

**Statement of Assistant Secretary Tom Malinowski,  
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**Senate Foreign Relations Committee  
*Corruption, Global Magnitsky, and Modern Slavery –  
A Review of Human Rights Around the World*  
July 16, 2015 at 10:30am**

Thank you, Mr. Chairman and Senator Cardin for holding this important hearing. You've given us a broad subject, so there are any number of issues I could touch on, but let me begin by giving you a general overview of the challenges and opportunities I see right now in our efforts to promote human rights around the world.

As you know, we recently released our 2014 Human Rights Reports, which gave us a chance to take stock of human rights conditions worldwide. We focus in those reports on what is going wrong in all the countries they examine, and we must, since the whole point of our human rights diplomacy is to help right those wrongs. But we also recognized what is going right -- the achievements that people working for democracy and human rights have made in the last year that give us hope, even in this difficult period. In Ukraine, peaceful protests helped citizens reclaim their country's traditions of political choice and freedom of expression. In Afghanistan and Indonesia, millions of people went to the polls, and chose among all the candidates before them leaders with the most progressive, democratic vision for the future of their country. In Burkina Faso, people stood up to uphold their constitution, part of a larger movement for term limits in Africa and beyond. In Nigeria, voters braved violence, and in Sri Lanka they were galvanized by corruption and nepotism, to affirm their ability to choose and change their leaders. In each of these cases, the United States stood up for those seeking human rights, often over many years in the face of significant setbacks. These examples, therefore, should give us not just hope for progress in the world but confidence in our ability to advance it. .

That said, the global movement for human rights has also run into powerful headwinds in many places, and on some days it feels like the number and intensity of crises we face are greater than at any time I can remember.

The first challenge I want to highlight is the brutality of non-state actors, from the Taliban and al-Shabaab to Boko Haram and Daesh. We are all too familiar with the litany of crimes these terrorists have committed: murder, torture, rape, religious persecution, slavery, and more. Daesh in particular stands out for having launched systematically planned and organized efforts to attack whole groups of people because of their ethnicity or faith, and for propagating an ideology that justifies, and even celebrates, the killing of civilians and enslavement of women. As Secretary Kerry has made clear, the international community must confront and to defeat these groups, and coercive measures are obviously an essential part of that effort.

At the same time, we must remember that these groups did not emerge from nothing. Violent extremism in Nigeria was exacerbated by the actions – and in some ways the inaction – of the previous government. In Syria, Daesh's rise was fueled by Assad's horrific abuses against his

own people. In Iraq, Daesh took hold because many in the Sunni community felt marginalized, felt that legitimate grievances were being ignored by the government in Baghdad. So these violent extremist groups are not only a primary cause of human rights abuses; they are also a product of human rights abuses.

As President Obama noted in the 2015 National Security Strategy, many of our biggest national security challenges come from the biggest human rights failures. When governments violate the rights of their citizens and ignore calls for accountability, inclusivity, rule of law, decent work, and fundamental freedoms, they fuel instability and violence.

So our response to terrorist groups must be consistent with human rights, too, which leads me to a second urgent challenge we face around the world today – the misapplication of counterterrorism laws to stifle criticism, crush dissent, and restrict the space for civil society. For example, in Saudi Arabia, peaceful internet activist Raif Badawi was sentenced to 10 years in prison and 1000 lashes by the Ministry of Interior’s Specialized Criminal Court, a court originally set up to try terrorists. Egypt has used a real threat of terrorism to justify the prosecution of non-violent opposition figures, human rights activists, and demonstrators. Bahrain has a legitimate interest in protecting its people against violent groups, yet its government has focused much of its energy on prosecuting peaceful critics, including this year opposition leader Sheikh Ali Salman. Last year in China, Ilham Tohti, a Uighur scholar who promoted moderation and reconciliation among ethnic groups, was sentenced to life in prison.

Terrorism doesn’t give authorities a license to use violence indiscriminately, and it’s not a legitimate excuse to lock up political opponents, restrict civil society, or pin a false label on activists who are engaged in peaceful dissent. Such measures are not just wrong; they’re not just violations of human rights. They’re also counterproductive to our security goals; they play directly into the hands of terrorists.

As President Obama said at the Countering Violent Extremism Summit in February, “When people are oppressed and human rights are denied...when dissent is silenced, it feeds violent extremism. When peaceful democratic change is impossible, it feeds into terrorist propaganda that violence is the only answer available.” That’s why a great part of our engagement with partners in the coalition against Daesh, and with countries facing this kind of threat is about delivering the message that when the paths to non-violent change are shut down, more and more people who have grievances will fall under the sway of extremists and the false promises they offer. It’s why our security cooperation with these countries will remain bound by restrictions that promote respect for human rights and encourage a focus on violent extremism rather than peaceful dissent. We do this for our own security, as well as to advance the human rights and dignity of people around the world.

The third challenge I want to put before you today is this— for the first time in many years, we are facing a serious challenge to universal norms of human rights from two of the world’s great powers.

Russia’s intervention in Ukraine threatens to upend an international order that has kept the peace in Europe since World War II. We have responded accordingly, and appropriately. But we

should also remember that Putin's actions in Ukraine are profoundly related to his increasingly harsh crackdown on dissent within Russia since 2011, when he saw widespread overwhelmingly peaceful public protests as a threat to his power. Seventy-six of the country's most respected NGOs now are now listed as "foreign agents" and a new law banning "undesirable foreign organizations" will intensify the government's suppression of Russian civil society. These laws have been used not just against human rights groups, but against any NGO that receives foreign funding, from organizations that finance high school science camps, to those supporting the mothers of soldiers; recently, organizations have been targeted simply because their staff spoke at conferences on foreign soil. At the same time, there has been no progress in identifying those responsible for the murders of journalists, human rights defenders, and with the killing of Boris Nemtsov, leaders of the political opposition.

