

Hearing of the Helsinki Commission
“Human Rights at Home: Implications for U.S. Leadership”

Statement

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Among the many contributions of the Helsinki process to international peace, perhaps the greatest was the consensus that security among states depends in part on respect for human rights within states. We support the OSCE because we know that a world where fundamental freedoms are upheld is a safer world. As OSCE leaders agreed in the Charter of Paris in 1990, “observance and full exercise (of human rights) are the foundation of freedom, justice and peace.”

At the OSCE, to advance that cause, the U.S. has worked together with our democratic allies in Europe and Canada to support human rights. In my time at the OSCE, the greatest challenges to the cause were the political use of the judiciary and law enforcement, government intimidation of critical media and civil society, and the lack of checks and balances against the power of the executive.

Recent events have shown that America as a model for fighting against the first two tendencies has been greatly tarnished. But we can still be a beacon for promoting separation of powers to ensure transparency and accountability.

The recent beatings of protestors in the U.S. served as an uncomfortable reminder of events in Minsk in December 2010, when police used violence to break up rallies against the government. It caused us and our allies at the OSCE to invoke something called the Moscow Mechanism, where a group of OSCE countries can appoint a special representative to investigate abuse against those exercising their basic freedoms.

We knew that Russia and others would veto the recommendations of the report. We invoked the Moscow Mechanism because we wanted to send a strong signal: that we found the use of violence to quell dissent unacceptable.

A decade later, we’ve seen in our country the excessive use of force against protestors who are peaceably assembling. Perhaps the most prominent example was in Lafayette Square. There, authorities put a higher priority on clearing

peaceful protestors for a photo op, than on allowing them to exercise their basic rights. I don't want to compare our response to protest to that of the Lukashenko regime. But until the highest levels of our government condemn what happened in Lafayette Square and elsewhere, we've lost much of our moral authority to call other countries to account.

In my last post, as Ambassador to Georgia, I experienced in dramatic fashion how attacks on critical media in the U.S. have eroded our power to persuade other countries to protect free speech. A few months before I retired in early 2018, a Georgian court was close to ruling on replacing the managing editor of the country's leading opposition television station with someone more amenable to the government.

I met with a senior official to try to convince that individual to speak out in favor of maintaining critical voices in the media. To support my argument, I drew upon many of the OSCE principles, such as the importance of free speech to ensuring strong, accountable government. I then deployed what I thought was my strongest argument – that Tbilisi needed Washington's support, and that Washington would have a hard time understanding why the Georgian government wouldn't support keeping its critics on the air.

The response was both illuminating and deflating. The official looked at me, smiled, and said: "Really, Ian? You really think Washington will have a problem with fake news going off the air?"

A few months after I left, the court did order new management at the station, and Georgia lost a critical platform for holding government accountable.

Given what is happening here in the U.S., I can imagine how difficult it is for my former colleagues in the field now to promote human rights. With the recent abuse of police powers, and the characterization of journalists as "enemies of the people" over the last few years, diplomats' powers of persuasion have been greatly eroded.

But they should still have hope in the power of American institutions.

When I tell my students about my distress at my own government's abuses over the years, such as the CIA "Black Sites" and the torture at Abu Graib, they ask me how I was able to continue to work for such an administration. I tell them it's because of my deep belief in the system's ability to investigate abuse, correct itself, and ultimately do the right thing.

While we look to right our own country's wrongs, we cannot avert our eyes from assaults on Helsinki principles elsewhere in the OSCE space. We should be particularly concerned about increasing centralization – and personalization – of political power. Just yesterday, Russia concluded a plebiscite on an amendment that could allow Putin to stay in power until 2036.

And then there is the pandemic. It attacked at a time when democracy was already in retreat. Even before COVID-19, Freedom House noted that since 2006, democracy has been in decline in 25 of 41 established democracies. The challenge of curbing the pandemic has emboldened authoritarian rulers. It has given them another excuse to curb fundamental rights, to remove institutional checks on their power, and silence those who dissent.

As Dr. King wrote, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." When we redress wrongs, we make our country stronger. We restore our position of leadership in a world where democracy needs champions. And by so doing, we make the world safer.

Thank you, Mr. Chairman, for convening this hearing today.