and bring the best prospects for peace, stability, security, and prosperity in the broader world.

The focus of today’s hearing is “democracy in Eastern Europe” – which I have interpreted to mean central and eastern Europe and the European portions of the former Soviet Union, but before I turn to that area, I want to take a moment to make clear that we have an important common agenda even with the most advanced democracies in Europe. Just as the United States strives to build a “more perfect union,” we collaborate with our good friends in Europe to discuss and address continuing concerns in our own countries, like the fair treatment of minorities.

As the Secretary has noted, “[f]ar too often and in too many places, Roma continue to experience racial profiling, violence, segregation, and other forms of discrimination.” Anti-Semitic and anti-Muslim incidents are too common. Individuals with disabilities struggle to participate fully in governance due to limited accessibility for voting and other aspects of civic life. Members of the lesbian, gay, bisexual and transgender community face discrimination and violence in many parts of Europe – although we were pleased to see the Government of Serbia successfully protect participants in a Belgrade pride parade last year, and I spoke in mid-June at a Baltic Pride symposium in Tallinn.

I begin with the issue of minorities not to find fault with any particular country but to emphasize that we should approach the promotion of human rights with some humility. By talking about our own shortcomings –as strong as our democracy is, and it is very strong the United States is not perfect -- we disarm those who claim that promoting human rights and democracy is meddling in others’ internal affairs.

In addition to the matter of how we treat our minorities, I want to add a caveat about our common project of transatlantic integration. The promise of EU and NATO membership has been highly effective in promoting reform and democracy-strengthening on the continent. Ten former Communist countries from the former Yugoslavia and the Warsaw Pact have now joined the EU. In every case, the Democracy Index scores from Freedom House’s Nations in Transit report declined the year after admission to the EU. Membership in these organizations has therefore not resolved democratic concerns in several places.

With that I’d like to turn to a brief survey of the region, beginning with some of the countries we consider more integrated within Europe and moving outward to the eastern border and some of the tougher cases.

Several recent events are cause for significant concern about **Hungary's** democratic trajectory. Hungary is an important EU and NATO member. At the same time, we have seen the current one-party government use its unprecedented two-thirds parliamentary majority to lock in changes to the Constitution that could solidify its power, limit checks and balances, and unduly hamstring future democratic governments in effectively addressing new political, economic and social challenges. The government replaced members of a media oversight board, for example, with candidates aligned with the ruling party. More disconcerting, the board has been given the power to issue decrees and impose heavy fines - up to \$950,000 - for news coverage it considers "unbalanced" or offensive to "human dignity."

Secretary Clinton stated during her June 30 visit, "As friends of Hungary, we ... [call] for a real commitment to the independence of the judiciary, a free press, and governmental transparency." We are urging the government to temper the pace of change, to be more inclusive and to limit the number of issues covered by so-called "cardinal laws," which require a two-thirds majority to change. In particular, we will ask the government to carefully reconsider the new law on "the Right to Freedom of Conscience and Religion and on the Status of Churches, Religions and Religious Communities," which requires re-registration of all but 14 religious groups, negatively impacting the religious freedom atmosphere in Hungary. We will continue to engage Hungary in a broad dialogue in coming months, as the government works to implement its new constitution.

**Albania** is another NATO partner – and aspiring EU member – facing challenges to its democratization. While the conduct of municipal elections in May was better than in previous elections, the extremely close race for the mayor of Tirana exposed some of the continuing flaws in Albania's electoral system. The United States, along with our EU and OSCE partners, expressed our strong reservations about the Central Elections Commission decision to count certain "miscast" ballots that created the perception that rules were changed in the middle of the process. We appreciate the fact that the opposition pursued its complaints through the specified legal channels. And we note that the Electoral College has made its final rulings on the complaints related to the Tirana mayoral race, thereby concluding the election process. While we now expect all sides to accept the final results once confirmed, we also expect them to follow the recommendations of ODIHR and the Council of Europe's Venice Commission. We urge governing and opposition parties to get back to work on the EU reform agenda and get Albania moving forward again.

There are significant challenges in the rest of the **Balkans**, and as [Under] Secretary Burns stated earlier this month, “the United States remains deeply committed to helping this region achieve our common goals.” For example, in the Western Balkans, DRL programs are supporting interethnic collaboration, civic education, and access to justice, especially for marginalized populations such as the Roma.

