

STRENGTHENING HUMAN RIGHTS FOR ALL IN 2021 —IN THE U.S. AND AROUND THE WORLD



**AMNESTY
INTERNATIONAL**





COVER PHOTO

© Caroline Purser / Getty Images

CONTENTS

CONTENTS	3
1: ARMS SALES	5
Saudi-UAE Arms Sales	6
Arms Export Bans	8
Arms Export Regulations	10
2: ASYLUM ACCESS	12
Asylum Access	13
Immigration Detention	15
3: CLIMATE CRISIS	17
4: COVID-19	20
Universal Healthcare	21
U.S. Health and Essential Workers	23
Surveillance	25
World Health Organization	27
Debt Relief for Lower Income Countries	29
5: FREEDOM OF EXPRESSION	31
Global Protests	32
Tear Gas and Use of Force	34
Federal Policing in Cities	37
Prisoners of Conscience	40
6: GENDER EQUALITY	42
Gender-based Violence	43
Reproductive Rights	45
Rape of Native women	47
7: INTERNATIONAL COOPERATION FOR HUMAN RIGHTS	49
Commision on Unalienable Rights	51

CONTENTS

Multilateralism.....	53
Funding for Multilateral Solutions.....	55
International Criminal Court	57
8: NATIONAL SECURITY AND HUMAN RIGHTS.....	59
Guantánamo Bay Detention Facility.....	60
U.S. Killings Abroad.....	62
9: PERSECUTED POPULATIONS	64
U.S. Refugee Assistance.....	65
Muslim Minorities in China	68
The Rohingya.....	71
10: U.S. GUN VIOLENCE.....	73
11: U.S. KILLINGS OF BLACK PEOPLE.....	76
CONTACTS	78



ARMS SALES

© Mandel Ngan / AFP via Getty Images

The United States of America is the world's largest exporter of arms –arms buyers, many of them allies, hold U.S. technology in high regard - the gold standard against which all other countries are judged. Similarly, many around the world consider the U.S. export control regime as one of the most careful, responsible and transparent among arms exporting countries. As a leader in this realm and in many others, the U.S. has an outsized responsibility to ensure that weapons transfers aren't used to violate human rights - While U.S. capacity to lead provides an opportunity, the inappropriate use of U.S. weapons can cause a serious risk.

In Yemen, the Saudi-led coalition, locked in a years-long conflict with Huthi rebels, has conducted countless airstrikes. Their armament of choice includes numerous precision-guided munitions manufactured in the U.S. and exported to Saudi Arabia with the U.S. government's blessing. Among these airstrikes, the world has witnessed the Saudi Arabia Air Force strike a school bus with 51 civilians (49 of them children) with an U.S.-made MK-82 precision guided munition. We've seen a funeral hall bombed, leaving 150 dead and 600 injured. A strike in the capital, San'aa, killed 16 civilians. These are among the many incidents where there is tangible evidence the coalition used U.S.-made missiles. The aftermath of these, and many other similar incidents, paints a damning picture for the vaunted U.S. arms export control regime.

Yemen is just one example, though. We see arms sold to Philippines president Rodrigo Duterte, who has committed thousands of extrajudicial executions in his campaign against so-called "drug dealers" – the "disappeared" are people's sons, daughters, fathers, and mothers. In Africa, we see continued U.S. security assistance, despite evidence of impunity for extrajudicial executions and other human rights violations in Cameroon, Ethiopia, Eritrea, Nigeria and Mali. In public, U.S. government officials decry these violations and call for accountability - but when it comes to arms sales, the world can see that money matters more than justice.

Amnesty International is calling for bans on arms sales to a number of countries - many are specified, along with the evidentiary basis for our recommendation - in the attached briefs. But we are also calling for a deep reform of the system that allowed these exports to move forward in the first place. Until our standards are met – that the U.S. not supply arms to human rights violators, a standard enshrined in both law and stated policy – the U.S. government cannot lay claim to the moral high ground on the world stage, and will not be fulfilling its obligations as the world's leading military power.

This isn't a niche issue. A Department of State OIG report, released in Spring 2020, lays bare the deficiencies in the U.S. arms export control regime. It claims the Department of State failed to properly take human rights concerns into account in approving an "emergency" arms sale to Saudi Arabia.

SAUDI-UAE ARMS SALES

INTERNATIONAL

THE ISSUE

The U.S. must end its complicity in the Saudi-UAE led coalitions violations in Yemen, some of which amount to war crimes, by banning arms sales to the coalition.

The discovery of U.S. munitions amongst the rubble of civilian markets, homes, hospitals and hotels has been a constant throughout Yemen's devastating war. Amnesty International has repeatedly found evidence that U.S.-made munitions have been used by coalition forces to target civilians. The evidence is overwhelming: investigations by United Nations bodies, media outlets and numerous other human rights organizations have reached similar conclusions. In one example from August 2017, a U.S. manufactured bomb was dropped in a residential area, leading to 16 civilian deaths in Yemen's largest city, Sana'a. As a result of the airstrike, five-year-old Buthaina was the sole survivor in her family; the bomb killed her parents and five siblings.

Although a host of European countries have suspended arms transfers to the coalition, the U.S. government continues to provide it with military support and arms sales. U.S. manufactured arms have also been diverted into the hands of Huthi and other armed groups fighting in Yemen. U.S. military support has included:

- Mid-air refueling support that facilitated airstrikes, including on civilian infrastructure
- Logistical support and assistance identifying targets for aerial bombardment
- Sale of 30 F-15 fourth-generation fighter jets, 84 combat helicopters, 110 air-to-surface cruise missiles and nearly 20,000 guided bombs.

All warring parties have openly flaunted international law, causing massive civilian casualties. Amnesty International has documented 36 airstrikes across six different governorates by the coalition that appear to have violated international law. These airstrikes have claimed more than 500 civilian lives and appear to have deliberately targeted civilian infrastructure such as hospitals, schools, markets, and mosques.

TALKING POINTS

- In 2015, Saudi Arabia and eight other states – backed by the U.S., U.K., and France – began airstrikes against a rebel group known as the Huthis in Yemen. The fighting has resulted in a humanitarian crisis of historic proportions.
- 22 million Yemenis must rely on humanitarian assistance to survive and half that number are at risk of famine.
- 400,000 children are at risk of starving to death.
- According to the World Health Organization, Yemen is struggling to contain the worst cholera outbreak in the world.
- A blockade of Yemen's ports of entry by the Saudi-U.A.E. led coalition has restricted aid from

entering the country, triggering a famine which threatens the lives of 12 million people.

RECOMMENDATIONS

- The United States must immediately suspend weapons sales to Saudi Arabia and the UAE.
- The President must call on the State Department to produce a report on violations of international law by all actors in the Yemen conflict and a separate report on human rights in Saudi Arabia.

FOR MORE INFORMATION, PLEASE CONTACT:

Philippe Nassif
Advocacy Director, Middle East & North Africa
(202) 5768-6647
PNassif@aiusa.org

ARMS EXPORT BANS

INTERNATIONAL

THE ISSUE

The United States of America is the world's largest exporter of arms – its customers, many of them allies, hold U.S. technology in high regard - the gold standard against which all other countries are judged. Similarly, many around the world consider the U.S. export control regime as one of the most careful, responsible and transparent among arms exporting countries. As a leader in this realm and in many others, the U.S. has an outsized responsibility to ensure that weapons transfers aren't used to violate human rights.

Amnesty International is calling for an end to arms sales to a number of countries - many are specified, along with the evidentiary basis for our recommendation - in the attached briefs. But we are also calling for a deep reform of the system that allowed these exports to move forward in the first place.

This isn't a niche issue. A Department of State OIG report, released in Spring 2020, lays bare the deficiencies in the U.S. arms export control regime. It claims the Department of State failed to properly take human rights concerns into account in approving an "emergency" arms sale to Saudi Arabia.

In **Yemen**, the Saudi Arabia and UAE-led coalition, locked in a years-long conflict with Huthi rebels, have conducted countless airstrikes. Their armament of choice includes numerous precision-guided munitions manufactured in the U.S. and exported to Saudi Arabia and the UAE with the U.S. government's blessing. Among these airstrikes, the world has witnessed the Saudi Arabia Air Force strike a school bus with 51 civilians (49 of them children) with U.S.-made MK-82 precision guided munitions. The aftermath of these, and many other similar incidents, paints a damning picture for the vaunted U.S. arms export control regime.

Yemen is just one example, though. We see arms sold to Philippines president Rodrigo Duterte, who is responsible for thousands of extrajudicial executions in his campaign against so-called "drug dealers" - these are people's sons, daughters, fathers, and mothers.

In **Israel**, Amnesty International has been calling on all states to impose a comprehensive arms embargo on Israel, as well as on Palestinian armed groups, with the aim of preventing violations of international humanitarian and human rights law by all sides.

In **Cameroon**, the security forces have been linked to widespread and egregious human rights violations in the government's counter insurgency against the armed group Boko Haram in the Far North region and in response to unrest in anglophone South West and North West regions. Violations have included torture, extrajudicial executions, and arbitrary detention, all committed with near blanket impunity.

In **Ethiopia**, the security forces under the administration of Prime Minister Abiy and his two predecessors: Hailemariam Desalegn and Meles Zenawi were responsible for extrajudicial executions, arbitrary detention and regularly used excessive force to break up nonviolent protests organized by members of the Oromo and Amhara communities as well as other ethnic groups. All three

administrations have yet to establish accountability for the abuses dating back to 2012.

Nigeria's police and military have committed systematic and systemic human rights violations with impunity dating back to before the start of the 4th Republic in 1999. Abuses include extrajudicial executions, torture, disappearances, the bombing of camps for refugees and internally displaced persons, the use of child soldiers, detention of children, rape and sexual assault, and wholesale destruction of property and livelihoods. Despite reports from over a dozen government investigations into abuses by security forces, none of the recommendations from any of the investigations have been enacted, reports from several investigations have never been published, and no command officers have ever been held accountable.

Prior to the coup d'état by the military on August 18, overall security in Mali was already deteriorating badly, with intercommunal conflict spreading. In response to attacks from armed groups, the Malian security forces committed human rights abuses with impunity, including extrajudicial executions, arbitrary arrest, and the use of excessive force against nonviolent protestors.

In public, U.S. government officials decry these violations and call for accountability, but when it comes to arms sales, the world can see that money matters more than justice.estimated one million people have been held in internment camps where they have endured a litany of human rights violations.

RECOMMENDATIONS

End U.S. arms sales to the following countries due to egregious human rights violations:

- Saudi Arabia
- UAE
- Egypt
- Israel
- Cameroon
- Ethiopia
- Nigeria
- Mali
- Philippines

FOR MORE INFORMATION, PLEASE CONTACT:

Philippe Nassif
Advocacy Director, Middle East & North Africa
(202) 5768-6647
PNassif@aiusa.org

ARMS EXPORT REGULATIONS

INTERNATIONAL

THE ISSUE

The Trump administration made an historic move in January by officially designating semi-automatic firearms as “dual-use” rather than “defense articles” for the purposes of export. This means they will be subject to far looser standards regarding who can sell these guns abroad, and who they can sell them to. The move also significantly reduces transparency regarding arms sales abroad, making it easier for dangerous and problematic arms deals to evade public scrutiny.

Over the years, Congress has invested its oversight authority regarding arms sales and other weapons transfers in two places: the Arms Export Control Act and the Foreign Assistance Act. The relevant pieces of these laws, generally speaking, apply to only to defense articles, defined as such by their presence on the U.S. Munitions List. By moving an item to the Commerce Control List (which demarcates so-called “dual-use” items), the whole legal framework set up to ensure that dangerous weapons like the AR-15 don’t make it into the wrong hands is no longer applicable.

This is the first and only time in what has been dubbed “Export Control Reform” that regulators have sought to remove a lethal weapon from the U.S. Munitions List. The plan is to re-classify semi-automatic and non-automatic firearms as items “no longer warranting control on the Munitions List,” and transfer them over to the Commerce List where the licensing process will be streamlined and a single license can cover multiple transactions. This effort was originally intended to make it easier to export innocuous items like nuts and bolts for airplanes – it seems reasonable to have looser regulations on those than on a fighter jet, for example. The logic breaks down when we consider semi-automatic assault rifles, however, which can be easily modified to operate as fully-automatic weapons.

The U.S. military may not consider these guns as giving a decisive military advantage – but to those who are threatened by criminals, militant groups, and oppressive governments, the danger posed by these items is as relevant as ever. Guns are easy to resell on the black market and have a very long shelf-life.

Making it easier to sell guns to violators of human rights, criminal gangs, and shadowy third-party arms dealers may indeed pad the bank accounts of some arms-industry executives. But it will come at a terrible human cost.

