

Testimony of Michael H. Posner
Assistant Secretary of State for Democracy, Human Rights and Labor
before
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Chairman Cardin, Co-Chairman Hastings, Members of the Commission, this is my first appearance before you as an Assistant Secretary, but I have long been an admirer of your pioneering role in promoting respect for human rights and democratic principles. During the thirty plus years that I was part of the NGO community, my colleagues and I at Human Rights First valued the opportunity to work with Members of this Commission and your excellent staff. And now, I have the privilege of working for a former Helsinki Commissioner, Secretary Clinton.

I want to associate myself with the testimony given here today by Assistant Secretaries Gordon and Vershbow. I join them in underscoring the Obama Administration's commitment to upholding OSCE's comprehensive concept of security. We are ready to engage in the Corfu process and are looking ahead to the December Ministerial in Athens and beyond. Respect for human rights and fundamental freedoms within states is an essential element of security and prosperity among states. This principle lies at the core of the OSCE. Without a vigorous Human Dimension, the Helsinki Process becomes a hollow shell.

If I may, Mr. Chairman, I want to offer a few thoughts on how our efforts in the OSCE relate to the Obama Administration's broader efforts to advance human dignity, freedom and opportunity worldwide.

When President Obama addressed the U.N. General Assembly last month, he called for a new era of U.S. engagement with the world. He expressed his determination that the United States be a leader in meeting complex challenges to global prosperity and peace. And he emphasized that respect for human rights and democracy is essential to sustained prosperity and lasting security. He said, "just as no nation should be forced to accept the tyranny of another nation, no individual should be forced to accept the tyranny of their own government." And he pledged that "America will always stand with those who stand up for their dignity and their rights."

His address to the General Assembly built on themes he sounded in speeches in Cairo, Moscow, and Accra earlier this year. Accordingly, our approach to the Helsinki process and other multilateral organizations is guided by three tenets: a commitment to principled engagement; a determination that all – including ourselves -- are responsible for upholding universal principles of human rights and humanitarian law; and a fidelity to the truth.

Engagement. The United States is reinvigorating U.S. engagement in the OSCE and other multilateral institutions. As my colleagues noted, we are participating actively in the Corfu process with the objective of ensuring that the OSCE – and its Human Dimension – are strengthened to meet 21st century challenges. Working in partnership with other participating States, we seek to tackle the OSCE's greatest task: improving implementation of OSCE commitments. To this end, we value the constructive work of the Representative on Freedom of the Media, the three Tolerance Representatives, and the High Commissioner for National

Minorities. We also appreciate the contributions of the ODIHR Director and his offices many experts and Points of Contact. Their efforts have resulted in helpful training tools and reports, such as the reports on Human Rights Defenders and Hate Crimes.

We stand ready to engage in open, constructive, fact-based discussions on these subjects and will consider ideas from any quarter that will improve the OSCE's effectiveness. At the same time we will strenuously resist efforts that we believe will undermine OSCE principles or weaken the Office for Democratic Institutions and Human Rights, the effectiveness of OSCE field missions or other Human Dimension architecture.

The second tenet of our approach is **universality**. We are dedicated to upholding consistently the principles reflected in the U.N. Universal Declaration of Human Rights, embodied in international law, and enshrined in the Helsinki Final Act and subsequent OSCE agreements. President Obama's decision on his second day in office to end abusive interrogations, to close the detention facility at Guantanamo and to review security detention policies more generally are emblematic of our commitment to apply universal principles to ourselves.

Recently, I had the opportunity to attend the Human Dimension Implementation Meeting of the OSCE in Warsaw. I joined our head of delegation Dr. Michael Haltzel in an exchange of views with participating States and with NGOs on the challenges of implementation confronting participating States. We also welcomed the exchange of ideas with other governments and NGOs regarding OSCE's current activities and proposals for its onward work in the Human Dimension for consideration at the Athens Ministerial.

Our own record was a matter for discussion, not just by officials from other governments, but by several non-governmental representatives. Dr. Haltzel and I emphasized that our government takes our Human Dimension commitments seriously, and we made every effort to respond to concerns expressed to us. We made a point of saying that we do not consider expressions of concern about the U.S. record to be interference in our internal affairs.

Just as I prepared to take the floor at HDIM to deliver our delegation's closing remarks, we received word that President Obama had been awarded the Nobel Peace Prize. As I announced this news to the conference, the room buzzed with excitement. It would have been hard to find a better opening for our statement emphasizing the Administration's principled engagement on democracy and human rights than to quote the words of the Nobel committee. As President Obama stated, he regards the award as a powerful affirmation of American leadership on behalf of aspirations held by people in all nations.

Telling the Truth. The third tenet of our approach at OSCE and elsewhere is telling the truth about human rights conditions. At the HDIM, we expressed our deep concern about increasing incidents of racial and ethnic discrimination and violence, including against Roma. I had the opportunity to record a brief video statement on combating discrimination and violence for the ODIHR to use in promoting its forthcoming Hate Crimes Report. We condemned human rights violations and acts of violence against lesbian, gay, bisexual and transgender individuals in a variety of fora, including at a reception I hosted for government officials and NGO activists working against intolerance and hate. We emphasized that in a number of participating States,

fundamental freedoms of thought, conscience, religion or belief, expression, peaceful assembly, and association continue to be denied. So-called “extremism” laws, onerous registration and tax requirements and “defamation” laws constrain the legitimate, peaceful activities of human rights defenders, non-governmental organizations, religious groups, and independent media, including those who communicate via the Internet.

We cited the cases of human rights defenders and journalists who are themselves targets of persecution. We decried the deepening climate of intimidation and impunity in some participating States that is antithetical to the rule of law and has a chilling effect on the exercise of basic rights.