In **Bosnia and Herzegovina**, the political leaders have yet to fulfill their most basic responsibility to their citizens by failing to form a state government nearly 10 months since their last elections. We urge Bosnian leaders to move rapidly to form a coalition that is broad-based and inclusive and capable of advancing reforms required for eventual EU and NATO integration. This includes implementing the European Court of Human Rights ruling in the Sejdic Finci case to allow non-Bosniaks, Serbs, or Croats to serve as a member of the Presidency or in the upper chamber of parliament. We remain deeply concerned by the Republika Srpska’s statements and actions attacking the legitimacy of state law enforcement and judicial institutions and the authorities of the High Representative, and suggesting the possibility of Republika Srpska secession. We continue to strongly support the sovereignty and territorial integrity of Bosnia and Herzegovina, the Dayton Peace Accords, and the mandate of High Representative Valentin Inzko.

In **Kosovo**, the country has achieved much progress in establishing a multiethnic, democratic state in its first three years of independence. The election of President Jahjaga demonstrated political maturity in Kosovo, with governing and opposition parties coming together for the good of the country. The United States, with its international partners, remains committed to strengthening Kosovo’s institutional capacity, expanding its economic development, and supporting a police force and judicial system throughout the country that serves and protects all communities. We remain deeply concerned by the actions of Serb “parallel structures” in the north that obstruct positive change and foster an environment of intimidation. The EU-facilitated dialogue between Kosovo and Serbia has yielded some initial technical agreements to improve freedom of movement, make whole the Kosovo civil registry, and ensure mutual acceptance of diplomas, but there is still much that can and must be accomplished.

I visited **Armenia, Georgia, and Azerbaijan** last month, meeting with senior government officials, civil society activists, opposition party leaders, and independent journalists. In **Georgia**, there have been notable developments both positive and negative since the 2003 Rose Revolution, and a great deal of work

remains to be done, particularly in advance of 2012 parliamentary and 2013 presidential elections that we hope will mark that country's first peaceful, fully democratic transfer of power since its independence from the Soviet Union. We are pleased that Georgia has adopted new laws that when implemented will enhance media transparency and facilitate the registration of minority religions as religious organizations.

Georgia should now focus on promoting political pluralism, adopting and implementing important electoral code reforms in consultation with the Venice Commission and OSCE/ODIHR, strengthening judicial independence, and ensuring that the freedom of assembly is allowed in accordance with international standards. The United States also continues to press Georgia to bring its labor code up to ILO standards, and address allegations of politically motivated cases against labor activists.

In neighboring **Azerbaijan**, we are concerned about fundamental freedoms. Elections in Azerbaijan continue to fall below international standards. According to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), November 7, 2010 parliamentary elections included a deficient candidate registration process, limits on freedom of assembly and expression, a restrictive political environment, unbalanced media coverage of candidates, and problems in vote counting and tabulation. Continued restrictions on freedom of expression, assembly, and association impair political party activities and significantly limit citizens' right to change their government through peaceful elections.

The imprisonment of independent activists such as Bakhtiyar Hajiyev, opposition party activists such as Jabbar Savalanli, and human rights defender Vidadi Iskenderov, is a continuing problem widely perceived to be politically motivated. We continue to urge Azerbaijan to resolve these and related cases in a manner consistent with the government's commitments to freedom of assembly and expression. The government should allow the National Democratic Institute and "Human Rights House Azerbaijan" to resume their activities, and permit Voice of America and Radio Free Europe/Radio Liberty to use national FM frequencies. We urge greater respect for religious freedom, including permitting the registration of minority religions and allowing individuals to manifest their beliefs through religious attire. I raised many of these issues with senior government officials during my visit.

For **Armenia**, I want to highlight the need for greater media diversity, including both a transparent and fair digitalization process, and for greater respect for

independent media outlets such as GALATV. We also support greater respect for religious freedom, including alternative civilian service for conscientious objectors, as the European Court of Human Rights called for in its July 7 ruling. We welcome the government's recent efforts to create a dialogue with the Armenian National Congress, and urge them to extend this effort to all opposition parties. The government's release of detainees from the March 2008 post-presidential election violence is also a welcome development; however, we encourage the government to fulfill its promise of a fuller investigation of post-election violence that left 10 people dead, and hold accountable those responsible. Upcoming 2012 elections in Armenia, as in the other South Caucasus countries, are an important opportunity for the government to demonstrate progress in fulfilling its commitments to democratization.

