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Back to Basics: Advancing Human Rights in a Time of Crisis

Good afternoon. It's an honor to be here today to help set the context for this important meeting.

And it's a special pleasure for me to return to Warsaw where, 24 years ago, at a time of great promise and opportunity for Poland and other newly independent states, I began my own work as a human rights activist. I returned home from that trip invigorated by the energy and optimism of the people I met here. Shortly thereafter I joined Human Rights First, an independent non-governmental organization whose mission is to challenge the United States to live up to its ideals and advance the universal values of human rights.

The world is very different—and arguably more dangerous—today than it was back then. It's not possible in my short time here to address the many threats to peace, security, and human rights that challenge us today. But here is a snapshot.

A war in Ukraine—now in a tenuous lull—threatens to unsettle all of Europe. A war in Syria has killed nearly 200,000 people and displaced more than half of the Syrian population, and grinds on with no end in sight. Together with the longstanding mayhem in Iraq, Syria's war has bred a new threat that combines genocidal barbarism with social media savvy.

And many people in the OSCE nations have more immediate woes: poverty, hunger, joblessness and—six years after the financial crisis—a profound lack of faith that their leaders can fix these problems. In this environment, hateful demagogues feed on misery, and scapegoat vulnerable minorities.

Refugees are the very embodiment of upheaval, a barometer of distress. And there are more refugees in the world today than at any other time since World War II. Many of them, as you know, are finding their way to Europe and North America, where they often face hostility, discrimination, and even violence.

I wish I could report that governments and political leaders are responding to these challenges with boldness, intelligence, and imagination. But too many leaders are undermining the very principles that make for healthy societies—freedom of religion, assembly, and expression; protection of refugees; due process and the rule of law; and a vibrant civil society.

To the short-sighted and ill-intended, rights are seen as expendable in times of crisis. But this is exactly backwards. It is by respecting rights that we find a pathway out of crisis.

Governments around the world—not least of which my own—have cited the threat of terrorism to constrain liberty, claim more power, and claim the need to maintain more and more secrecy.

I am not naïve about the threat of terrorism; it is serious, and it presents its own challenge to human rights. But unless governments couple their resolve to meet these threats with an equal resolve to ground those efforts in respect for rights and freedoms, we will all lose. Counterterrorism efforts—whether well-intended or veiled executive power grabs—that are unmoored from human rights tend to weaken democracies, strengthen autocracies, and perpetuate the conditions from which terrorist movements draw their strength.

This is a long struggle. Today there are high school students who were not yet born when the United States launched its so-called “war on terror.” That conflict has spawned torture, indefinite detention, pervasive secrecy, invasive surveillance, and legally dubious drone strikes that have killed hundreds of civilians. President Obama took the important step of repudiating torture in the opening days of his first term, but Guantanamo, that site and symbol of abuse, remains an indelible stain. One hundred and fifty-four prisoners languish there, including some scheduled for trial in military commissions that lack legitimacy. We are pressing the Obama Administration to end the failed experiment of

Guantanamo, ensure release of the Senate's report on the CIA torture program, come clean about the rules that govern its use of drones for targeted killing, and address legitimate concerns about overly broad data collection and wholesale invasions of privacy that seem unrelated to addressing threats to national security.

The world recently got a window into how the reflexive resort to military force risks infecting broader law enforcement tactics. In the aftermath of the police shooting of an unarmed black teenager by a white police officer in Ferguson, Missouri this summer, police used excessive force against protestors. The police department of this small town had militarized weapons, as well as a militarized mindset—both products, in part, of the war on terrorism.

By the time nations feel the need to resort to force to confront terrorism, the challenges are compounded. Counterterrorism strategies that rely too heavily on force have invariably led to human rights abuses, exacerbating the very conditions that give rise to terrorism and creating a vicious cycle that is difficult to break.

