

Opening Statement by the Honorable Benjamin L. Cardin

Helsinki Commission Hearing
on
“Threats to Human Rights and Freedoms in Europe and Eurasia”
Feb. 11, 2016

I welcome today’s hearing with Michael Georg Link, the Director of the OSCE’s flagship institution for the protection and promotion of human rights.

Director Link, every OSCE participating State, including my own, has freely undertaken a body of commitments to respect fundamental freedoms, to build democratic institutions, to safeguard the rule of law, and to protect minorities. None of us has a perfect record; none of us can ever consider the job done. For that reason, one of the most important commitments of the Helsinki Final Act comes from the 1991 Moscow Document:

“The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order. They categorically and irrevocably declare that the *commitments undertaken in the field of the human dimension of the [OSCE] are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the state concerned.*”

Unfortunately, in the years since the Moscow Document was adopted, Russia has created a model for anti-democratic measures. It has violated the territorial integrity of Georgia and Ukraine, supports extremist parties outside of Russia and, in effect, represents the greatest threat to human rights and democracy in Europe and Eurasia.

Just two weeks ago, on January 31, Chechen Republic leader Ramzan Kadyrov – who was appointed by Vladimir Putin – posted a surveillance-style video of former Prime Minister Mikhail Kasyanov and Vladimir Kara-Murza as if the two men are viewed through the scope of a rifle. This video, and its accompanying text, are widely understood as a death threat.

The fact is that critics of the Kremlin are assassinated at an alarming rate. Vladimir Kara-Murza nearly died last year after being poisoned. Kasyanov has assumed the leadership of a leading opposition party that was previously headed by Boris Nemstov. Nemstov was assassinated near Red Square in Moscow early last year while preparing a report documenting Russian troop involvement in the war in Ukraine, contrary to the Russian Government’s assertions. In October 2015, Kara-Murza testified at a Helsinki Commission hearing on the rule of law in Russia. I deplore the death threats made against these two men.

The threats against Kasyanov and Kara-Murza are more than the latest salvo in Russia’s attacks on civil society. They are clearly intended to send a warning message to any and all in

the political opposition before parliamentary elections in September. As such, they are also an attack on commitments to free and fair elections that the Russian Federation has freely undertaken in the Helsinki process.

I am keenly aware that many OSCE participating States have called on the Office for Democratic Institutions and Human Rights to do more – even while they are giving less. The OSCE as a whole faces acute challenge across the region and I believe the organization must be given resources commensurate with the tasks assigned by the participating States.

The refugee and migrant crisis is at the forefront of these challenges, and continues to test not only OSCE participating States in Europe, but also OSCE Partner States and neighboring countries. I welcome an assessment from you on your recent efforts to monitor human rights concerns related to the crisis and your recommendations on how the OSCE and participating States can play a greater role in transferring knowledge gained during earlier conflicts that resulted in significant refugee streams.

In my capacity as OSCE PA Special Representative on Anti-Semitism, Racism, and Intolerance, I have been monitoring the hateful reaction to the influx of refugees and migrants, often from officials in countries whose own nationals had been given refuge in the past to escape from war or oppression. Racism and anti-Muslim bigotry are key obstacles to moving policy making beyond border security to long-term integration and resettlement efforts. I welcome efforts to partner with you on initiatives, including combating hate and racial or religious profiling by law enforcement.

Of course, these are issues that I am not only monitoring abroad, but also here at home in the United States and in Maryland. I have introduced a legislative package known as the BALTIMORE Act, which would help communities nationwide by “Building And Lifting Trust In order to Multiply Opportunities and Racial Equality” (BALTIMORE). The Act would make a number of critical law enforcement reforms, including ending discriminatory profiling and insisting on state and local accountability for law enforcement officers. I am pleased that a number of provisions consistent with the BALTIMORE Act and my Law Enforcement Trust and Integrity Act were included in the FY ’16 omnibus appropriations measure.

As we observe Black History Month in February and the International Decade for People of African Descent, I commend ODIHR’s efforts to identify and support practical measures to combat hate crimes and other forms of bigotry impacting persons of African descent in the OSCE region. I hope that the OSCE will continue to address racism and xenophobia and build coalitions across communities to combat hate.

ODIHR’s work in defense of vulnerable populations, from Roma to religious minorities to refugees, is a cornerstone for stability of the region and reflects the core humanitarian commitments of the Helsinki Final Act.

Your leadership in expanding OSCE efforts to combat anti-Semitism in the aftermath of some of the most heinous attacks on the Jewish community in recent history is laudable. I look forward to working with you and your staff on this momentous effort.

Among OSCE institutions, the ODIHR has a partner in the OSCE Parliamentary Assembly. It has always been our view that each brings their own unique contribution to a common goal, and the Helsinki Commission actively engages in the activity of both. We are particularly proud of the efforts of Spencer Oliver, the recently retired Secretary General of the OSCE PA, to make sure that the Assembly is integrated into the OSCE diplomatic framework. We hope cooperation between the ODIHR and the Assembly continues. The Assembly can bolster the ODIHR as it faces recalcitrance from the participating States resisting democratic transition. The coordinated response to Azerbaijan's attempt to condition election observation is a case in point, and many of the parliamentarians are outspoken human rights advocates. I would welcome the Director's thoughts on intensified cooperation between the OSCE PA and ODIHR.

Unfortunately, Azerbaijan has distinguished itself negatively by the large number of people it has imprisoned in violation of Principle VII of the Helsinki Final Act, which recognizes the right of individuals to know and act upon their human rights. While I am heartened that Leyla and Arif Yunus have been released from prison, I urge the government of Azerbaijan to drop all charges against them and allow them to leave the country for medical treatment.

While our focus in the OSCE has shifted to more problematic regions and countries, one legacy of the Balkan conflicts of the 1990s is the Organization's relatively strong presence in the region. The improved performance of Western Balkan countries in the last two decades can be credited, in part, to the ongoing engagement of the OSCE – but the work to be done in the region is not complete.

At a time of renewed tensions between Russia and the West, as well as dwindling enthusiasm by European and Euro-Atlantic structures to enlarge membership, several of these countries feel they are in a state of limbo – not becoming part of Europe but being kept on its perimeter – with little incentive to make serious progress to achieve their aspirations for integration. Migrants and refugees transit the region, nationalism remains a potent force, and local populations can be vulnerable to violent extremism. Some countries face political crises and may be losing ground in terms of implementing Human Dimension commitments. I would like to hear the Director's views on how ODIHR can respond to the challenges in the region, perhaps with additional focus on preparations for the Macedonian elections in a few months.

Finally, I want to commend you for your excellent stewardship of the Europe's largest annual human rights meeting, held every year in Warsaw, and your leadership on the full range of commitments to protect human rights and democratic institutions and to combat discrimination and bigotry.

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