Those who live under oppressive regimes, in conflict zones, or at the mercy of criminal gangs may indeed find themselves at the wrong end of an American-manufactured gun barrel without ever needing to live under our irresponsible and dangerous domestic gun control laws – the U.S. now exports that policy

TALKING POINTS

- Moving USML Categories I through III to the Commerce Control List will result in their no longer being considered “defense articles” in U.S. law. A huge number of legal protections against these items being exported to human rights violators and black-market arms traffickers, as well as important transparency provisions, will no longer apply to semiautomatic firearms.
- The distinction between fully-automatic and semi-automatic firearms is meaningless: a semi-automatic can be modified to operate as fully automatic very easily.
- Recent changes to the U.S. policy on arms sales is purely to boost exports and sales for gun manufacturers, in effect trading human lives for profits to the gun industry.

RECOMMENDATIONS

- Reverse this rule change that has designated semi-automatic firearms as “dual-use” rather than “defense articles” for the purposes of export, re-establishing categories semi-automatic firearms as defense articles on the U.S. Munitions List.

FOR MORE INFORMATION, PLEASE CONTACT:

Adotei Akwei
Deputy Director, Advocacy & Government Relations
(202) 509-8148
AAkwei@aiusa.org



© John Moore/Getty Images

ASYLUM ACCESS

Immigrants and asylum-seekers have faced an unending series of attacks over the last few years, as the Trump administration has sought to scapegoat and exclude them at every turn. From excluding, traumatizing, and criminalizing people seeking safety at the U.S.-Mexico border to jailing immigrants and asylum-seekers in facilities that are tinderboxes for the spread of COVID-19, U.S. asylum and detention policies have violated human rights and exacted tremendous human costs.

ASYLUM ACCESS

DOMESTIC

THE ISSUE

Seeking asylum is a human right. But in recent years, people in search of safety at the Mexico/U.S. border, including families and children, have been punished for seeking protection. These include people fleeing levels of violence comparable to war zones in El Salvador, Honduras, and Guatemala and widespread political repression in Venezuela, Nicaragua, and Cuba – as well as a growing number of people forcibly displaced from extra-continental countries due to persecution and conflict.

Instead of offering refuge to people who need it, the United States has devised a series of policies to offshore them, criminalize them, and deny them protection. It has done this claiming it doesn't have adequate resources to respond, all while spending billions of dollars on border militarization.

Since March 2020, asylum access at the Mexico/U.S. border has been virtually suspended. Using the pandemic as pretext, the United States has unlawfully expelled tens of thousands of people, including families and unaccompanied children, under an order nominally issued by the Centers for Disease Control and Prevention (CDC) which empowers border agents to summarily push back to Mexico or rapidly return them to their countries of origin. The UN Refugee Agency has made clear that blanket measures restricting access to asylum cannot be justified – yet this order is exactly that; furthermore, the order does nothing to further the public health justifications on which it is purportedly based. The administration has also introduced a dizzying, unfounded series of new anti-asylum eligibility rules, including a ban on asylum for people who transit through any third country on their way to the United States; a new, wide-ranging rule that radically redefines every element of the refugee definition; and a blanket eligibility bar based on public health, which is rooted in xenophobia and discrimination rather than science.

Before it suspended asylum altogether, the United States has forced tens of thousands of people seeking safety at our border to wait in dangerous, precarious conditions in Mexico. Under “Remain in Mexico,” the United States has forcibly returned close to 60,000 people to Mexico while they undergo U.S. asylum proceedings, where they are left to the mercy of cartels and criminal elements, which regularly extort, kidnap, and assault them. In 2019, the United States strong-armed the governments of Guatemala, El Salvador, and Honduras into signing a series of unsafe third country agreements, which offload U.S. obligations to process asylum claims to third countries whose conditions are anything but safe for asylum-seekers.

In 2018, thousands of parents seeking asylum were criminally charged under a “zero tolerance” policy that led to the forcible separation and irreversible traumatization of families. Thousands more families were separated by U.S. authorities both before and after that policy. Even humanitarian aid workers and lawyers working with asylum-seekers have been criminalized, targeted, surveilled, and harassed for their lifesaving work.

RECOMMENDATIONS

- Rescind disastrous and unlawful policies restricting access to asylum at the border, including the CDC order authorizing mass expulsions, the Remain in Mexico policy, unsafe third country agreements, and bans on asylum based on manner of entry or previous transit through other countries.
- Restore a fair, just, and welcoming asylum process at the border, including by ensuring that people seeking safety are not detained as default, deploying medical and child welfare experts, and ensuring that immigrants and asylum-seekers in proceedings are guaranteed access to counsel.
- Ensure redress for people who have faced harm or been denied asylum as a result of unlawful Trump-era asylum policies, including (1) an opportunity for asylum-seekers to testify to the harms they suffered as a result of policies like Remain in Mexico and various asylum bans and (2) the establishment of mechanisms to ensure they can have their claims fairly reheard.

FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami
Advocacy Director, Americas
(202) 675-8766
CKrishna@aiusa.org

IMMIGRATION DETENTION

DOMESTIC

THE ISSUE

The Trump administration is failing to adequately protect tens of thousands of asylum-seekers and migrants detained by Immigration and Customs Enforcement (ICE), who are held in over 200 detention centers across the United States.

In recent years, the use of immigration detention has ballooned. Today, tens of thousands of immigrants, including thousands of asylum-seekers and families with children, are held in Department of Homeland Security (DHS) facilities throughout the country while they fight for their right to stay in the United States. Immigration detention serves as a form of punishment against people solely on the basis of their status and penalizes people who are fleeing persecution.

ICE has ample discretion to release all people in immigration detention. Yet, disregarding the cries of detained immigrants, medical experts, and advocates, it has failed to do so. Since the onset of the pandemic, COVID-19 has spread throughout detention facilities: as of October 2020, at least eight people had died after contracting the virus in detention, and over 6,500 detained people had tested positive for the virus. Experts have estimated that the virus is likely spreading rates much higher than DHS has publicized, a fear which has been borne out in the few facilities where ICE has engaged in mass testing: for example, in August, 90% of people detained at the privately operated ICE facility in Farmville tested positive for COVID-19.

Both people in detention and their lawyers have shared harrowing details of ICE's reckless endangerment of people in its custody, in violation of Centers for Disease Control and Prevention (CDC) standards on the prevention of COVID-19 in places of detention. ICE and its detention facilities have failed to provide detainees with sufficient soap and sanitizer or adequate social distancing. Additionally, ICE has not abided by CDC standards for quarantining and medical isolation, instead "cohorting" people presumed to be positive for the virus, a form of treatment one medical expert has likened to "COVID-19 torture." As COVID-19 cases increase exponentially across the United States, detained people have launched hunger strikes in multiple ICE immigration detention facilities, demanding to be released, and have often been met with brutal repression by guards and security personnel.

Now, ICE's detention practices are exacerbating a crisis beyond U.S. borders: tens of thousands of people have been deported during the COVID-19 pandemic, including hundreds of people who tested positive after contracting the virus after being detained in unsafe and unsanitary US detention facilities. Deported people have reported facing exposure to the virus, rights-abusing quarantine regimes in their countries of return, and stigma.

The U.S. government has the authority and obligation to release all people in immigration detention and to halt deportations. ICE's unnecessary and punitive detention of migrants and asylum seekers, based solely on their migration status, constitutes ill-treatment and discriminatory denial of the right to health, particularly for older people and other individuals at higher risk of serious harm or death if they contract the virus. The arbitrary detention of migrants and asylum seekers only pushes them deeper into harm's way, in unhygienic and unsafe environment.

This public health crisis presents an opportunity for the United States to reform its practice of

needless, costly, and punitive immigration detention, which has caused tremendous human suffering and has caused a crisis of contagion during the pandemic.

THE HUMAN COST

Steven Tendo is a 35-year-old pastor and asylum-seeker who fled from torture and other severe human rights violations in Uganda and requested asylum in the United States. Since December 2018, he has been detained at an immigration detention facility in Los Fresnos, Texas. He is at imminent risk of return to danger in Uganda, where he fears he will be killed, while his health is deteriorating from inadequate medical care for diabetes amidst a COVID-19 outbreak in the Los Fresnos detention facility. Amnesty is demanding that authorities stop Pastor Steven's deportation and release him immediately on parole while he continues to fight for the right to seek asylum.

RECOMMENDATIONS

- Immediately release people in ICE detention, beginning with populations at particular risk of experiencing serious harm upon contracting COVID-19, including the elderly and those with underlying conditions. For the limited time people must remain in detention, ensure appropriate measures to prevent the spread of COVID-19 within detention facilities, such as widespread access to testing and treatment and adequate access to soap, sanitizer and disinfecting materials. Those who are released from detention in light of the COVID-19 pandemic must not automatically be re-detained once the crisis lifts, and families must be released together.
- Cease the use of immigration detention as a default response, and end the involvement of private prisons in immigration detention. Robustly expand use of community-based case management support where necessary, including the Family Case Management Program, while ensuring they do not simply operate as detention by another name. Issue guidance clarifying that custody alternatives meet the definition of "custody" under the mandatory detention statute (INA § 236(c)).
- Place a temporary moratorium on deportations and other forced returns in light of the COVID-19 pandemic as well as the architecture of unlawful policies that are powering many deportations. The moratorium should remain in place for the duration of the pandemic and until the administration has had an opportunity to review and address the multitude of anti-asylum policies in place.

FOR MORE INFORMATION, PLEASE CONTACT:

Charanya Krishnaswami
Advocacy Director, Americas
(202) 675-8766
CKrishna@aiusa.org



CLIMATE CRISIS

© Justin Sullivan / Getty Images

Millions of people are already suffering from the catastrophic effects of extreme disasters exacerbated by the climate crisis. While we largely understand the climate crisis through the impacts it will have on our natural world, it is the devastation that it is causing and will continue to cause for humanity that makes it an urgent human rights issue. Climate change will compound and magnify existing inequalities. And its effects will continue to grow and worsen over time, creating ruin for current and future generations. The failure of governments—including the United States—to act on the climate crisis in the face of overwhelming scientific evidence may well be the biggest intergenerational human rights violation in history.

One of the biggest drivers of the climate crisis by far is our burning of fossil fuels—coal, gas and oil—which has increased the concentration of greenhouse gases, such as carbon dioxide, in our atmosphere. This, coupled with other activities like clearing land for agriculture, is causing the average temperature of our planet to increase. The world's leading scientific body for the assessment of climate change, the Intergovernmental Panel on Climate Change, stated that in order to avoid catastrophic global warming, we must not reach 1.5°C above pre-industrial levels. To avoid reaching 1.5°C, greenhouse gas emissions must be halved from their 2010 levels by 2030. Time is of the essence.

Human rights are intimately linked with the climate crisis because of its devastating effect on not just the environment but our own wellbeing. In addition to threatening our very existence, the climate crisis is having harmful impacts on our rights to life, health, food, water, housing and livelihoods. The climate crisis will continue to harm all of us unless governments take action. However, its effects are likely to be much more pronounced for certain groups—for example, those communities dependent on agricultural or coastal livelihoods—as well as those who are generally already marginalized, disadvantaged and subject to discrimination. This includes people who are being displaced and forced to flee their homes due to extreme weather events linked to climate change.

States have the obligation to mitigate the harmful effects of the climate crisis by taking the most ambitious measures possible to prevent or reduce greenhouse emissions within the shortest possible time-frame. States must also take all necessary steps to help everyone within their jurisdiction to adapt to the foreseeable and unavoidable effects of the climate crisis. Furthermore, states must not

resort to measures that violate human rights. For example, conservation areas or renewable energy projects must not be created on the lands of Indigenous people without consulting them and seeking their free, prior and informed consent.

The United States has been one of the biggest drivers of the climate crisis, and must adopt the most ambitious emission reduction targets that would enable it to reduce greenhouse gas emissions by 50% well before 2030, and reach zero carbon emissions by 2030 or as soon as feasible after that, while ensuring a just transition that enhances human rights.

RECOMMENDATIONS

- Immediately re-join the Paris Agreement and work towards submitting an economy-wide emissions reduction plan (National Determined Contribution) for 2030 well in advance of COP26, as required of all parties to the Paris Agreement. The target should enable the U.S. to reach zero carbon emissions by 2030 or as soon as feasible after that, while ensuring a just transition that enhances human rights. This target should also be reflected in federal policy and legislation. The NDC should be developed in a participatory manner, and particularly providing equal opportunities to groups at the frontline of climate impacts and/or facing marginalization or discrimination to participate. The NDC should be consistent with international human rights obligations and include relevant indicators, targets and benchmarks.
- Adopt a just transition plan that is human rights compliant to ensure that the shift towards a zero-carbon economy and a more resilient society is just and fair for all, in line with the United States' human rights obligations, and creates opportunities to reduce inequality, combat discrimination, promote gender, racial and intergenerational justice, and fulfil human rights.
- Put an end to fossil fuel subsidies immediately.
- Ensure the phase out the use of all fossil fuels within U.S. jurisdiction as quickly as possible, and no later than 2030 or as soon as feasible after that, in line with the latest Intergovernmental Panel on Climate Change (IPCC) scientific evidence and taking account of the duty of more developed countries to take the lead in climate mitigation efforts. Ensure that affordable renewable energy generated in full compliance with human rights standards is available to all. In particular, ensure an immediate phase out of dirtiest forms of fossil fuels, such as coal, peat, fracking and tar sands, with the aim to completely end their production and use by 2025.
- Cease further investments to expand fossil fuel exploration and production including the development of new infrastructure.
- Establish regulations and policy measures to ensure that businesses reduce emissions by at least 45% by 2030 compared to 2010 levels, and to zero before 2050, in line with the IPCC scientific evidence.
- Adopt laws obliging companies to respect human rights and conduct human rights and environmental due diligence on their global operations, value chains and business relationships, and establishing civil and criminal liability for damage.
- Adopt and implement human rights-consistent adaptation measures that adequately protect people from the foreseeable and unavoidable impacts of the climate crisis.