In all three South Caucasus countries, U.S. government programs promote a number of universal values, including democratic electoral processes, and capacity building for defense lawyers, human rights organizations, and independent media.

Across the border from Armenia, we have great interest in the developments of NATO ally, **Turkey**. As the Secretary noted in her visit to Istanbul last week,

“Our partnership is rooted in a long history and a very long list of mutual interests, but most importantly it is rooted in our common democratic values. ... Turkey's upcoming constitutional reform process presents an opportunity to address concerns about recent restrictions ... [on] freedom of expression and religion, to bolster protections for minority rights, and advance the prospects for EU membership, which we wholly and enthusiastically support. We also hope that a process will include civil society and parties.... I hope that sometime soon we can see the reopening of the Halki Seminary that highlights Turkey's strength of democracy and its leadership in a changing region. I think across the region, people ... are seeking to draw lessons from Turkey's experience.”

Mr. Chairman, these remarks by the Secretary in Istanbul reflect of the importance of our relationship with Turkey, the interests the two of us share regionally and globally, and our strong support for the continued development of democratic institutions and practices in Turkey. Following the June 12 elections, resulting in the re-election of Prime Minister Erdogan and his Justice and Development party, we are particularly interested in how the Turkish people will strengthen their democracy as they rewrite their constitution.

As the Secretary's remarks illustrate, the United States is a strong defender of freedoms of expression and the press in Turkey. We are closely monitoring the recent arrests of journalists. We have urged that any investigations and prosecutions proceed in a transparent manner and that all defendants be assured due process in accordance with international standards. We note that the OSCE, EU, the Council of Europe, numerous non-governmental organizations, and many Turks have issued statements expressing concern about these actions and other constraints on freedom of expression in Turkey. We hope that Turkey will continue to undertake necessary legal reforms to protect freedom of expression, not only to further its EU accession process but to strengthen Turkish democracy.

We will also be interested to see how Turkey's constitutional reforms address the situation of minorities, including members of the Kurdish and minority religious communities. A parliament that represents all of Turkey will be a stronger parliament. We also encourage the government to take steps to protect members of the LGBT community, which has experienced recurring violence and harassment.

We have noted the Turkish government's positive movement in some areas of expanding religious freedom for all, including its decision to grant Turkish citizenship to 12 Orthodox metropolitans in October 2010 and return several important properties to the Ecumenical Patriarchate. We continue to urge the government to reopen Halki seminary and to recognize the places of worship of the country's unrecognized religious populations, like Alevis and Protestant Christians, and grant legal personality to the leading Greek, Armenian, and Jewish religious institutions.

Mr. Chairman, **Ukraine**, like Turkey, is an important partner, but unlike Turkey, Ukraine's democratic trajectory of late has been distinctly less positive. I visited Ukraine during the second week of July – for the third time in nine months – and met with government officials, the opposition, and civil society.

Establishing the rule of law, protecting minorities and reforming the criminal justice system are central to Ukraine's future prosperity, democracy, and aspirations toward European integration. As you know, former government officials, including former Prime Minister Yulia Tymoshenko, are facing prosecution. During my visit, I emphasized our concern about politically-motivated prosecutions of opposition figures and the potential impact on political competition. When the senior leadership of the preceding government – now in opposition – is the focus of prosecutions, out of proportion with other political figures, this creates the appearance of a political motive. A conviction for

Tymoshenko, who was narrowly defeated in the runoff for the presidency last year, would prevent her from standing for election in the 2012 Parliamentary ballot.

We urge the government to continue its efforts to develop a new election law that will win the confidence of the public. Key aspects of the law, such as the nature of the voting system itself, have not been subject to debate by the working group. At the same time, we urge the government to deepen its engagement on electoral reform with Ukrainian civil society, NGOs, and a broad spectrum of political parties, and discuss the changes with the international community.