Perpetual war—without geographical limits, a declared enemy, and a sound legal foundation—poses a real and present danger to our societies. Last year, President Obama declared his intention to move U.S. counterterrorism operations off of a war footing. He should use his speech at the UN this week to reaffirm that goal. And he should assure other nations that U.S. military action against ISIS will be tailored to meet that threat and does not represent an unbounded broadening of the use of military force as part of U.S. counterterrorism strategy.

Meanwhile in Russia, an increasingly authoritarian leader has used purported security threats as a pretext for cracking down on dissent, muzzling independent media, and intimidating civil society. A so-called “foreign agents law” has imperiled NGOs by restricting support from foreign sources; several have been forced to shut down. A Treason Law has dangerously expanded the definitions of treason and espionage, leaving openings for abuse. Anti-extremism laws have been used to restrict rights both online and on the street. The government has persecuted independent journalists, whistleblowers, and activists. And President Putin has signed a harsh law that threatens the human rights of LGBT people.

Russia is promoting its homophobic law as a model, as other countries in Eastern Europe and Central Asia—such as Belarus and Kyrgyzstan—consider their own anti-LGBT laws. The crackdown on NGOs also extends beyond Russia. Governments have used restrictions on foreign funding and other tactics to shut

down NGOs in Azerbaijan, Belarus, Tajikistan, and Uzbekistan. These laws have a chilling effect on civil society wherever they exist.

President Putin is cultivating a dangerous nationalism that is now used to justify the war he sponsored in Ukraine. And, while Russia has a Neo-Nazi problem of its own, Putin uses exaggerated charges of antisemitism and Fascism to delegitimize the Ukrainian government and whip up domestic support in Russia for intervention. All parties to the armed conflict in Ukraine – including Russia – must respect their international humanitarian law obligations in the conduct of hostilities and the protection of civilians. And there is strong evidence that they are all failing.

But if Ukraine's fledgling democracy is imperiled, it's not entirely Russia's fault. Ukraine's leaders have yet to show a sufficient commitment to inclusive, democratic governance. They have moved to ban the Communist Party, left the LGBT community in Kiev feeling insecure (the gay pride parade there had to be cancelled when the government failed to provide sufficient security to protect the marchers), and have done little to earn public trust that it will end corruption and protect fundamental rights. The government should, for example, seek accountability for the killings that took place during the Maidan protests and pursue meaningful campaign finance reform. Ultimately, a rights-respecting democracy will provide the stability that Ukrainians need and that can deter Russian interference in the country.

The more established democracies of Europe are facing their own challenges. In much of the continent, ultranationalist movements have risen on a tide of anti-immigrant sentiment, economic distress and public anger at the ruling elites. These movements have fomented hatred that has sometimes led to violence.

But economic distress doesn't fully explain the rise of hate parties. After all, the phenomenon predates the crash, and in some countries severe joblessness has not spawned a resurgence of fascism. How governments navigate these shoals—or don't—makes a major difference.

The Jobbik party in Hungary and Golden Dawn in Greece are two examples. Both parties demonize Jews, Roma, LGBT people, Muslims, and migrants, portraying the existence of minorities as a threat to their national, cultural, religious, or ethnic identities. These xenophobic, anti-E.U., anti-NATO views have propelled them into their national parliaments and the European Parliament.

One need not accept facile analogies to the 1930s to be alarmed by the resurgence of fascism in Europe.

Yet the political leaders in both Hungary and Greece have not only tolerated these parties; they sometimes empowered them. In Greece, Golden Dawn gained a foothold in virtually every level of government—including the police and the military—before the government finally charged its leaders with running a criminal organization bent on terrorizing migrants and minorities. The upcoming trial of Golden Dawn leaders is a critical opportunity to begin to stem this tide. To seize it, the government must ensure that the trial is credible and complies with international fair trial standards.