- Ensure sufficient financing and support is in place for less wealthy countries to be able to reduce emissions, protect people facing the impacts of the climate crisis, including through stronger adaptation measures, and provide remedy for the losses and damages people have already suffered.
- In addition to taking steps domestically, the U.S. government should strongly advocate for other states to take adequate measures to protect human rights from the climate crisis, including on emission reduction, just transition, climate finance and access to remedy for loss and damage.
- Protect the rights of everyone to speak out and mobilize for climate action or the protection of land, territory and environment, including through civil disobedience. Comply with all collective and individual demands that reflect human rights obligations.
- Ensure access to domestic and international administrative, judicial, legislative or any other appropriate means to adjudicate claims of human rights violations resulting from climate change or climate-related projects and measures, including when conduct within U.S. jurisdiction harms the rights of people outside U.S. borders.

FOR MORE INFORMATION, PLEASE CONTACT:

Zeke Johnson
Senior Director, Programs
(646) 853-9779
ZJohnson@aiusa.org



COVID-19

© Noam Galai /Getty Images

2020 marked the beginning of a global pandemic that has ravaged the globe and altered all of our lives. While COVID-19 has impacted everyone, some of us have been disproportionately – and oftentimes irreversibly – impacted. The virus has exposed fault lines wrought by centuries of discrimination: today, Black Americans are dying at twice the rate of white Americans of the virus, and Indigenous people are, according to one study, 3.5 times as likely as white Americans to contract COVID-19. Latinos have also disproportionately borne the brunt of the novel coronavirus and their community has suffered with both high infection and death rates. Essential workers in many sectors, including the healthcare sector, have been vital to our pandemic response, yet have been treated as disposable and faced reprisal for organizing against the unsafe workplace conditions to which they’re being exposed. Many “essential” jobs in the United States have been filled by immigrants, who have been systematically excluded from COVID-19 response and scapegoated for the dire economic toll the virus – and a bungled government response – have taken. In the U.S., authorities have broadly failed to provide sufficient relief for those most impacted. As vulnerable communities navigate the public health crisis, their suffering has too often been compounded by difficulty making rent, accessing healthy food, preventing utility shutoffs or securing employment. Leaders around the world have treated the virus as license to pursue authoritarian tactics that abuse human rights and fail to preserve public health, including mass surveillance that unjustifiably curtail people’s privacy rights.

Just as COVID-19 has laid bare legacies of discrimination, it has also demonstrated our profound interdependence and the importance of collective, evidence-based policies to lift us up as we recover from this devastating period. At home, it is long past time for the United States to guarantee healthcare as a human right through the provision of universal healthcare that protects all of us, not just those who can afford to pay for it. Internationally, the United States must reverse its inexcusable decision to withdraw support for the World Health Organization, whose mandate will be critical to a coordinated, global COVID-19 recovery, and it must lead the charge in ensuring that the poorest countries – which have been economically devastated by COVID-19 – can receive the debt relief they desperately need.

UNIVERSAL HEALTHCARE

DOMESTIC

THE ISSUE

Universal access to health care, without discrimination, is a human right enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Despite the fact that it is a right, there is a long-standing and widespread healthcare crisis in the United States, exacerbated by COVID-19, with countless people unable to access lifesaving care due to cost. The crisis impacts all of us, though some communities are more likely to bear the brunt of an inadequate healthcare system than others and face additional challenges in following public health guidance and accessing health care services.

This disparate impact is felt by, but not limited to, the Black community; communities of color; Indigenous People; transgender people; people who are experiencing homelessness, housing insecurity or poverty; people with disabilities; people who are undocumented; migrant workers; people in precarious or insecure employment, including in the “gig” economy; sex workers; people who are incarcerated or held in immigration detention; and people who are working in the informal sector or with lower socio-economic status. For example:

- According to Louisiana’s governor, as of April 24, Black residents in Louisiana account for approximately 33 percent of the state’s population yet represent nearly 60 percent of known COVID-19 related deaths.
- According to the Chicago Department of Public Health, as of April 29, while black residents represent 30 percent of the city’s population, they account for 54 percent of the city’s known COVID-19 related deaths and 40 percent of confirmed cases.
- As of mid-April, the Navajo Nation’s COVID-19 infection and death rates are 10 times higher per capita than their neighboring Arizona.
- According to the Asthma and Allergy Foundation of America, Black people in the U.S. are three times more likely to die from asthma, especially women, than any other group. About 13.4 percent of Black children have asthma, compared to about 7.4 percent of white children.
- Women in the U.S. have a higher risk of dying of pregnancy-related complications than those in 49 other countries, and Black women are nearly four times more likely to die of pregnancy-related complications than white women. These rates and disparities have not improved in more than 20 years.

There is a solution to this crisis. Instead of treating healthcare as a partisan political issue, it should be addressed as a human rights issue. That would mean putting in place a system of universal, equitable, non-discriminatory health care, and giving priority to a single-payer, publicly-funded system, so as to guarantee access to comprehensive, quality care for all people as a right and a public good. An effective and fair U.S. response to the COVID-19 pandemic would incorporate human rights in all aspects of prevention, treatment, and care. A human rights-centered response protects the well-being of all, while explicitly addressing the inequities and inequality.

RECOMMENDATIONS

- The U.S. government should put in place a universal, equitable, non-discriminatory healthcare system, giving priority to a single-payer, publicly funded system, so as to guarantee access to comprehensive, quality care for all people as a right, and a public good.
- Ensure that the government's response to COVID-19 centers human rights at all stages of the crisis—prevention, preparedness, containment, treatment and recovery—in order to best protect public health and support people who are most at risk. Any vaccines and treatment developed for COVID-19 must be safe, affordable, and accessible to all persons.
- Ensure that all women and pregnant people have equal access to timely and quality maternal health care services, including family planning services, and that no one is denied access to health care services by policies or practices that have the purpose or effect of discriminating on grounds such as gender, race, ethnicity, age, Indigenous status, immigration status, or ability to pay.
- Ensure that sexual and reproductive health care services are available, accessible, acceptable, and of good quality throughout an individual's lifetime.
- Fully account for the needs of adversely impacted and marginalized groups and people in plans and strategies to respond to COVID-19 and in addressing the wider healthcare crisis. The government must also plan for groups that have been particularly and disproportionately impacted by the epidemic who may require targeted assistance.
- Ensure that people who are incarcerated or otherwise in detention have their human right to healthcare fully fulfilled, including when it comes to testing, prevention and treatment of COVID-19. Authorities should urgently consider releasing people who are currently in detention or prison, especially those who are more at risk from the virus. Those with underlying medical conditions and the elderly should be immediately considered for alternatives to detention if they do not pose a threat to themselves or society, and there should be a presumption of release for people charged with a crime and awaiting trial.
- Ensure that each person has a standard of living that can ensure their health, dignity, and well-being as well as that of their family. This includes the human rights to housing, food, water, clothing, education, necessary social services, and the right to security in the event of unemployment, sickness, disability, old age, or other lack of livelihood in circumstances beyond their control.

ADDITIONAL RESOURCES

- Healthcare is a human right (2020) (available [here](#))
- End the disproportionate impact of COVID-19 (2020) (available [here](#))
- International standards on the right to health (2020) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Zeke Johnson
Senior Director of Programs
(212) 633-4246
ZJohnson@aiusa.org

U.S. HEALTH AND ESSENTIAL WORKERS

DOMESTIC

THE ISSUE

Health and essential workers have played an extraordinary role in the response to the COVID-19 pandemic. They have put their health and wellbeing at risk to ensure that people are able to access the essential services they need.

Despite their critical work, health and essential workers have faced enormous challenges in doing their jobs and the U.S. government has not adequately protected them. Shortages in personal protective equipment (PPE) have meant that health and essential workers have often had to perform their jobs without adequate protection and in unsafe environments. At the end of August 2020, at least 1077 frontline healthcare workers had died of COVID-19.

Health and essential workers have often experienced high workloads and increasing anxiety and stress as a result. In some cases, they have not received fair remuneration and compensation. They have faced repression and reprisals from authorities and their employers for raising safety concerns, and in some cases have been subject to violence and stigma from members of the public.

While COVID-19 has thrown many of these concerns into sharp focus, they reflect long-standing structural issues that have affected health and social systems for years, including a systematic lack of investment and preparedness, poor infrastructure, and the inadequate mainstreaming of human rights in health system design.

The U.S. has clear human rights obligations to protect health and essential workers in the context of COVID-19, including their right to health; just and favorable conditions of work; freedom of expression and peaceful assembly; freedom from discrimination and violence; and the obligation of all states to provide international cooperation and assistance for the realization of human rights.

Protecting health and essential workers' rights is crucial to ensure a stronger and more rights-respecting response to the pandemic. Health workers are valuable sources of information about the spread and scale of the COVID-19 pandemic and government responses to it. Ensuring health and essential workers are protected is a significant step towards ensuring that everyone is protected.

THE HUMAN COST

Tainika Somerville, a Certified Nursing Assistant for 20 years, was fired in April 2020 from Bridgeview Medical Center in Cook County, Illinois, where she had worked since September 2018, after she filmed a Facebook live stream denouncing lack of PPE at her workplace. According to Tainika, workers were missing N95 respirators and shoe and hair coverings, and were forced to re-use gowns. Tainika's case was resolved after a grievance proceeding in an arbitration process with Bridgeview Medical Center.

RECOMMENDATIONS

- Ensure that public and private employers provide all health and essential workers with adequate PPE to protect themselves during the COVID-19 pandemic, in line with international standards.
- Recognize COVID-19 as an occupational disease, and ensure that workers who contract COVID-19 as a result of work-related activities receive adequate compensation and medical and other necessary care. This should include all health and essential workers irrespective of the nature of their contract, including workers belonging to groups who have faced structural discrimination.
- Conduct a comprehensive, effective, and independent review regarding the U.S. government's preparedness for and responses to the pandemic. This review should consider whether the rights of health and essential workers – including the right to just and favorable conditions of work and the right to freedom of expression – were adequately protected. Where government agencies did not adequately protect human rights, the U.S. government should provide effective and accessible remedies.
- Investigate cases where workers faced reprisals for raising health and safety concerns, and provide effective remedy to those who have been unjustly treated including by reinstating workers who lost their jobs for speaking out. Provide opportunities for workers to raise health and safety concerns without retaliation.
- Investigate any attacks or acts of violence against health and essential workers and hold perpetrators accountable. Some workers may be at additional or specific risk due to their multiple and intersecting identities, which should be factored into any response.
- Collect and publish data by occupation, including categories of health and other essential workers who have contracted COVID-19, and how many have died as a result. This data should be disaggregated on the basis of prohibited grounds of discrimination, including but not limited to gender, caste, ethnicity, and nationality wherever possible, as well as place of work.

ADDITIONAL RESOURCES

- Exposed, Silenced, Attacked: Failures to protect health and essential workers during the COVID-19 pandemic, July 2020 (available [here](#))
- The Cost of Curing: Health workers' rights in the Americas during COVID-19 and beyond, May 2020 (available [here](#))
- Health Workers Deaths Due to COVID-19, September 2020 (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Denise Bell
Researcher
(917) 583-8584
DBell@aiusa.org

SURVEILLANCE

GLOBAL

THE ISSUE

Governments worldwide are using new technologies to suppress dissent and silence human rights defenders (HRDs). Repressive governments are purchasing cutting-edge digital surveillance tools from private companies on the open market, giving them an unprecedented ability to monitor and track HRDs at home and abroad.

Targeted digital surveillance is the practice of monitoring or spying on specific persons and/or organizations through digital technology. Targeted digital surveillance may involve compromising devices by installing malware or spyware (i.e. malicious software designed to be secretly installed on a victim's computer or phone to steal information and / or monitor communications) or compromising digital communications through other tactics, including phishing campaigns (in which attackers impersonate legitimate services in order to steal usernames and passwords).

Governments contract the services of the private digital surveillance industry. Both the governments and the companies selling it to them claim that the technology is only used for lawful purposes, such as watching and tracking terrorists and criminals. However, mounting evidence of their misuse tells a different story. Civil society organizations, including Amnesty International, have uncovered targeted campaigns against those who defend human rights with technology that is marketed by many of these surveillance companies.

The targeting of human rights defenders because of their work using digital surveillance technology is unlawful under principles laid out in international human rights law. Unlawful surveillance violates the right to privacy and impinges on the rights to freedom of expression and opinion, of association and peaceful assembly.