The Obama Administration has continued a long-standing, bipartisan policy of principled engagement with Belarus that centers on our consistent advocacy for democracy and human rights. Long before the recent crackdown, we were pressing **Belarus** to strengthen its adherence to democratic principles and to its human rights commitments and obligations as a prerequisite to improved bilateral relations. However, the brutal crackdown against civil society, independent media and the political opposition after the December 19, 2010 presidential elections demonstrated the government's focus was on its own survival rather human rights and democracy.

I went to Minsk in January to demonstrate the U.S. government's solidarity with the families of the political prisoners, and to consult with journalist, human rights lawyers and others. I also told government officials that it was entirely in the hands of the Lukashenko government whether the country would be further isolated from Europe and United States. In his testimony before you three months ago, Deputy Assistant Secretary Russell laid out our policy response to the crackdown. In coordination with the EU, the United States has imposed travel sanctions on individuals responsible for the crackdown and sanctions on certain state owned enterprises. President Obama publicly condemned the May convictions of opposition presidential candidates, and announced new sanctions against select Belarusian state-owned enterprises. Secretary Clinton called again for the release of all political prisoners in Vilnius in early July. Even as we impose additional measures targeting those in the Government of Belarus responsible for the crackdown, we are simultaneously increasing our support for democratic actors. The United States has increased its democracy assistance to Belarus this year by 30%. U.S. assistance efforts are addressing immediate needs, providing legal and humanitarian assistance to those facing repression, preserving access to information to help the Belarusian public stay full informed, and increasing support to both the independent media and civil society.

We have also worked in multilateral fora – including the OSCE and the UN Human Rights Council – to highlight the country’s dire human rights situation.

Despite the continuing crackdown, we have witnessed remarkable developments over the last several weeks. Since June 1, “silent” protests – in which participants gather silently and clap their hands – have taken place across the country. The government responded with mass arrests.

Online protests have been even larger. Over 216,000 people joined a group on Vkontakte (the Russian-language equivalent of Facebook), calling for "Revolution via the social networks" in Belarus. Access to the page was blocked July 3, but a replacement page garnered 20,000 comments in two days. Bloggers and Internet journalists have continued to post videos of police harassment of peaceful demonstrators on YouTube. Security services have ordered the closure of a number of websites, and reports of denial of service and spear-phishing attacks have increased. Failing to completely suppress free expression via the Internet, Belarusian authorities created their own Twitter accounts, using them to send threatening messages.

Perhaps these protests are primarily motivated by the government’s management of the economy, which has resulted in a sharp devaluation of the Belarusian currency, shortages of foreign currency and surging inflation. As my fellow panelist David Kramer wrote in the Washington Post a few weeks ago, “[t]he people of Belarus are signaling they have had enough.” We have no illusions that persuading Belarus’s leaders to change course, support democracy and respect human rights and the rule of law will happen easily or quickly. But let me assure you that the United States will continue to punish those responsible for the crackdown and will increase support for those seeking to build a democratic Belarus.

Mr. Chairman, perhaps the most complex challenge to democratic reform in Europe is in **Russia**. I had the opportunity to visit Russia for six days in March. In my travels to Moscow, Perm and Yekaterinburg, I acquired a better sense of the diversity of opinion of the Russian people, their mounting unhappiness with the state of affairs and some of the challenges they face in advancing democracy.

Two weeks ago, Secretary Clinton and Foreign Minister Lavrov met in Washington. In addition to working together to address Iran’s nuclear threat, coordinating our diplomatic approach in Libya, consulting closely on the changes unfolding across the Middle East, and discussing such priorities as Afghanistan,

missile defense cooperation, and Russia's WTO accession, they also announced the conclusion of several partnership initiatives reflecting the importance of our relationship. The Secretary and Foreign Minister announced agreements to strengthen procedural safeguards in adoptions and to make travel between the two countries easier for Russians and Americans. At the same time, the Secretary underscored the importance of continuing democratic reform. It is within this context – a partnership of great breadth and strategic importance – that we continue to support a democratic, modern and successful Russia governed by the rule of law.

President Obama told attendees at Moscow State University on July 7, 2009, "... in our own history, democracies have been America's most enduring allies ..." In this vein, our partnership with Russia – its citizens and its government – will grow ever stronger and more durable to the extent that this partnership is based on shared democratic values, norms, and practices. Unfortunately, continued restrictions on fundamental freedoms – rights guaranteed in international and Russian domestic law – hinder the potential of Russian social, economic, and political development, and necessarily limit the possibilities for partnership.