In Hungary—where Jobbik won 20% percent of the vote last spring—Prime Minister Viktor Orban is playing a dangerous game. While ostensibly opposing Jobbik, he has tapped into the very hatred that is its lifeblood. He condemns anti-Semitism; yet he names as his ambassador to Rome a well-known anti-Semite. The government’s growing authoritarianism legitimizes Jobbik and itself poses a threat to the rights of Hungarians. The authorities have raided NGOs that accepted funds from Norway, branding them agents of foreign powers, and put 13 NGOs deemed hostile to the government on an “enemies list.” Meanwhile, the government has restricted media freedoms and passed tax laws that seem designed to undermine foreign-owned media outlets. Prime Minister Orban’s open declaration that Hungary will become an “illiberal democracy” is a chilling prediction of a future inconsistent with the Helsinki principles.

This is a bleak picture, no doubt. But there are bright spots. The Swedish Prime Minister’s bid to defy the anti-immigrant tide and defend his country’s tradition of openness. The determination of the U.S. Congress to publicly release details about the CIA’s torture program. The powerful joint statement, after a recent spate of hate crimes against Jews, of the French, German, and Italian foreign ministers condemning anti-Semitism. And everywhere, in every OSCE country, courageous activists working to make their societies freer, more inclusive, and more just.

Still, the trends are alarming, and the dangers are undeniable. The good news is that we need not go searching for a roadmap. We know the route to peace and stability. It is set forth in the Helsinki Declaration of 1975, the OSCE’s foundational document, where nations pledged to uphold human rights as the “essential element” to ensure peace, justice, and wellbeing.

Despite that critical and hard-won insight, it is hard to dislodge the conventional wisdom that, in times of insecurity, so-called “soft” concerns like human rights must take a back seat until more urgent needs are addressed. But time and again we see the prescient wisdom of the Helsinki drafters. The solution to security challenges lies not in postponing action on human rights, but in doubling down on rights protection. The demonization or neglect of minorities, the failure to ensure the safety and political participation of women, the crackdown on civil society that works to protect the rights of the vulnerable—these factors are both symptoms of and lead to broader insecurity. Many of the security challenges we face today are the result of erosion of—or an all-out assault on—human rights. That’s why it is imperative that the OSCE participating states not sideline or soft-pedal scrutiny of human rights, despite the security challenges.

I leave you with a few concrete and modest recommendations for translating these challenges into opportunities.

First, I encourage all governments to implement their obligations to promote tolerance and combat hate crime, including improving data collection, providing information to ODHIR, and inviting ODHIR to train law enforcement. In that regard, I commend the Swiss Chairmanship and the German Foreign Office for hosting an event in November to mark the 10th Anniversary of the Berlin Declaration on Anti-Semitism. I encourage every participating state to send a high-level representative. Now is a particularly important moment to demonstrate that hatred and intolerance have no place in Europe and North America, and that governments and civil society are committed to working together to combat it.

Second, I want to highlight an issue that is central to all three OSCE dimensions—economic, security, and human rights—and that is protecting the rights of women. We know from empirical evidence that ensuring women’s safety and equality promotes peace and security, and strengthens economies. Violence against women, a serious problem in all OSCE states, prevents societies from realizing these benefits. Since the first OSCE action plan a decade ago, the consensus that women are both particularly vulnerable to violence and have a critical role to play in conflict resolution and peace-building, has only grown stronger. And at a time when the economies of the E.U. continue to struggle, women’s participation, free from discrimination and violence—including domestic violence—is essential. The OSCE action plan is long overdue for an update, both

to reflect new data and to share knowledge among and spur action in participating countries. I urge you to move forward on it.

Finally, progress on rights is never made simply by reaffirming lofty principles, however important that is. I challenge each government represented here to make—at the closing session of this meeting—three concrete commitments of actions their governments will take to translate the lofty ideals of the Helsinki accords into reality in peoples' lives.

This is a year when many of the founding principles of this important body have been violated. This presents a challenge to the OSCE, and it's one that the world is counting on you to meet.

I hope you will not flinch from a clear-eyed and honest review of whether and how states are upholding their commitments to protect and advance human rights. The rights and lives of many people depend on it—as does the peace and security of the region.

Thank you.