While little is known about the true extent of the international surveillance industry, certain companies have come to the surface due to their involvement with unlawful surveillance. NSO Group is one of these companies. NSO Group's spyware has been known to be operating in at least 45 countries and has been used to target HRDs in Morocco, Mexico, Saudi Arabia and the UAE. An Amnesty International staff member has also been a target of NSO Group spyware.

TALKING POINTS

- Governments worldwide are increasingly using new technologies to suppress dissent and silence human rights defenders.
- The United States should become a global leader for human rights, including by setting an example for the rest of the world to follow.

RECOMMENDATIONS

- The President should order the Department of State (responsible for regulating the sale of spyware to foreign governments) to institute an immediate moratorium on the sale and transfer

of targeted surveillance tools until rigorous human rights safeguards are put in place to regulate such practices and guarantee that governments and non-state actors use the tools in legitimate ways. This includes both the import or targeted surveillance tools for domestic use, and also their export for use in other countries.

- The President of the United States should work with Congress to reform surveillance by the U.S. government in line with human rights standards.

FOR MORE INFORMATION, PLEASE CONTACT:

Michael Kleinman
Director, Silicon Valley Initiative
(501) 989-2388
MKleinman@aiusa.org

WORLD HEALTH ORGANIZATION

GLOBAL

THE ISSUE

On July 8, 2020, the Trump Administration announced its decision to [officially begin withdrawing](#) the U.S. from the World Health Organization (WHO). On September 3, 2020, the U.S. Department of State began [reprogramming funds](#) away from the global health body and reassigning U.S. experts tasked with supporting the institution.

The WHO is the primary international body with a mandate to support global public health. In addition to playing a key role in responding to the COVID-19 pandemic, it implements numerous programs to prevent, control, and treat Ebola, measles, malaria, HIV and AIDS, and many other diseases.

As COVID-19 spread around the world, the WHO has played a pivotal role [in coordinating international efforts](#) to respond to the pandemic. The international body helps organize global [clinical trials](#) to assess the safety and effectiveness of varying drugs against the virus. WHO officials work across the world to aid health ministries in [designing plans](#) to prevent and control COVID-19 infections. Additionally, the WHO has [provided pivotal testing capacity](#) in countries where local health systems lack the capacity to effectively respond to the virus.

For years leading up to the Trump Administration's decision to suspend funding, the U.S. has been the WHO's largest contributor. Because much of the WHO's [activities and resources](#) are concentrated across economically fragile regions of the world, the White House's decision will have a disproportionate impact on countries with weaker health systems. Because an outbreak anywhere can lead to transmission everywhere, including the U.S., U.S. allies including the [United Kingdom](#) have recently increased funding for the WHO.

The Trump Administration's decision to suspend funding to the WHO has been met by a chorus of protest from physicians groups such as the [American Medical Association](#), and the [American Academy of Pediatrics](#), and from other organizations including the [American Chamber of Commerce](#) and the [Heritage Foundation](#). Most importantly, the decision will have a major impact on the ability of people worldwide to realize their fundamental human rights. The right to health is enshrined in several international human rights instruments including Article 12 of the [International Covenant on Economic, Social and Cultural Rights](#); Article 24 of the [Convention on the Rights of the Child](#); Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, and Article 5 of the [International Convention on the Elimination of All Forms of Racial Discrimination](#). The right to health includes the right to seek, receive and impart information and ideas concerning health issues, and the "prevention, treatment and control of epidemic, endemic, occupational and other diseases."

No international body, including the WHO, should be beyond scrutiny. It is legitimate and important to scrutinize an organization's effectiveness and impartiality or to engage in a collaborative, good-faith effort at institutional reform. In particular, once the pandemic recedes, it will be important to ask questions about the Chinese government's censorship of scientists and activists who were trying to sound the alarm.

President Trump's decision to withdraw the U.S. from this global health body, suspend financial contributions and redirect congressionally appropriated funding represents a transparent attempt to politicize the global pandemic response.

TALKING POINTS

- The middle of a pandemic is not the time to withdraw from the World Health Organization. We know that any effort to politicize a pandemic will lead to a world that is sicker, weaker, and more divided. Rather than stepping back from the global response to COVID-19, the U.S. must reinvest in it.
- The World Health Organization is imperfect. But it plays an irreplaceable role in coordinating the global response to the global pandemic, from organizing clinical trials for life-saving medicine to helping some of the world's poorest countries develop a national action plan.

RECOMMENDATIONS

- The U.S. Department of State must immediately notify Congress of its intention to return all reprogrammed funds and completely pay down the remaining portion of the U.S. 2020 assessment.
- Reverse the Trump Administrations decision to not participate in WHO-led coronavirus vaccine efforts such as the COVID-19 Vaccine Global Access Facility (COVAX).
- Publicly and immediately reverse the decision to withdraw the U.S. from the WHO.

ADDITIONAL RESOURCES

- Letter to Congressional Appropriators on WHO Funding Cuts (April 2020) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Joanne Lin
National Director, Advocacy and Government Affairs
(202) 509-8151
JLin@aiusa.org

DEBT RELIEF FOR LOWER INCOME COUNTRIES

GLOBAL

THE ISSUE

The COVID-19 pandemic will exacerbate ongoing global crises well beyond its devastating impact on health and human life. COVID-19 has shut down economies, crippled global trade, eroded financial stability, and undermined essential revenue streams for countries. These additional crises will impact the ability of governments to provide healthcare, education, ensure adequate food supplies and address issues like climate change and employment far beyond the hoped-for end of the immediate pandemic, and will impact the global economy for years.

Helping countries, especially lower income countries, have the financial resources to survive the pandemic and build back better is not only the right thing to do morally, it is the smart thing to do, as the pandemic has shown us how intertwined we all are when it comes to global threats. Donor countries and international financial institutions must implement bilateral and multilateral debt forgiveness to prevent the rest of the global economy from collapsing – with devastating impact for millions who are already struggling -- and build back a more just global economy for everyone.

BACKGROUND

While the financial impact of the COVID19 pandemic has been global, the impact has been hardest in lower income countries, where existing inequities and poverty undermine the ability of countries to handle and respond to the shock of the pandemic. Some studies have indicated the pandemic's impact will erase 30 years of progress in eradicating poverty. The number of people living in poverty globally could increase from 2018, by between 85–580 million people, depending on the severity of the economic contraction. Regions at risk of the greatest increase in poverty are the Middle East and North Africa, South Asia and Sub-Saharan Africa. Increased poverty will mean increased rates of mortality, undernutrition and malnourishment. This could trigger larger surges of migration as people seek to escape increased food insecurity and conflicts over scarce resources. Needs will outstrip the capacity of most governments to respond as economies struggle. GDP will be slashed, revenue from taxes will fall and remittances from abroad will dry up.

As donor countries struggle with their own recoveries, a study already confirms that international aid flows have already slowed significantly, and whether they can return to pre COVID-19 days is doubtful.

The global community and the United States will need to leverage every tool at their disposal to prevent further global economic collapse, including by implementing robust debt forgiveness. Prior to the COVID-19 pandemic, poor countries were already sinking under billions of dollars of debt, spending a large part of their GDP on servicing that debt. The pandemic has deepened the crisis. Creditor countries can and must commit to cancelling the debt of the world's poorest countries, scaling up investments in health and social protections, and phasing out fossil fuels, to ensure a just and sustainable recovery from the pandemic.

RECOMMENDATIONS

- The President and Secretary of State should personally lead the U.S. effort to secure debt cancellation by the G7 and G20 and by the World Bank and IMF of debt owed by the world's poorest countries for at least the next two years, freeing up resources for countries to respond to the COVID-19 pandemic and facilitate the recovery that will be needed post pandemic.
- The President should work with Congress to robustly support legislation ensuring U.S. support for the Bank and IMF includes strong stipulations for those institutions to enact debt cancellation.

TALKING POINTS

- The COVID-19 crisis has taught us the lesson that we are only as secure as the most vulnerable of us is. The United States will work to get the global community to cancel multilateral and bilateral debt, so that countries can invest in rebuilding their healthcare systems and their economies, in order to provide social services and ensure the rights and dignity of their people.

ADDITIONAL RESOURCES

- G20: Rich, powerful states must ensure COVID-19 recovery measures tackle global poverty, inequality, and the climate crisis <https://www.amnesty.org/en/latest/news/2020/07/g20-rich-powerful-states-must-ensure-covid19-recovery-measures-tackle-global-poverty-inequality-and-the-climate-crisis/#:~:text=Debt%20cancellation,repayments%20in%202020%20and%202021.>
- World Bank: Covid-19 pushes poorer nations 'from recession to depression' <https://www.theguardian.com/business/2020/aug/19/world-bank-calls-for-greater-debt-relief-for-poorer-countries-in-wake-of-covid-19>
- G7 Calls for More Debt Relief to Confront COVID-19 Crisis https://www.jubileeusa.org/g7_finance_ministers_call_for_more_debt_relief_to_confront_covid_19_crisis
- Hundreds of World Leaders and Development Groups Call for Debt Cancellation https://www.jubileeusa.org/pr_usccb_covid_19_debt_relief

FOR MORE INFORMATION, PLEASE CONTACT:

Adotei Akwei
Deputy Director, Advocacy and Government Affairs
(202) 509-8148
AAkwei@aiusa.org



FREEDOM OF EXPRESSION

© Sean Rayford / Getty Images

Recently, there has been a massive surge in protests globally. All around the world we have witnessed a huge wave of people taking to the streets to exercise their right to protest and demand change from those in power. Protests have arisen out of frustration against political corruption and ineptness in the face of a global pandemic or in response to a particular threat or event, such as in Lebanon, Libya, or Egypt or to financial desperation such as in Chile. Likewise, they have arisen out of political frustration, like those occurring in Belarus and Hong Kong. Lastly, they have also arisen from long standing racial inequality, systemic racism and lack of accountability in its criminal justice and policing systems, such as what has transpired across the U.S. following the death of George Floyd.

Peaceful protesting is not a crime, it is a human right. The rights to freedom of expression and peaceful assembly are foundational human rights, initially laid out in the Universal Declaration of Human Rights and given the weight of force through the International Covenant on Civil and Political Rights. However, governments have egregiously failed in their obligations to protect and facilitate these rights. Amnesty International has documented how, by and large, countries have chosen to respond to these protests through intimidation, police violence and the silencing of critics. For instance, peaceful protesters in the U.S. were viewed as the “enemy” as they were greeted by a militarized police force and police violence in city after city. Protesters in Lebanon, Libya and Chile were met with egregious levels of excessive use of force, leading to severe injuries and, in some cases, even death. Activists in Hong Kong, Belarus and Egypt were arrested, disappeared and in some cases tortured, simply for advocating for human rights, becoming Prisoners of Conscience in the process. Due to the COVID-19 pandemic, Amnesty International is urging governments to release all of those held for minor protest violations and the unconditional release of all Prisoners of Conscience.

It is incumbent upon the President to once again restore the U.S. as a global beacon of freedom, by taking immediate action to address human rights violations committed during demonstrations both here at home and around the world. This administration must hold governments accountable when they violate people’s rights through the excessive use of force, arbitrary detention, enforced disappearances and torture of protesters and critics of the government. While at the same time, the administration must address the systemic racism and lack of accountability of the killing of Black people here at home.

GLOBAL PROTESTS

INTERNATIONAL

THE ISSUE

The past year has seen a seemingly massive surge in protests globally. All around the world we have witnessed a huge wave of people taking to the streets to exercise their right to protest and demand change from those in power. These protests are diverse, multi-faceted, and re-orienting the political, economic and social orders that sustain them – requiring U.S. policy to be equally as innovative and focused on the principles that sustain them.

Peaceful protesting is not a crime, it is a human right. The way governments have by and large chosen to respond to these protests has been disproportionate, unwarranted and a violation of human rights standards.

CORRUPTION

Allegations of government corruption have helped to spark massive waves of protests across Chile, Egypt, Lebanon and Nigeria. In late September thousands of people took part in demonstrations across Egypt. The protests were triggered by a series of viral videos claiming high-level corruption in the military. In Lebanon, one of the overwhelming drivers of the calls for the government's resignation is allegations of corruption and failure to provide basic economic needs. Similar concerns have been the focus of protests in Nigeria.

COST OF LIVING

Where corruption is a concern, so too is the cost of living. In Chile, demonstrations were kicked off by students after the government announced a hike in transport fares. Since then, the protests have snowballed to cover the vast number of government policies that have placed a burden on the economic rights of ordinary people across Chile. People's concerns about inequality are underscored by the fact that Chile has one of the worst levels of income inequality.

People's legitimate concerns over the increasing cost of living have been made worse by the fact that many governments are also imposing harsh economic austerity measures, such as in Egypt and Ecuador.

POLITICAL FREEDOM

This month saw massive demonstrations occurring in Barcelona and the rest of Catalonia after Spain's Supreme Court sentenced 12 Catalan political leaders and activists. In India, protests have erupted following the government's unilateral decision to revoke Article 370 of the Constitution, amidst a complete communication blackout, curfew on movement and mass detentions of political leaders and activists in Kashmir.