The weeks since the close of the HDIM have witnessed some more troubling developments.

The United States regrets reports by independent election monitors of irregularities during the municipal elections that took place across a number of regions around Russia on October 11. Reports of fraud and such irregularities undermine prospects for accountable, democratic governance – this is a view that undoubtedly motivated political parties in the Russian Duma to walk out following the elections. We remain concerned about the apparent escalation of violence, harassment, and intimidation directed at human rights activists and others there. In particular, we are concerned by the pressures and violence against members of Memorial, the respected non-governmental organization dedicated to remembering the victims of totalitarian repression. In July, Memorial activist Natalya Estemirova was murdered and a defamation suit subsequently was brought against Memorial’s director Oleg Orlov after he stated his belief that the Chechen leadership bore responsibility for her death. We congratulate Memorial and Mr. Orlov and fellow activists Sergei Kovalev and Lyudmila Alexeyeva, for receiving the esteemed Sakharov Prize for Freedom of Thought from the European Parliament.

During her visit to Moscow, Secretary Clinton expressed support for President Medvedev's statements toward a more open society and the strengthening of the rule of law. The Secretary made a point of meeting with civil society activists to underscore that, as she put it: "the United States stands with those who work for freedom, campaign for justice and democracy, and who risk their lives to speak out for human rights."

In Uzbekistan, despite promising developments last year such as adoption of International Labor Organization conventions, issuance of a national decree banning child labor in the cotton sector, and development of a national action plan to deal with that issue, the government has once again mobilized children to take part in this year’s harvest.

We are concerned about the October 20 arrest in Turkmenistan of civil society activist Andrei Zatoka. We urge the Government of Turkmenistan to ensure due process and humane treatment. The circumstances surrounding his arrest are troubling, given the history of his December 2006 arrest, and they reinforce the fears of the human rights community that he is being targeted for his civic activism.

Despite efforts by Central and Eastern European governments to promote social tolerance, persistent societal discrimination against Roma individuals continues, which in its most

egregious form has resulted in horrific acts of violence against them in a number of countries in the OSCE region, including the Czech Republic, Hungary, and Slovakia. We also remain concerned over the challenges to media freedom in the OSCE region. We continue to see impunity for violence against journalists, selective or seemingly politicized application of administrative laws, and criminal prosecutions of speech on defamation grounds in a number of participating States.

It is precisely in areas like these, where the gap between commitment and implementation is greatest, that ODIHR and the OSCE in general must continue to bolster their implementation efforts.

At HDIM we emphasized that during its tenure as Chair of the OSCE, Kazakhstan should ensure that the OSCE will continue to enhance its capacity to tackle tough Human Dimension issues. We called upon the Government of Kazakhstan to show leadership by example, and we will continue to press them to do so. Working closely with OSCE and civil society, we will continue to urge Kazakhstan to make steady progress toward meeting all of its Madrid commitments, including reducing criminal liability for defamation in the media. We also look to Kazakhstan to ensure that any future changes to the religion law meet OSCE commitments. In this context, we are deeply concerned about an appellate court's October 20 decision to uphold the conviction and four year prison sentence of human rights advocate Yevgeniy Zhovtis. We urge Kazakhstan to pursue the upcoming procedural review of the case fully in accord with Kazakhstani law and its commitment to international judicial standards.

We also continue to call upon all parties to fulfill their ceasefire commitments with respect to the conflicts in South Ossetia and Abkhazia. We urge the continued active participation of Russia and Georgia in the Geneva talks aimed at facilitating security and stability in the region and addressing humanitarian and human rights issues there, including full access for international humanitarian groups.

At HDIM, I made a special point of highlighting the important contributions of NGOs and civil society to OSCE and in addressing complex problems in 21st century societies in general. This has been and will be a major theme for President Obama and Secretary Clinton. The subject has special resonance for me because of my years working as an NGO human rights advocate. The OSCE has an important role to play in amplifying the voices of civil society and providing a lifeline of protection when human rights defenders face trouble. The Helsinki Commission has been at the forefront of championing the participation of NGOs in OSCE fora and ensuring that they are accorded the appropriate access.

At HDIM I had the opportunity to meet with a number of human rights defenders and civil society activists from countries across the OSCE region. These brave men and women are working to strengthen accountability and deepen implementation of OSCE commitments within their own communities. We are deeply disturbed by reports that two Kyrgyz activists were harassed on their way home from HDIM, including one who had spoken out at the meeting about Kyrgyz labor migrants in Kazakhstan. Her taxi was stopped en route from the Almaty airport on her way to Kyrgyzstan. It was driven to a deserted location, where she was threatened with

physical attack and rape if she continues to speak out on migrant labor issues or even report the harassment that had just taken place.

We are disappointed that the Government of Turkmenistan, once again, declined to participate in the HDIM due to the presence of some Turkmen NGOs. We applaud the decision of the current Chairman-in-Office to allow these and all NGOs to take part in HDIM. We repeat our belief in the importance of HDIM as an open and inclusive forum that allows government delegations and NGOs to exchange views with each other directly.

We share the Commission's concern that some participating States seek to walk back NGO access and participation at OSCE. We share your strong conviction that a wide variety of NGOs must continue to be allowed to participate on an equal footing with government officials. This is part of what makes the HDIM such a valuable forum for discussion. Indeed, the HDIM sets a path breaking example of openness and NGO participation for other multilateral institutions to emulate.

Mr. Chairman, in the years ahead, I look forward to working with the Commission in a common effort to advance human dignity and the Human Dimension of the Helsinki Final Act. I am happy to answer your questions.

