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U.S. Senate Foreign Relations Committee
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Thank you, Chairman Menendez, Ranking Member Corker, and distinguished Members of the Senate Foreign Relations Committee for inviting me to testify on the situation in Ukraine. We very much appreciate the attention you are according to a country at the center of Europe and a valued partner for the United States.

Last week the Senate unanimously passed Senator Murphy's Senate Resolution 319, which came out of this Committee: Expressing support for the Ukrainian people in light of President Yanukovych's decision not to sign an Association Agreement with the European Union.

I am pleased to provide additional context from my Bureau, the Bureau of Democracy, Human Rights and Labor which, in partnership with the Bureau of European and Eurasian Affairs, our Embassy in Kyiv, the Department of Justice and with the U.S. Agency for International Development (USAID), has been in direct and frequent engagement during the past three years with the Government of Ukraine and Ukrainian civil society in bilateral dialogues on democracy and rule of law issues.

As my colleague Assistant Secretary Nuland noted these are indeed challenging times for the people of Ukraine and for people everywhere who care about the future of Ukraine. Many of us continue to monitor the ongoing developments in the center of Kyiv on the "EuroMaidan" and in other cities across Ukraine that have come to symbolize a fundamental struggle for economic opportunity, political freedom, and personal expression.

While the protests may have lost some of their intensity I believe the embers that sparked the protests in late November are still burning and will not be easily extinguished. The tens of thousands of people who turned out again this past weekend in Kyiv and other cities across Ukraine are testimony to this.

Senators McCain and Murphy have shared their experiences in the days after they returned from their December 15 visit to Kyiv, which they described as “unforgettable and moving,” standing on the stage overlooking the Maidan and addressing a crowd estimated at 500,000 – some of whom shouted cheers of “Thank you, USA!”

The U.S. stands with the Ukrainian people in solidarity in their struggle for fundamental human rights and a more accountable government. To that end, we call on the government to intensify its investigations and to bring to justice those responsible for inciting incidents of violence, particularly on November 30 and December 11. Violence and intimidation have no place in a democratic state. We urge the Government of Ukraine to ensure that those who have led or participated in peaceful protests are not subjected to prosecution or other forms of political repression.

At the same time, we will continue to engage with the Government of Ukraine. Ukraine remains an important partner for the United States. Our overall approach to Ukraine complements what our EU partners are also seeking in their Association Agreement — a Ukraine that is more responsive to its people and that offers its people the opportunities that a growing, free market economy based on the rule of law provides.

The U.S.-Ukraine Charter on Strategic Partnership signed in 2008 demonstrates the broad range of our relations, from economic and defense reform, to energy, to strengthening democracy, the rule of law, and human rights. The fact that the Charter has endured — even after changes in Administrations in both our governments since 2008 — is testimony to the enduring nature of our partnership.

Since Ukraine’s independence in 1991, the United States has supported Ukrainians as they developed democratic skills and institutions, strengthened the rule of law, and promoted civic participation and good governance, all of which are preconditions for Ukraine to achieve its European aspirations. We have invested over \$5 billion to assist Ukraine in these and other goals that will ensure a secure, prosperous and democratic Ukraine. Of that amount well over \$815 million was for democracy and exchange programs. Much of this is being implemented through a range of technical assistance programs and working with nongovernmental actors in Ukraine.

Since 2009 when President Obama took office, the U.S. Government has provided over \$184 million in Governing Justly and Democratically (GJD) assistance to Ukraine. This includes democracy programs managed by USAID and the State

Department, and exchange programs managed by the State Department and the Open World Leadership Center.

A key element of the Strategic Partnership's Charter to strengthen Ukraine's democracy is the Political Dialogue / Rule of Law Working Group, which brings together American and Ukrainian officials to exchange ideas about best practices, the Ukrainian government's reform efforts, and about problems areas, such as corruption, which has stunted Ukraine's economic and social development. Inclusive in its approach, the Working Group — which I co-chair together with a senior Ukrainian counterpart — welcomes input from civil society and non-governmental representatives from both countries. To date we have met formally six times in Kyiv and Washington since 2009. Our last meeting was in October in Kyiv, and the next meeting is planned for this March in Washington.

Within the working group, we held frank discussions about the increase in harassment of journalists and civil society that has taken place in recent years. This harassment galvanized civil society. Together they formed new coalitions to stand up and push back, such as the "Stop Censorship!" movement and the "New Citizen" campaign, which sought to mobilize and inform citizens about the problems and their basic rights under the Ukraine's laws and constitution.

Unfortunately, the negative trend in the treatment of journalists has continued, and the Government of Ukraine has failed to consistently respect the rights of freedom of speech and press provided by the constitution and by law. Ukraine's ratings for media freedom by international groups, such as Freedom House and Reporters without Borders, have declined for three years in a row.

Interference with and pressure on media outlets by the government has increased, including the government's tolerance of increased levels of violence toward journalists. Both media owners and journalists at times yield to government pressure and intimidation by practicing self-censorship. There is also an emerging pattern of targeted intimidation and violence against journalists and activists brave enough to speak out.