Hong Kong has been home to arguably one of the most sustained protests linked to political freedoms this year. The protests started in April 2019 after the government proposed a bill that would have allowed extraditions to mainland China. People have taken to the streets in record-breaking numbers. While the government eventually dropped plans to introduce the draft law, the protests have evolved into a much wider call for change.

Protests demanding political reform also took place in Algeria, Guinea, Sudan, Zimbabwe, Egypt, and Ethiopia.

A common thread throughout these protests has been the harsh response from governments, which in many instances has involved gross violations of human rights.

TALKING POINTS

- Throughout our history, the right to freedom of assembly is woven through our nation's fabric, whether through the women's suffrage movement, the civil rights movement, or the labor movement. And while the U.S. is far from perfect, we can and must inspire others throughout the world.
- Whether you are fighting against police brutality in Hong Kong or protesting economic inequality in Chile, you have a right to have your voices heard, and a right to protest and demand a better world.
- The U.S. will no longer sit on the sidelines – we will support those that yearn for freedom and lean on governments to respect human rights. The world and everyone in it will be better for it.

RECOMMENDATIONS

- The U.S. should host a global forum at the State Department or the United Nations which includes civil society leaders and foreign governments to reaffirm the human rights to freedom of assembly and freedom of association.
- The U.S. should establish a foreign assistance fund that encourages actors that promote peaceful forms of protest and imposes costs for violations of the right to peaceful assembly and association. This package would include funding for documentation of human rights violations during the response to protests.
- The incoming Administration should institute a whole-of-government strategy review of its policy on freedom of association and assembly which establishes a review board to respond as crises break out and to ongoing protests. This should culminate in a high-level Presidential speech that enshrines the U.S.'s role in promoting and protecting the freedom of association and assembly.

FOR MORE INFORMATION, PLEASE CONTACT:

Joanne Lin
National Director, Advocacy & Government Affairs
(202) 509-8151
JLin@aiusa.org

TEAR GAS AND USE OF FORCE

DOMESTIC

THE ISSUE

Following the death of George Floyd in Minneapolis, Minnesota on 25 May 2020, hundreds of thousands of people in the U.S. and around the world protested against racism and police violence and to demand accountability for the unlawful killing of Black people by law enforcement personnel. However, these protests against police violence, were met with more police violence as police across the U.S. committed widespread and egregious human rights violations against people protesting the unlawful killings of Black people.

The rights to freedom of expression and peaceful assembly, are fundamental human rights, enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. As such, police have the obligation to respect, protect and facilitate these rights.

Amnesty International recorded 125 separate incidents of police violence against protesters, in 40 states and D.C., between May 26 and June 5, 2020, that were committed by a range of police officers across federal agencies, state and local police departments, as well as military forces. In the face of peaceful protests, law enforcement in cities across the country responded with tear gas, pepper spray, batons, kinetic impact projectiles such as rubber bullets and sponge rounds, and flash grenades — in many cases with little or no warning. Rather than being a necessary and proportionate response to any specific threat, the use of force became a matter of first resort to enforce a curfew, to end an ongoing demonstration, or clear a park for a photo op, all in violation of international law and standards on the policing of protests.

In some instances, the use of chemical irritants can constitute torture or other ill-treatment. Furthermore, their widespread, unnecessary and excessive use against largely peaceful protesters raises additional concerns during a pandemic involving a respiratory illness such as COVID-19. The natural response by people when exposed to these chemicals is to remove their masks in order to flush their eyes, noses and mouths and expectorate the chemicals from their mouths and lungs, potentially spreading the virus.

In numerous incidents across the U.S., law enforcement personnel targeted media representatives with chemical irritants, kinetic impact projectiles and arrest and detention. In several circumstances, journalists sustained serious injuries resulting from kinetic impact projectiles and/or were detained and arrested without proper access to medical care. Legal observers were subjected to the use of excessive force and arbitrarily arrested as they monitored protests. Street medics were also targeted. In some cases, law enforcement destroyed clearly identified medic stations and subjected clearly identified street medics to excessive force, such as physical assault, pepper spray and rubber projectiles, and arrest.

TALKING POINTS

- Police must protect, respect and facilitate the rights to freedom of expression and peaceful assembly.
- Protest is a human right and police must ensure that the type of equipment used for the purpose of dispersing protesters is carefully considered and used only when necessary, proportional and lawful.
- It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy.”
- Equipping officers in a manner more appropriate for a battlefield may put them in the mindset that confrontation and conflict are inevitable rather than possible and may escalate tensions between protesters and police.

RECOMMENDATIONS

- The President should rescind the Presidential Executive Order on Restoring State, Tribal, and Local Law Enforcement’s Access to Life-Saving Equipment and Resources which revoked Executive Order 13688 and work with Congress to eliminate the 1033 program that facilitates the transfer of military equipment to law enforcement.
- The President should direct the U.S. Department of Justice to develop national guidelines on the use of tear gas to ensure that there is compliance at all times with the international human rights obligations and with international standards on policing. Such guidelines should restrict the use of tear gas during the policing of demonstrations to ensure it is only used in situations of generalized violence, for the purpose of dispersing a crowd when all other means have failed to contain the violence; that cannisters are never fired directly at individuals; and that tear gas is not used in confined spaces against unarmed people, in situations in which exits and ventilation points are restricted or near high risk people, such as older people, pregnant people and children. Protesters must always be warned in advance that tear gas is going to be used and given sufficient time to voluntarily disperse. These guidelines should also include guidance on the use of tear gas in densely populated areas.
- The President should direct the U.S. Department of Justice to develop national guidelines on the use of “less lethal” kinetic impact projectiles (such as sponge rounds) which should be prohibited unless the projectiles have been rigorously and independently tested to ensure that they are sufficiently accurate not to cause unwarranted injury. If such testing finds that they can be deployed, their use should be strictly limited to situations of violent disorder posing a risk of harm to persons where no less extreme measures are sufficient to achieve the objective of containing and stopping the violence. Such projectiles should never be aimed at the head or face of an individual.

ADDITIONAL RESOURCES

- The World Is Watching: Mass violations by U.S. police of Black Lives Matter protesters' rights (2020) (available [here](#))
- Amnesty International Documents Widespread Police Violence Against Protesters for Black Lives Interactive Map (2020) (available [here](#))
- Tear Gas: An Investigation (2020) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Justin Mazzola
Deputy Director, Research
(212) 633-4209
JMazzola@aiusa.org

FEDERAL POLICING IN CITIES

DOMESTIC

THE ISSUE

The use of federal law enforcement agents for the policing of protests following the death of George Floyd has resulted in incidents of police violence and violates protesters' rights to peaceful assembly.

On June 1, 2020 at approximately 5pm, a crowd of people gathered along the edge of Lafayette Square in Washington, D.C. which lies in front of the White House. At approximately 6pm, personnel from multiple law enforcement agencies including the D.C. National Guard, the Secret Service, the U.S. Park Police and the Federal Bureau of Prisons Special Operations Response Team gathered along the edge of Lafayette Square dressed in riot gear and with shields and batons. Three orders to disperse were given within minutes of each other; even at the front of the crowd, the orders were not entirely audible as evidenced on multiple recordings from the incident. At approximately 6.30pm, law enforcement officers, including police on horses, advanced, forcefully pushing the crowd west away from the square. One U.S. Park Police officer told a member of the crowd: "You better back up, or you're going down." Park Police officers struck a news camera operator with a shield and beat a reporter in the back with a baton as they ran away from police. The officers misused a variety of crowd control agents and threw U.S.-manufactured Stinger Ball grenades, which contain pepper spray and explode in a concussive "flash-bang" effect, throwing rubber pellets indiscriminately in all directions. Bureau of Prisons personnel also deployed pepper balls against retreating protesters. This clearing of Lafayette Square was not in response to any threat or violence by the protesters, but rather for a photo op by the President in front of St. John's Episcopal Church following a public statement he made about the protests at the White House.

Under "Operation Diligent Valor", the U.S. Department of Homeland Security ("DHS") deployed teams to Portland, Oregon comprised of approximately 114 federal law enforcement officers from several DHS agencies, including Custom and Border Protection's ("CBP") Border Patrol Tactical unit, a paramilitary unit which DHS has deployed in the past to surveil, police, and arrest undocumented immigrants in cities declining to cooperate with anti-immigration policies. These DHS officers were deployed to Portland following President Trump's 26 June executive order to protect monuments and statues from protesters until they were withdrawn in early August. Multiple media reports documented federal agents using excessive force in defense of the federal courthouse in Portland and collectively punishing protesters exercising their rights to freedom of expression and assembly through the use of batons, the indiscriminate use of kinetic impact projectiles, and the excessive use of tear gas and other chemical irritants. In some instances, journalists, legal observers and street medics were specifically targeted. Camouflage-clad officers with generic "POLICE" patches on their clothing, were caught using force to arrest and



© Nathan Howard / Getty Images

whisk away protesters in unmarked vehicles far away from the protests at the courthouse.

While covering the protests in Portland, James Krane, a freelance photojournalist, kept his press badge visible at all times, was wearing a helmet with “Press” labeled across it, and was carrying professional gear. He was also grouped with other similarly identifiable members of the media. However, federal agents singled out and targeted these journalists in their attacks:

“I frequently saw them pointing at me and other journalists, pointing us out. There was some very obvious visual targeting of journalists. As chaos would unravel, they would fire into a group of press. A lot of us would have to huddle together. There were several times they aimed into a press huddle that I was in and started firing off rounds. I was not hit with any large rounds, but I was frequently hit with tear gas and rubber and pepper balls. I’d say every night I was hit with rapid fire pepper rounds. They would shoot them like it was an Uzi, there’d be a ratatatatat.”

None of these federal agencies, with the exception of the D.C. Park Police, have any experience in crowd control maneuvers and the policing of protests. National Guard troops, federal agents and federal law enforcement officers and military personnel should not be deployed for the policing of protests unless their deployment is to serve a legitimate objective, such as guarding infrastructure so that local law enforcement can be redeployed for policing of demonstrations and other law enforcement duties.

TALKING POINTS

- Federal agents without proper training should have no role in the policing of demonstrations.
- Sending federal agents to cities in response to protests only inflames the situation, as we have seen in Portland and Washington, D.C.
- It is the legitimate right of people to carry their opinion to the streets. Public assemblies should not be considered as the “enemy.”
- All law enforcement and security personnel engaged in the policing of protests must protect, respect and facilitate the rights to freedom of expression and peaceful assembly.

RECOMMENDATIONS

- The President should instruct DHS and DOJ to immediately withdraw any federal agents, including U.S. Customs and Border Protection agents and units, still deployed to localities in response to the Presidential Executive Order issued on June 26, 2020 and under “Operation Diligent Valor”, and refrain from sending such units to other cities in the future.
- The President should ensure that the future deployment of any federal agents, military or National Guard troops to protests sites are there only for a specific objective, such as providing security at specific facilities or infrastructure in order to allow local law enforcement to be redeployed for the policing of demonstrations.
- The President should urge the Department of Justice to open an investigation into the misuse of federal agents and the violations committed by federal agents during protests that occurred in 2020.

ADDITIONAL RESOURCES

- The World Is Watching: Mass violations by U.S. police of Black Lives Matter protesters' rights (2020) (available [here](#))
- Amnesty International Documents Widespread Police Violence Against Protesters for Black Lives Interactive Map (2020) (available [here](#))
- Letter to DHS Secretary Re CBP Use of Force Against Portland Protesters (24 July 2020) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Justin Mazzola
Deputy Director, Research
(212) 633-4209
JMazzola@aiusa.org

PRISONERS OF CONSCIENCE

INTERNATIONAL

THE ISSUE

Amnesty International considers a Prisoner of Conscience (POC) to be any person imprisoned or otherwise physically restricted (like house arrest), solely because of his/her political, religious or other conscientiously held beliefs, their ethnic origin, sex, color, language, national or social origin, economic status, birth, sexual orientation or other status, and who has not used violence or advocated violence or hatred.

THE HUMAN COST

Since May 2018, thirteen women human rights defenders have been arbitrarily detained in Saudi Arabia. At least 10 of them were tortured, sexually abused, and subjected to other forms of ill treatment during the first three months of their detention. The activists were detained incommunicado during that period, with no access to their family or lawyers.

On March 13, 2019, eleven of the activists were brought up to trial before the Criminal Court in Riyadh and charged with contacting the foreign media, international organizations like Amnesty International, and some of the women were also charged with promoting women's rights and calling for the end of the male guardianship system. Diplomats and journalists have been consistently banned from attending the court sessions.

Due to international pressure, on March 28, 2019, three of these activists, Iman al-Najfan, Aziza al-Yousef, and Ruqayyah al-Mhareb, were temporarily released. On May 2, 2019, five more activists, Hatoon Al-Fassi, Amal al-Harbi, Dr Abir al Namankani, Maysaa al-Mane'a, and Shadan al-Anezi, were also temporarily released. Maya'a al-Zahrani, Nouf Abdulaziz, Loujain al-Hathloul, Nassima al-Sada, and Samar Badawi continue to remain arbitrarily detained.

Amnesty International calls for the immediate and unconditional release of all prisoners of conscience.