We have concerns that the upcoming parliamentary elections in December may fall short of international standards. Pressure on the democratic opposition and independent media is pronounced. Last month, Secretary Clinton issued a statement expressing disappointment over the Russian decision to deny the registration of the opposition group PARNAS, effectively barring its participation in the December Duma election. Russia has invited ODHIR experts to conduct a needs assessment for an elections observer mission in lead-up to December's parliamentary elections, and it is important that election officials will extend a formal, unrestricted invitation for this observation mission once the assessment is completed.

We continue to raise concerns about the assaults on freedoms of the press, assembly, and rule of law, particularly the numerous unsolved cases of murdered journalists like Paul Klebnikov and human rights activists like Natalia Estemirova; rampant corruption and impunity as exemplified by the case of Sergei Magnitsky; and restrictions on freedom of assembly for members of groups like Strategy 31, the Khimki Forest Defenders, and for members of various LGBT groups.

We continue to follow the treatment of minorities in Russia, including the application of the so-called "law on extremism" to peaceful religious groups. We hope the Russian government will consider amending the current law, and we

strongly encourage Moscow authorities to implement the European Court of Human Rights' decision of June 10, 2010 and register the Jehovah's Witnesses Moscow community.

We are also concerned about inter-ethnic tensions and incidents of violence between ethnic Russians and minority groups, as well as by reports of serious human rights violations in the North Caucasus, particularly in Chechnya. These reports include disappearances, extrajudicial killings, torture, and retribution against those who report abuses.

Our engagement with non-governmental organizations helps us gain an appreciation for the state of Russian society and encourages these groups to continue their important work. We are encouraged by the expansion of new media and internet penetration across Russia – creating new mechanisms for citizens to communicate, organize, and hold their government accountable – while we continue at the same time to monitor the mounting threats to Internet freedom such as criminal prosecutions of bloggers for libel or ‘extremism,’ to the blocking of specific sites by local service providers, denial of service (DDOS) attacks on sites site of opposition groups or independent media, and attempts by security services and regional authorities to regulate content.

Observing developments in Russia, we recognize there is a thirst for fundamental freedoms. As Vice President Biden stated during his visit to Moscow in February, “Polls show that most Russians want to choose their national and local leaders in competitive elections; to assemble freely; and to have a free press.” That’s also a message I heard when President Medvedev said that “freedom cannot be postponed.”

DRL programs in Russia focus on developing independent media and new media platforms, bolstering local human rights defenders’ capacity to advocate on issues of freedom of expression, assembly, and association; and energizing human rights advocacy working to combat police corruption. These activities are undertaken as part of a wider set of U.S. Government programs – modest in the context of such a vast country – to advance democracy, human rights and the rule of law in Russia. Russia’s progress in these areas is essential to the health and productivity of our broader partnership.

Before I conclude, however, I want to share with you a few examples of the broader programs we are pursuing to help support democracy across the region and the globe. In a number of countries in Europe, civil society is facing significant pressure.

Secretary Clinton noted this trend more than a year ago, and we have followed up in several ways.

In September 2010, we successfully refocused the UN Human Rights Council on defending civil society through the passage of an historic resolution creating the first special rapporteur on freedom of assembly and association. As Secretary Clinton noted, we hope the new rapporteur's work "will become an impetus for countries around the world to strengthen protections for this fundamental freedom."

In addition, the State Department and USAID have invested \$50 million in supporting Internet freedom around the world, including Europe, and will have committed an additional \$20 million by the end of 2011. These programs can enable activists to get around technical threats and firewalls enacted by repressive regimes, empowering them not merely to access censored content, but also to use new technologies to organize and to tell their stories to the world.

Last month in Vilnius, the Secretary launched the Lifeline: Embattled NGOs Assistance Fund, to help civil society groups with legal representation, cover medical bills arising from abuse, facilitate visits to activists in jail, and help replace equipment that is damaged or confiscated as a result of harassment.

These global initiatives, together with multilateral efforts, bilateral diplomacy and many bilateral and regional programs, comprise our efforts to promote democracy in Europe. We are grateful for the support of Congress — through funding, policy guidance, and oversight — in helping advance freedom.

Mr. Chairman, thank you again for the opportunity to appear before you today. I look forward to your questions.