The Kremlin appears to see the assertion of a universal norm of human rights and democracy by governments and civil society groups around the world as a call to "color revolutions" and thus a threat to the regime. In Ukraine Russia has acted against a sovereign state where a successful democratic transition might set a positive example for others. The result has been an occupation of Crimea and intervention in eastern Ukraine in which widespread human rights abuses have been committed. Meanwhile, Russia has used its veto in the UN Security Council to oppose the enforcement of human rights norms around the world, blocking everything from efforts to hold accountable those responsible for atrocities in Syria to a commemoration of the genocide at Srebrenica in Bosnia.

Sadly, in China, we are seeing increasingly assertive measures to restrict civil society and to challenge the legitimacy of universal human rights norms. In recent days, the Chinese government has detained a large group of lawyers who had done nothing more than defend the rights of others brought before the criminal justice system. The timing of these arrests, shortly after China's passage of a new National Security Law has heightened our concerns that China may seek to use legislation to commit human rights abuses and to restrict enjoyment of fundamental freedoms of expression, association, peaceful assembly, and religion.

China's draft NGO and counterterrorism laws are similarly disturbing. They are broad, vaguely phrased laws that give officials considerable latitude to police civil society and suppress views that they perceive as being in any way threatening to Communist Party rule. As in Russia, the Chinese NGO law will allow the government to go after any and all foreign and foreign supported organizations, including groups involved in work as benign as student exchanges or environmental issues. And the Chinese government justifies it with a new and disturbing official discourse that paints "cultural infiltration" from the United States and the international community as a threat. These developments could restrict foreign trade and investment in China and obstruct the Chinese people's interaction with the outside world, reversing a 36 year process of "reform and opening" to the outside world that has enriched both China and the international community. As we did during our recent Strategic and Economic Dialogue with China, we will continue to encourage China's leaders to weigh the costs to its citizens' well-being and productivity of blocking them from the ideas and information that spark and move the world forward. But that is what the Chinese government appears to be determined to do.

Unfortunately, other countries around the world, from Cambodia to Ethiopia to Azerbaijan, have sought to copy Russia and China's repressive examples, passing laws to stifle NGOs and restrict what their people can access on the Internet and other media. You might recall Hungarian Prime Minister Viktor Orbán's speech last summer, declaring his intention to build an "illiberal state" modeled on the likes of Russia and China. When authoritarian leaders are challenged at home and abroad by demands for more inclusive and transparent government -- demands that cite universal values and international law—they find it convenient to point to an alternative model being displayed and promoted by influential world powers like Russia and China.

I realize this is quite a dark outlook, but I do want to point out that one of the reasons for the recent wave of crackdowns on civil society is that civil society has become very effective. Crackdowns are a response to the success that global civil society has had in promoting human rights-- success in raising the expectations of people in countries that have long resisted democratic change that they're entitled to the same fundamental freedoms as everyone else around the world. And that success is profoundly threatening to authoritarian regimes. So it's not a surprise to see them pushing back. But the pushback does, mean that we need to remain vigilant in our defense of universal values.

There's no single approach to doing this. Different tools, in different combinations, are appropriate depending on the circumstances. But let me lay out some of the tools at hand.

First, we always strive to address our concerns in our public and private diplomacy—even with countries with which we must do business on other issues.

We work in the United Nations, in regional organizations, and other multilateral fora to strengthen and generate international support for compliance with human rights obligations.

Related to this, one thing we increasingly have emphasized is the importance of fighting corruption in countries where there is clearly a confluence between graft and poor governance. Corruption is often the reason why authoritarian leaders seize and cling to power; but it is also often one of their greatest vulnerabilities -- the abuse of power that generates the greatest domestic opposition and that they are least able to justify on the world stage. The United States is well positioned to lead a redoubled global effort to confront corruption. We were the first country to criminalize bribery by our companies overseas. We have led the creation of global standards and binding legal frameworks to prevent and combat graft, and to foster the international legal cooperation that is increasingly necessary. In the last few years, we have forged a consensus in the G-20 to strengthen safeguards against the flow of illicit funds, including by cracking down on the use of anonymous shell companies. We are helping emerging democracies like Sri Lanka and Ukraine recover stolen assets, and where possible prosecuting those with links to foreign corruption in our courts. We are partnering with a number of African countries to address corruption and other sources of illicit finance there.

At the same time, we use our assistance to partners around the world, including security assistance, to leverage improved respect for human rights. And finally, we have the option of using targeted measures, including targeted financial sanctions in certain contexts. They are an important tool in many cases. They enable us to impose costs on individuals responsible for

certain human rights abuses without punishing entire countries or economies. They can show how seriously the United States takes these issues, while giving the victims of human rights abuses a sense that someone is standing up for them. And America's position in the international financial system gives us unique opportunities to employ such measures. But financial sanctions aren't the right answer in every situation, and our ability to employ this tool effectively would diminish if we employed it indiscriminately. That's why we believe we need the flexibility to determine, in consultation with Congress, when financial and other sanctions will do more good than harm.

Senator Cardin, I want to commend you for all of the work you have done to combat global human rights violations, including your recent work on the Global Magnitsky Human Rights Accountability Act, which was reported out of this Committee last year. We greatly appreciate your effort to address our concerns for preserving our flexibility in key areas and look forward to working with you and other Members of the Committee as this bill proceeds through the legislative process to ensure that it achieves common goals.