Thousands of prisoners of conscience languish in prisons around the world, sometimes for years on end, in horrendous conditions. Many are subjected to torture, and other forms of ill-treatment. A lot of these prisons are severely overcrowded, unhygienic, and lack access to basic medical services. In some cases, prisoners of conscience are also denied access to a lawyer or their family as well.

In prisons across globe, there have been confirmed cases of COVID-19. This raises grave concerns that prisoners of conscience are at risk of contracting the virus. Prisoners are at particular risk because they are unable to take the same social distancing and hygiene measures as those outside of prison to protect themselves. It is more important than ever that states take urgent measures to protect all those who are behind bars, including by releasing all prisoners of conscience who are being held simply for peacefully exercising their rights.

In addition to freeing prisoners of conscience, governments should take steps to curb the spread of the pandemic, including by decongesting prisons. Government authorities should also review cases

of people in pre-trial detention as well as children, and consider the early, temporary, or conditional release of people at particular risk, such as older people, and those with underlying medical conditions.

Governments should provide a standard of healthcare for people that remain in prison that meets each person's individual needs, similar to what is available in the community, and that ensures the maximum possible protection against the spread of COVID-19.

RECOMMENDATIONS

The White House should move to:

- Call on foreign governments to immediately and unconditionally release prisoners of conscience.
- Ensure that the State Department and U.S. Embassies worldwide call on foreign governments to immediately and unconditionally release all prisoners of conscience; to immediately cease and prevent any future use of torture and other ill-treatment of POCs; to guarantee POCs access to legal counsel, medical attention, and family members; and to improve the conditions of their detention.
- Push foreign governments to allow State Department officials and U.S. Embassy staff to attend the trials of prisoners of conscience and to visit them while they are in prison.
- Require that the State Department and U.S. Embassies call on foreign governments to fully, impartially, and promptly investigate any allegations of torture or other ill-treatment of prisoners of conscience, and that those found responsible are held accountable.

ADDITIONAL RESOURCES

- "Amnesty International calls for the release of all prisoners of conscience worldwide" (May 2020), about how the COVID-19 pandemic presents a heightened risk for imprisoned prisoners of conscience (available [here](#))
- "States worldwide must protect human rights defenders in the current COVID-19 crisis" (April 2020), (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Andrew Fandino
Senior Program Officer, Individuals at Risk
(202) 509-8183
AFandino@aiusa.org



GENDER EQUALITY

© Kena Betancur / AFP via Getty Images

Women’s rights are human rights; they are an essential component of universal human rights. They reflect the fact that women experience the world differently than men and the fact that women and girls often face gender-based discrimination that puts them at increased risk of poverty, violence, ill health, and a poor education. Gender equity—the treatment of people according to their respective needs—is essential in achieving equality for women and girls and in advancing the human rights of all people, particularly women, girls, and sexual and gender minorities. Central to promoting gender equity and ensuring the rights of women and girls is the ability of women and girls to control their own bodies without fear and violence. Living free from violence is a human right, yet millions of women and girls suffer disproportionately from violence: one in three women experience physical or sexual violence during the course of their lives; during crises such as the COVID-19 pandemic, this violence increases to even more staggering levels. Gender-based violence (GBV) stems from the failure of governments and societies to recognize the human rights of women. GBV is rooted in a global culture of discrimination that denies women equal rights with men and which legitimizes the appropriation of women’s bodies for individual gratification or political ends. Violence against women feeds off discrimination and serves to reinforce it. The denial of sexual and reproductive rights for women serves the same end, feeding off of discrimination and reinforcing it. It, too, is rooted in a global culture that denies women equal rights and which legitimizes the appropriation of women’s bodies. And the denial of sexual and reproductive rights, like gender-based violence, stands in the way of gender equity. Women and girls are active and powerful agents of change, and the United States can and should be a strong and consistent leader in the effort to ensure gender equity at home and abroad.

GENDER BASED VIOLENCE

INTERNATIONAL

THE ISSUE

Levels of gender-based violence are rising due to COVID-19. In just the first few weeks of the crisis, communities globally – including in the United States – have witnessed an increase in gender-based violence (GBV) such as intimate partner violence while struggling with the loss of traditional safety networks, resources, and services. The physical, mental and social impacts of GBV are not only personal to the victim but also have the potential to hinder emergency response efforts and may impede long-term recovery.

One in three women experience physical or sexual violence during the course of their lives; during crises such as COVID-19, that type of GBV increases to even more staggering levels. The stress and disruption caused by crises exacerbate underlying norms that lead to acts of domestic violence. Violence is heightened when movement is restricted under movement restriction orders or incomes are disrupted, forcing victims to remain trapped with or dependent on their abusers. The Ebola pandemic demonstrated that violence such as child marriage, trafficking, and sexual exploitation and abuse can surface due to complex underlying social norms in emergencies.

The drivers of gender-based violence during crises are increasingly complex, and already marginalized groups are being disproportionately impacted. Critical programs to support women and girls – which are already under-resourced – are disrupted during global pandemics. GBV response and prevention services, particularly in the health sector, may be weakened when not deemed “essential” as already limited resources and supplies are diverted to fund infection control and treatment. Even where basic essential services are maintained, a collapse in a coordinated response between different sectors such as health, police, justice, and social services response, as well as a general overburdening of health systems, will mean that sectors will be challenged to provide meaningful and relevant support to women and girls who are experiencing violence.

TALKING POINTS

- 1 in 3 women will experience violence in her lifetime—and rates of violence are increasing under COVID-19.
- Not addressing gender-based violence globally during COVID-19 responses will hinder emergency response efforts and impede long-term recovery.
- The United States’ response to COVID-19 must include redoubled efforts to end gender-based violence globally.

RECOMMENDATIONS

- Ensure adequate funding to address gender-based violence.
- Support program measures that integrate GBV prevention and mitigation.
- Ensure U.S. Government programs are based on a gender analysis and collect sex- and age-disaggregated data.

- Prioritize women-, girl-, and community-led solutions and knowledge.

ADDITIONAL RESOURCES

- Coalition to End Violence Against Women and Girls Globally: COVID-19 and Gender-Based Violence Globally (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Tarah Demant
Director, Gender, Sexuality, & Identity Program
(202) 509-8180
TDemant@aiusa.org

REPRODUCTIVE RIGHTS

INTERNATIONAL

THE ISSUE

The U.S. Global Gag Rule (also known as the Mexico City policy) threatens the rights of millions around the world by cutting off U.S. foreign assistance to organizations, clinics, and hospitals because of their policies or practices on abortion. While no U.S. funding ever goes to abortion or abortion services because of current U.S. law, the Global Gag rule means that organizations that receive U.S. international aid for other reasons can't so much as educate their communities on safe abortion, no matter what the laws of that country are, or they will lose all U.S. funding.

The Global Gag Rule was first adopted in 1984 by President Reagan but has since been removed and reinstated several times. President Trump not only reinstated the Global Gag but expanded its reach, applying it to all U.S. foreign assistance, a major expansion with huge implications for the lives of millions of people whose access to health, including HIV and AIDS prevention, maternity care, or basic healthcare, depends on U.S. foreign aid.

Under the Global Gag Rule, foreign NGOs are forced to choose between two options: (1) accept U.S. funds and be prohibited from providing abortion counseling, referrals, or services, as well as advocacy around abortion, outside of the three exceptions; or (2) refuse U.S. funds and attempt to secure alternate sources of funding in order to continue providing comprehensive health services to clients and advocating for law reforms to reduce unsafe abortion.

The consequences of Global Gag are severe:

- Limited funding for international health programs, such as HIV prevention, maternal and child health, malaria, family planning, and Zika prevention;
- Women and girls lose access to contraception;
- Increase—not decrease—in abortion rates;
- Health clinics close;
- Women and girls are prevented from accessing safe abortion consistent with laws in their countries; and
- Rural communities have decreased access to healthcare.

The Global Gag rule is deadly and violates the basic rights of millions of people globally to health, information, free speech, and even life. The expanded reach of this policy will have devastating consequences on millions.

We must permanently end the Global Gag rule and ensure all people—especially women and girls—have access to the healthcare they need.

TALKING POINTS

- The Global Gag Rule hampers effective U.S. aid and violates the basic rights of millions of people globally to health, information, free speech, and even life. U.S. aid should do the best good, not endanger women's lives. Trump's Global Gag has put the lives of millions at risk; it's time to end this backwards policy.

RECOMMENDATIONS

- The White House must immediately and fully repeal the Global Gag Rule.

ADDITIONAL RESOURCES

- Amnesty International, "Global Gag Rule" (August 2017) (available [here](#))
- International Women's Health Coalition, "Crisis in Care: Year Two Impact of Trump's Global Gag Rule" (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Tarah Demant
Director, Gender, Sexuality, and Identity Program
(202) 509-8180
TDemant@aiusa.org

RAPE OF NATIVE WOMEN

DOMESTIC

THE ISSUE

Rape and violence are committed against Indigenous women with almost total impunity in the United States. Native women are 2.5 times more likely to be raped than non-Native women in the United States: 1 in 3 Native women will be raped during her lifetime. At least 86% of perpetrators of these crimes are non-Native men. Native women face significant barriers to securing justice following rape or sexual violence, including inadequate police response, inadequate health and forensic services, and a lack of prosecutions.

Many survivors struggle to get even the most basic post-rape care, including access to a rape kit, which can provide crucial evidence for a successful prosecution if they are collected and stored properly. The quality of provision of such services to Native American and Alaska Native women varies considerably from place to place. Indian Health Service centers are severely underfunded and lack resources and trained staff, including sexual assault nurse examiners or even rape kits themselves. Survivors may have to travel over 150 miles to reach a facility where a forensic examination can be performed. Without a rape kit, there is almost no chance a trial will move forward, meaning perpetrators enjoy total impunity and Native women receive no justice.

Indigenous women and girls are disappeared or murdered each year at alarming rates. The Center for Disease Control and Prevention has reported that murder is the third-leading cause of death among Native American and Alaska Native women. Rates of violence on reservations can be up to ten times higher than the national average. No government research has been done on the rates of violence against Indigenous women living in urban areas—despite the fact that approximately 71% of Native American and Alaska Native women lives in urban areas. According to a 2018 report by the Urban Indian Health Institute, there were 506 current cases of missing and murdered American Indian and Alaska Native women across 71 cities, though this is likely an undercount due to the lack of data collection by cities, states, and the federal government.

The U.S. federal government has failed to keep data rates of violence and disappearances of Native American and Alaska Native women and girls. States and U.S. cities are also not adequately tracking this data, sometimes lacking basic classification options in their databases for Native American and Alaska Native women. The lack of data on this issue impedes the ability of communities, tribal nations, and policy makers to make informed decisions on how best to address this violence.



© Robert Alexander / Getty Images

TALKING POINTS

- Rape and violence against Native American and Alaska Native women is an epidemic in our country.
- Native American and Alaska Native women are 2.5 times more likely to be raped than non-Native women in the United States
- Every rape survivor has the right to basic post-rape care, including a rape kit. Indian Health Service should be providing that.
- Native American and Alaska Native women and girls are disappeared or murdered each year at alarming rates.
- The lack of data and resources for missing and murdered Indigenous women and girls in America is deadly. We need accurate data and more resources to address this crisis.

RECOMMENDATIONS

- Develop a comprehensive, cross-agency plan of action to stop violence against Indigenous women in consultation with Tribal nations and Indigenous women in particular
- Require Indian Health Service to fully implement its sexual assault protocols, provide survivors access to adequate and timely sexual assault forensic exams (rape kits), and track services provided.
- Create standardized guidelines for responding to cases of missing and murdered Native Americans and Alaska Natives, in consultations with Tribal governments, which will include guidance on inter-jurisdictional cooperation among tribes and federal, state, and local law enforcement

ADDITIONAL RESOURCES

- “Maze of Injustice AIUSA Report (August 2011) (available [here](#))
- “End rape of Native women flyer” (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Tarah Demant
Director, Gender, Sexuality, and Identity Program
(202) 509-8180
TDemant@aiusa.org



INTERNATIONAL COOPERATION FOR HUMAN RIGHTS

© Ron Sachs/Consolidated News Pictures/Getty Images

All states have a duty, regardless of their political, economic, and cultural systems, to respect, protect and fulfill all human rights for everyone without discrimination. As members of the international community, governments share the collective responsibility of protecting and promoting human rights globally, in addition to guaranteeing human rights nationally.

International cooperation is essential to safeguarding human rights for everyone around the world, regardless of their distinctions or differing circumstances. For decades, U.S. administrations have turned to international partners to find solutions to the world's most difficult problems. Republican and Democratic presidents alike have recognized the importance of multilateral engagement and the critical role of the United States in international cooperation mechanisms. The United States has brought together global coalitions that have managed to stop grave human rights violations, settle international disputes, prevent violence, and provide valuable humanitarian assistance to communities in the aftermath of disaster.

The Trump administration has largely departed from the multilateral approach of its predecessors. Recent actions by the U.S. government have indicated a growing antagonism to international cooperation. Under the Trump administration, the U.S. has abandoned its seat on the UN Human Rights Council and formally moved to withdraw from the Paris Climate Agreement, an international accord to strengthen the world's response to climate change.