According to the Institute of Mass Information (IMI), a respected Ukrainian media watchdog, there were more than 100 attacks and cases of intimidation against journalists in 2013 – nearly half of these occurred in December. In addition, IMI recorded 120 cases of obstruction of journalists' professional activities, 51 cases of censorship, 44 cases of economic and political pressure, and 5 arrests and detentions. The U.S Government will continue to speak out frankly and forcefully

against violence, intimidation, and repression whenever and wherever it occurs, as we have in recent weeks with regard to the appalling and brutal beating of Tatiana Chornovol on Christmas Day.

In our working group, we also continued to raise our concerns about politically motivated prosecutions, including that of former Prime Minister Yulia Tymoshenko. We urged the government to allow Mrs. Tymoshenko to obtain the medical treatment she requires outside the country, to end all politically motivated prosecutions, and to undertake comprehensive justice sector reform to ensure such selective justice does not recur.

Other issues of concern discussed were election standards and recent local and national elections. In October 2010, local elections did not meet the standards for openness and fairness due to numerous procedural and organizational irregularities, including incidents where authorities pressured election observers and candidates. The 2012 parliamentary elections did not meet international standards for fairness or transparency, and were assessed as a step backwards compared with other recent national elections in the country. Repeat elections in December in five disputed single-mandate districts from the 2012 elections were no better.

Looking forward, we will continue to work in concert with the Bureau of European and Eurasian Affairs, our Embassy in Kyiv, and with USAID to support free and fair presidential elections in 2015 – not only on Election Day but in the many months ahead.

We believe the frank and open conversations of the Working Group have strengthened our efforts, cooperation, and engagement with the Government of Ukraine on several important bilateral issues. For example, our engagement helped to press the Government of Ukraine in key areas, such as adoption of the new Criminal Procedure Code, which came into force in November 2012. The Embassy did much to facilitate deliberations to enable its adoption. Among other reforms, the code introduced adversarial criminal proceedings, alternatives to pre-trial detention and improved due process guarantees.

Two other recent reforms were new laws on Public Associations and Access to Public Information. Both of these laws benefit civil society in that they simplify registration procedures for NGOs, expand their ability to engage in a broader range of activities, including limited fundraising, and create a mandate for more

transparent and accountable government by requiring authorities to provide government information upon request.

In addition, during 2103 Ukraine's parliament passed 18 separate pieces of reform legislation as part of its preparations to sign the Association Agreement and Deep and Comprehensive Trade Agreement with the European Union.

These developments have, to a notable degree, been shaped and influenced by Ukrainian civil society, including think tanks, university centers, NGOs, and advocacy groups, which provided expertise on important policy-making initiatives outside of government.

Civil society has played a very visible and vital role in our bilateral working group dialogues. In connection with the formal meetings, civil society representatives convened independent parallel democracy and rule of law sessions, in which we, together with Government of Ukraine officials, took part. Some of the outcomes and analysis from these events helped inform our discussion during the formal dialogues.

As a result, we have facilitated and fostered direct contact between civil society and Ukrainian government officials — in Kyiv and Washington — to the level that civil society representatives now participate in the dialogues as observers, which, in the context of similar bilateral dialogues that we have with other governments, is an unusual demonstration of transparency and inclusiveness. We hope and expect that this practice will continue.

Dialogue and passage of good laws are only the first steps; the challenge comes in the implementation. And this is where we will continue to work with the government and civil society. Through our dialogues we have had honest, substantive, and thoughtful discussions about the challenges, problems and opportunities confronting Ukraine and affecting our bilateral partnership.

It is clear that we have not shied away from clearly and frankly expressing our concerns about the current setbacks to the rule of law and democratic development, increasing corruption, and other democratic backsliding.

Still, we know today that there are senior officials in the Ukrainian government, in the business community, as well as in the opposition, civil society and religious community who believe in a democratic and European future for their country.

They continue to work hard to move their country and their president in the right direction.

We urge the government and the president to listen to these voices, to the Ukrainian people, to the EuroMaidan, and work towards building a more democratic, and prosperous Ukraine.

We who care deeply about Ukraine remain engaged and stand with the people of Ukraine because they deserve much better government performance and accountability. We will continue to support the aspirations of all Ukrainian citizens for a more democratic future, in which the rule of law and respect for human rights prevail. During these past two months we have witnessed a renewed energy and optimism. People of all ages, of all classes, of all walks of life, and from all parts of the country are taking ownership of their future and coming out to demand a European future with great courage.

On New Year's Eve, an estimated 200,000 Ukrainians gathered on the EuroMaidan to sing their national anthem – "Ukraine Has Not Yet Perished" – and welcome 2014, a new year of hope and transition to a more democratic country. One cannot help but to be moved and inspired after viewing the video images and photos of that night posted on the Internet.

In that spirit, we continue to hold out the prospect of a closer and mutually-beneficial partnership. We can be better friends and partners with a more democratic Ukraine than we can with a less democratic Ukraine.

And beyond our bilateral engagement, we will also continue to work with the European Union and within the Organization for Security and Cooperation in Europe to press for respect for human rights and democratic principles in Ukraine.

The vision of a Europe whole, free and at peace remains as compelling today as it did when it was first articulated some two decades ago. The United States seeks to work with the Ukrainian people and government to ensure a free, prosperous and stable Ukraine anchored in the European future that its citizens desire.

This committee's support and attention remains absolutely essential in Ukraine's continued democratic development. Again, we appreciate the Committee's efforts on last week's resolution, this hearing, and your continued focus on Ukraine.

Thank you. I look forward to answering your questions.