U.S. officials have repeatedly put forward retrograde and harmful language on LGBTI rights and sexual and reproductive rights, deviating from long established, internationally recognized human rights standards. Most recently, a report presented by Secretary of State Mike Pompeo's "Commission on Unalienable Rights" in August 2020 attempted to elevate selected "unalienable" rights, including religious freedom and the right to private property, while excluding sexual and reproductive rights, LGBTI rights, the right to non-discrimination, and other rights enshrined in international human rights standards, treaties, and agreements. The report amounts to an effort to unilaterally redefine the meaning of "human rights" and ignores treaties to which the United States is a party and international consensus regarding the scope of human rights.

In addition to seeking unilateral solutions to a multitude of complex global problems, the Trump administration has also worked to undermine the valuable work of international cooperation mechanisms through defunding and intimidation. The United States is the UN's largest funder

in absolute terms, accounting for more than one fifth of the organization's budget. Yet, recent presidential budget requests have repeatedly sought to slash funding to the UN, including funding to critical human rights functions. What is more, the White House has waged a reckless campaign of intimidation against the International Criminal Court (ICC), attempting to thwart the court's investigation into war crimes in Afghanistan by imposing sanctions on the staff.

While the actions of the Trump administration have served to further erode the perception of U.S. leadership, it is not too late to reverse course. The United States must revoke recent policies undermining international cooperation, re-engage with the international community through the UN and other international institutions, and become a stronger supporter of international human rights than ever before.

COMMISSION ON UNALIENABLE RIGHTS

INTERNATIONAL

THE ISSUE

In August of 2020, Secretary of State Mike Pompeo’s “Commission on Unalienable Rights” presented its final report, which creates a hierarchy of human rights and undermines the United States’ commitments to international human rights standards, treaties, and agreements. The report sets out to define which rights are ‘unalienable,’ elevating religious liberty and the right to private property, while dismissing rights the report calls “divisive social and political controversies,” including sexual and reproductive rights, LGBTI rights, and the right to non-discrimination.

The very undertaking of the commission and its report attempt to negate decades of human rights progress. The United States government cannot unilaterally redefine which human rights will be respected and which will be ignored. The report is falsely premised on the idea that a “proliferation of rights claims” has undermined the legitimacy and credibility of the human rights framework. Additionally, it seeks to ignore treaties to which the United States is a party, and decades of U.S. foreign policy and multilateral negotiations that represent an international consensus regarding the scope of human rights.

Despite broad condemnation of the commission’s undertaking and report from human rights groups and a diversity of members of Congress and civil society actors—and despite an ongoing administrative lawsuit under the Federal Advisory Committee Act (FACA) challenging the legality of the commissions’ establishment and work—Secretary Pompeo has instructed all State Department personnel to “read the report thoroughly” as a means to “guide every State Department employee” in the work of carrying out U.S. foreign policy. The effect of the report is already present in U.S. government work, including in the August 2020 draft update of the USAID gender policy, which changed references to human rights to those of “unalienable rights,” while likewise excising references to LGBTI people and sexual and reproductive rights throughout the policy.

What’s more, in seeking to redefine human rights in religious nationalist terms, the commission and the report provide a roadmap for other governments eager to discriminate and excuse their own rights violations in the name of national tradition and could spark a race to the bottom by human rights-abusing governments around the world.

TALKING POINTS

- Human rights are universal, indivisible, interdependent and interrelated; we cannot create a hierarchy of rights.
- The United States cannot unilaterally redefine which human rights will be respected and which will be ignored.
- The so-called “Commission on Unalienable Rights” and its report undermine decades of human

rights progress.

- The United States should be a human rights leader rather than seeking to carve out which rights it chooses to respect and which it doesn't.

RECOMMENDATIONS

- Explicitly reject the work of the “Commission on Unalienable Rights,” its report, and the government’s retreat from the internationally recognized human rights framework.
- Send clear guidance to State Department and USAID personnel that rejects this report and framing of “unalienable rights” and recommits the United States to the full range of internationally-recognized human rights.

ADDITIONAL RESOURCES

- Amnesty International, et. al.: [Why We Oppose the Pompeo Commission on Unalienable Rights’ Draft Report](#)
- Amnesty International: [State Department’s flawed ‘unalienable rights’ report undermines international law](#)
- Amnesty International: [Submission to the US Department of State’s Commission on Unalienable Rights](#)

FOR MORE INFORMATION, PLEASE CONTACT:

Tarah Demant
Director, Gender, Sexuality, and Identity Program
(202) 509-8180
TDemant@aiusa.org

MULTILATERALISM

INTERNATIONAL

THE ISSUE

For decades, Republican and Democratic presidents have turned to the United Nations to resolve issues of war and peace, tackle human rights abuses around the world, and facilitate assistance to communities reeling from natural and human-made calamities. In doing so, the U.S. helped cobble together functioning coalitions that, however imperfectly, have managed to tackle some of the world's biggest challenges. The previous years have marked a departure from this multilateral approach.

The UN Human Rights Council (HRC) and the General Assembly set international human rights standards. The HRC holds member states accountable through periodic reviews of their human rights records. The Council's Universal Periodic Review mechanism provides a forum wherein each Member State's human rights performance is examined every four and a half years. Independent human rights experts – known as Special Procedures – collect first-hand accounts from officials, survivors and civil society during their country visits and intervene on individual cases and patterns of allegations of human rights violations. Among other efforts, the UN Office of the High Commissioner for Human Rights (OHCHR) provides technical expertise and capacity-building to governments around the world on protecting human rights.

Recent actions by the U.S. government have indicated a growing antagonism to multilateral engagement on human rights. U.S. officials have repeatedly put forward retrograde and harmful language on LGBTI rights and sexual and reproductive human rights (SRHR), not least of all by undermining progress at the Commission on the Status of Women and the General Assembly. In June 2018, the U.S. formally withdrew from the UN Human Rights Council. In November 2019, the U.S. formally moved to withdraw from the Paris Climate Agreement, an international compact to strengthen the world's response to climate change. The White House has waged a public campaign against the International Criminal Court (ICC), attempting to thwart the court's investigation into war crimes in Afghanistan by slapping visa restrictions on the staff and threatening their families.

It need not be this way. U.S. diplomacy has previously played a key role in condemning human rights violations around the world and extending the mandates of special rapporteurs to countries whose governments have disastrous rights records, such as Belarus and Eritrea. The U.S. must build on these achievements and reverse recent policies that have undermined multilateral progress on human rights.



© Hector Retamal / AFP via Getty Images

THE HUMAN COST

Climate change will impact all people in all corners of the world. Without action to combat the threat, it is expected to account for a quarter million deaths due to disease between 2030 and 2050. It will drastically increase the number of people suffering from hunger and displaced by flooding. According to a poll of over 10,000 young people ages 18-25 by Amnesty International, climate change was cited most frequently as the most important issue facing the world. Galvanized by the gravity of the threat, 189 state parties have ratified the Paris Agreement, with the aim of curbing global greenhouse gas emissions. In November 2019, the White House formally moved to exit the Paris Agreement. The U.S. remains the world's second largest contributor to carbon emissions.

TALKING POINTS

- From climate change to the COVID-19 pandemic, the world is facing problems that cannot be solved by governments acting alone. It will be the policy of the White House to reengage in multilateralism – at the UN and beyond – to find lasting solutions.

RECOMMENDATIONS

The White House should:

- Cease the introduction of hostile language on gender equality, LGBTI rights, and SRHR in multilateral bodies, including the UN General Assembly and the Commission on the Status of Women (CSW).
- Immediately rejoin the Paris Climate Agreement and commit the U.S. to living up to all of the agreement's terms.
- Sign, push for Senate ratification of, and develop a plan for full compliance with outstanding UN human rights treaties. To date, the U.S. has signed and ratified fewer international human rights treaties than countries including China, Russia, Saudi Arabia, and Iran.
- Nominate Americans for a seat on relevant UN human rights treaty bodies. U.S. diplomatic representatives are currently eligible for a seat on the three treaty bodies that oversee compliance with the Convention Against Torture (UNCAT), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Covenant on Civil and Political Rights (ICCPR).
- Reverse the Trump Administration's "Executive Order on Blocking Property Of Certain Persons Associated with the International Criminal Court" and order the U.S. Department of the Treasury to remove all ICC staff and their families from the Specially Designated Nationals And Blocked Persons List (SDN) list. Lift all visa bans against ICC staff and their families. Reaffirm the U.S. signature of the Rome Statute of the International Criminal Court.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org

FUNDING FOR MULTILATERAL SOLUTIONS

INTERNATIONAL

THE ISSUE

The UN plays a critical role in the global effort to promote and protect human rights. In the face of a critical funding shortfall, its ability to continue doing so is at risk. In May 2019, 399 NGOs penned an open letter to all Permanent Missions to the UN in Geneva and New York expressing grave concern that the multilateral body's human rights efforts are dangerously underfunded. These resource constraints have fundamentally impacted how the UN does its work: human rights treaty body sessions have been canceled and Special Procedure mandate holders have curtailed their missions.

The U.S. government can play a key role in addressing this funding gap. The U.S. is the UN's largest funder in absolute terms, contributing more than one fifth of the organization's budget. Yet recent presidential budget requests have repeatedly sought to slash funding to the UN, including funding to critical human rights functions. The President's Fiscal Year (FY) 2021 budget proposes 29% cuts to contributions to the UN peacekeeping activities from the congressionally enacted budget for FY2020. Were this proposal to become law, it would have a tremendous negative impact on peacekeeping efforts in some of the world's most critical conflicts, including in Mali, Central African Republic, South Sudan and elsewhere. The budget further proposes eliminating the International Organizations and Programs (IO&P) account, zeroing out the U.S. government's contributions to agencies such as the Office of the High Commissioner for Human Rights (OHCHR), UN Women, the United Nations Children's Fund, and many others.

For years, U.S. contributions to the United Nations have made the difference between life and death to millions. U.S. financial support helped erect an international human rights infrastructure that, however imperfectly, shed the spotlight on abusers previously ensconced by their own power and impunity. The U.S. government must resume its traditional role as a sponsor of international human rights, a role that has long enjoyed bipartisan support in the White House and in Congress.

TALKING POINTS

- It is the policy of the U.S. government to treat its assessments to the United Nations not as a charitable contribution but as an investment in a better future for all. Through this investment we can prevent human rights challenges from becoming human rights crises and humanitarian needs from becoming humanitarian disasters

RECOMMENDATIONS

In creating the President's FY2022 budget, the White House and the Office of Management and Budget (OMB) should move to:

- Restore the Contributions to International Organizations (CIO) request to \$1.527 billion, a sum reflective of the U.S. assessment under the UN Regular Budget, adopted by consensus in the General Assembly with U.S. support in December 2019. The CIO account funds the U.S. share of the UN regular budget and dozens of other international organizations and specialized agencies.
- Restore the Contributions for International Peacekeeping Activities (CIPA) request to at least \$2.616 billion, a sum sufficient for the U.S. to make good on its fully assessed rate as well as an additional \$956.2 million in arrears. The CIPA account funds UN peacekeeping missions and international war crimes tribunals.
- Restore Peacekeeping Operations Account (PKO) to \$525.3 million. The PKO account funds U.S. contributions to the UN Support Office in Somalia (UNSOS). PKO also includes funding for the State Department's peacekeeper training initiative.
- End withholding of human rights funds: Fully end the executive policy of withholding funds from the OHCHR. In FY18 and FY19, the White House withheld a sum of over \$54 million from the UN Regular Budget in order to defund the OHCHR and the UN Human Rights Council. This policy should be reversed and the withheld sum repaid.
- Urge Congress to lift arbitrary cap on contributions: Urge Congress to lift arbitrary cap on U.S. contributions to peacekeeping operations. Since the mid-1990s, U.S. law has capped U.S. contributions to UN peacekeeping operations at 25%; this prevents the U.S. from paying in full and results in arrears. While Congress has waived this cap in annual appropriations bills, we have not done so in years. The White House should push for a legislative reversal.
- Restore funding to UNRWA: Reverse the Administration's policy of defunding the UN Relief and Works Agency for Palestine Refugees, an entity that provides education, medical care, emergency food aid, microfinance assistance, and other critical services to vulnerable Palestinians. The Administration should commit to funding UNRWA at a level of no less than \$360 million annually, through the Migration and Refugee Assistance (MRA) account.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org

INTERNATIONAL CRIMINAL COURT

INTERNATIONAL

THE ISSUE

The International Criminal Court (ICC) is a court of last resort to hold government officials and other powerful actors accountable when domestic courts are unable or unwilling to prosecute the most serious crimes under international law. The Court has secured successful prosecutions for war crimes and crimes against humanity. The primary beneficiaries of the Court are the many civilian victims who can secure no justice elsewhere and the communities subject to cycles of violence fueled by impunity. They include many victims and survivors of violence for whom the United States has been a strong, vocal advocate for justice and accountability.

The ICC [exists](#) because it is difficult to hold government officials and other powerful actors accountable when they commit war crimes or grave human rights violations. That impunity, in turn, is corrosive to the broader rule of law, the prospects of lasting peace, and respect for the dignity of all. Since the ICC's establishment in 2002, diverse coalitions of faith-based organizations, human rights advocates, legal practitioners, survivors of atrocities, and other constituencies have often looked to it to complement and reinforce their work for justice.

Recently, the White House has waged a reckless campaign of intimidation against the International Criminal Court, attempting to thwart the court's investigation into war crimes by U.S. nationals in Afghanistan. On September 2, 2020, the United States [levied sanctions](#) against ICC Prosecutor Fatou Bensouda, and the ICC's Head of Jurisdiction, Complementary, and Cooperation Division, Phakiso Mochochoko. The U.S. Treasury Department [listed](#) Bensouda and Mochochoko on the Specially Designated Nationals (SDN) list, usually reserved for individuals accused by the U.S. government of terrorism, narco-trafficking, proliferating weapons of mass destruction, and other threats to international peace and security. Additionally, the State Department restricted the issuance of visas for certain individuals involved in the ICC's efforts to investigate U.S. personnel.

It is unacceptable that the United States would enact sanctions against the senior staff of a court that more than 120 countries have joined—including U.S. allies in Europe, Latin America, Africa, and the Asia-Pacific region—using tools that are [designed](#) to stigmatize war criminals and disrupt criminal networks. These sanctions constitute a [demand](#) that the U.S. government be granted a political carve out of impunity for nationals accused of having committed crimes under international law in Afghanistan. No one responsible for the most serious crimes under international law should be able to hide from accountability.

Like all other human institutions, the ICC has room for improvement. Nevertheless, from the situations in Uganda and the Central African Republic, to those in Darfur, Bangladesh and Myanmar, the ICC continues to play a vital role, filling gaps in the justice system by independently investigating and prosecuting atrocity crimes when national authorities do not do so, or when they seek out help.

At times, governments may take issue with the ICC's jurisprudence and assertions of jurisdiction. However, [concerted diplomatic efforts](#) and engagement with the ICC will enhance its effectiveness more than punishing individuals who have dedicated their careers to delivering justice to victims of

egregious crimes.

The United States can and should be a powerful voice for justice and accountability for mass atrocities. Punitive measures against the ICC diminish the credibility of that voice. We urge the administration to reverse the steps it has announced, and we urge members of Congress to clearly and publicly oppose this policy.

TALKING POINTS

- The ICC prosecutes the most serious crimes under international law—genocide, war crimes, crimes against humanity, and the crime of aggression. Resuming attacks against the Court sends a dangerous signal that the United States is hostile to human rights and the rule of law.
- The United States’ attack on the International Criminal Court is an attack on millions of victims and survivors who have experienced the most serious crimes under international law and undermines decades of groundbreaking work by the international community to advance justice.
- The ICC remains the only path to justice for thousands of victims of war crimes and serious violations of human rights across the world. The United States must help strengthen rather than to weaken the Court.

RECOMMENDATIONS

- The President must immediately revoke sanctions against ICC staff and rescind Executive Order 13928 on “Blocking Property of Certain Persons Associated with the International Criminal Court.”
- The United States should once and for all reaffirm its signature of the Rome Statute establishing the ICC, and support—not impede—its investigations.

FOR MORE INFORMATION, PLEASE CONTACT:

Daniel Balson
Advocacy Director, Europe and Central Asia
(202) 509-8132
DBalson@aiusa.org



© Jim Watson / AFP via Getty Images

NATIONAL SECURITY AND HUMAN RIGHTS

After the attacks of September 11, 2001, the U.S. government embarked on what came to be called a “global war on terror” which has resulted in the killings of hundreds of thousands of civilians and displacement of millions more worldwide. The policies and actions undertaken in the context of this so-called global war have been inconsistent with the laws of war, and resulted in widespread violations of human rights, including the torture and killings of suspects in U.S. custody and the systematic denial of due process. It is time for U.S. national security to change course and focus on protecting the United States in a manner that is consistent with international law, including respect for the human rights of all. In particular, a new administration should immediately address the glaring human rights abuses that continue at the Guantanamo Bay detention center, where 40 Muslim men remain detained indefinitely, most without charge and none with an opportunity for a fair trial. In addition, the U.S. government must rein in its use of lethal force to avoid harming civilians and ensure it is attacking only lawful targets. So-called “targeted killings” outside of armed conflicts must end; civilians suspected of engaging in violence against the United States may be charged and brought to justice through fair trials that afford due process of law without resort to the death penalty. In addition, all claims of civilian casualties caused by U.S. lethal force should be thoroughly investigated and civilian harm acknowledged, and any unlawful killings must lead to accountability and reparations for the victims.

GUANTÁNAMO BAY DETENTION FACILITY

INTERNATIONAL

THE ISSUE

The U.S. Government opened the detention center at Guantánamo Bay in January 2002, to house people outside the reach of the law after the attacks of September 11, 2001. Since then, 780 men have been detained at Guantánamo. Nearly eighteen years after its opening, 40 detainees remain imprisoned there indefinitely. Most have never been charged with a crime. Five have been cleared for release from Guantánamo for years by all relevant U.S. national security agencies, yet still remain imprisoned. The few charged have not received fair trials. The prison is not equipped to provide adequate medical care to these ageing detainees, many of whom have serious underlying medical conditions, some of them created or exacerbated by U.S.-sponsored torture and other abuses. The COVID-19 pandemic has highlighted the serious dangers this creates.

The Guantánamo prison, and the military commissions it hosts, violate human rights, serve no practical purpose, and exact enormous financial and reputational cost to the United States. Suspects accused of committing or attempting violence against Americans are routinely safely housed in U.S. federal detention centers on U.S. soil. They are also routinely tried in U.S. courts. There is no legitimate reason to maintain this offshore facility, which costs more than \$540 million per year to maintain for 40 prisoners and denies them basic rights to due process and humane treatment.

Guantánamo remains a symbol of the torture and other abuses the U.S. inflicted on detainees in the wake of the 9/11 attacks. The Guantánamo prison has been open for more than 18 years. That is far too long. The military commission system has proved ineffectual and unfair, denying defendants access to critical evidence and victims their right to justice. The next president should stand up for the rule of law by promising to close Guantánamo and end the military commissions within their first year in office, and should follow through on that promise. This sorry chapter of U.S. history should be closed.

THE HUMAN COST

Toffiq al-Bihani, a 47-year-old Yemeni national, has been held at Guantánamo Bay since early 2003. He has never been charged with a crime. Although all relevant U.S. national security agencies determined in 2010 that al-Bihani does not pose a security risk and can be safely transferred out of Guantánamo, he remains imprisoned there, nearly a decade later. Toffiq al-Bihani has family in Saudi Arabia, where he was born and raised, and they are eager for him to return home. Al-Bihani is one of five detainees at Guantánamo who were cleared to leave the prison by the Obama administration, yet remain stuck there still without charge or trial.

12

TALKING POINTS

- Guantánamo violates human rights, serves no legitimate purpose, and exacts enormous financial and reputational cost to the United States.
- Guantánamo is used as a recruiting tool by armed extremist groups. Its continued existence as a site of indefinite detention makes us less safe.
- Guantánamo was a grave and costly mistake. It must be shut down.

RECOMMENDATIONS

The White House should:

- Immediately transfer Toffiq al-Bihani and all other detainees cleared for release to third countries where they will be safe.
- Close the Guantánamo Bay Detention Center. Provide all remaining detainees an opportunity for fair trials or release to countries where their rights will be protected.

FOR MORE INFORMATION, PLEASE CONTACT:

Daphne Eviatar
Director, Security with Human Rights
(646) 832-5775
DEviatar@aiusa.org

U.S. KILLINGS ABROAD

INTERNATIONAL

THE ISSUE

The U.S. Government claims it's keeping Americans safe by using drones, airstrikes and special forces to kill "militants" or "terrorists" around the world. But such actions have also killed thousands of civilians, usually without acknowledgement or explanation, or any effort to compensate survivors or their families for their devastating losses.

The U.S. must do a better job of protecting civilians from its use of lethal force and must conduct meaningful investigations of claims of civilian deaths and injuries. It should also provide reparations and assistance for survivors.

THE HUMAN COST

This problem is visible in virtually every theater where the U.S. is conducting military operations. In Syria, Amnesty International's investigations documented more than 1,600 deaths resulting from the U.S.-led Coalition's four-month battle to oust the armed group calling itself the Islamic State from the city of Raqqa in 2017. The U.S. Government has only acknowledged about 10 percent of those deaths and has made no effort to compensate survivors. In Afghanistan, the highest number of civilian deaths were caused by airstrikes conducted by pro-government and international forces. In December 2019, a U.S.-operated drone strike killed five people, including a mother who had just given birth. In October, the U.S. military launched an air strike against alleged methamphetamine drug labs in Farah province. According to a United Nations report, the strike claimed the lives of 39 civilians. In Somalia, Amnesty investigations documented 14 civilians killed and eight injured from just five U.S. air strikes out of more than 120 carried out between 2017 and 2019. The U.S. military had claimed there were no civilian casualties. Although it eventually conceded two civilian deaths, it continues to insist, without providing evidence, that the remaining 800 killed were all "terrorists."

In November 2017, the International Criminal Court's Chief Prosecutor moved to initiate an investigation into alleged war crimes and crimes against humanity in relation to the armed conflict in Afghanistan. Following sustained U.S. government pressure that included visa revocations and threats of sanctions against ICC personnel by the U.S. Department of State, the ICC refused to authorize an investigation into crimes under international law in Afghanistan. The ICC reversed that decision and agreed to proceed with the investigation in March, prompting harsh criticism and threats against the court, its staff, and even staff members' families from U.S. Secretary of State Mike Pompeo.

TALKING POINTS

- The U.S. needs to do more to protect civilians from the harmful impacts of war. That includes more credibly investigating when civilians are killed or harmed and cooperating with international criminal investigations.

RECOMMENDATIONS

- The White House must commit the U.S. Department of Defense to thoroughly reviewing the conduct of U.S.-led and U.S.-supported air strikes and other lethal operations to ensure that every effort is made to fully respect international humanitarian law and international human rights law to protect the lives of all civilians. This includes thoroughly and credibly investigating all claims of civilian casualties from the use of lethal force, and publicly reporting the findings.
- The White House must publicly declare that it is the policy of the U.S. government to provide reparations for wrongful killings and to assist all civilian survivors harmed by U.S. lethal force.
- The White House must end all punitive measures against ICC personnel and invite the office of the Chief Prosecutor to travel to the United States to meet with high level officials.

ADDITIONAL RESOURCES

- Amnesty site on U.S.-led Coalition assault on Raqqa, Syria and devastating effects on civilians: “War in Raqqa: Rhetoric versus Reality” (available [here](#))
- Amnesty report, “The Hidden U.S. War in Somalia,” March 2019 (available [here](#))
- Amnesty update: “U.S. Military Shows Appalling Disregard for Civilians Killed in Somalia Air Strike,” September 2019 (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Daphne Eviatar
Director, Security with Human Rights
(646) 832-5775
DEviatar@aiusa.org



We want to live in a world where people’s human rights are respected, protected, and fulfilled and a world where people who are in danger are not only provided protection, but are able to rebuild their lives. Governments should never force anyone to go back to a country, either directly or indirectly, where they are at risk of human rights violations or abuses. Instead, all people should be offered a safe place to live where they have their human rights to food, drinking water, clothing, shelter, life-saving medical care, essential sanitation, contagious disease prevention, and education met. All people should have fair opportunities to access work, education, and health care wherever they are, and if refugees and asylum seekers wish to return to their country of origin, the international community has a responsibility to help facilitate the conditions for voluntary return where they will be afforded full rights, including access to citizenship.

Unfortunately, the international community has failed to meaningfully share the responsibility for protecting displaced and persecuted people, often with grave consequences. Governments have hardened their punitive policies of deterrence, and many politicians have exploited migration for political gain, fueling racism and xenophobia. People who are the targets of systematic and long-term demonization – including refugees, migrants, and members of ethnic or religious groups– are the least protected and most impacted by the COVID-19 pandemic. Further, human rights defenders and civil society organizations that help refugees, migrants, and other vulnerable populations have been subjected to unfounded criminal proceedings, undue restrictions, intimidation, harassment, and smear campaigns.

The international community faces many urgent crises which require international solidarity to solve. From the mass detention of Uyghurs, Kazakhs and other predominantly Muslim ethnic groups in northwestern China’s Xinjiang Uyghur Autonomous Region; the campaign of violence unleashed against the Rohingya by the Myanmar military resulting in crimes against humanity that continue to this day; to the nearly 80 million people forcibly displaced because of war, violence, persecution, or the climate crisis – there are more persecuted, displaced, and vulnerable people in the world than ever before. International solidarity is needed in the best of times. Now, it is an absolute must. We must not allow restrictions on exercise of rights to become the new normal.

The U.S. government has a responsibility to step up and be a robust participant in offering protection for refugees and asylum seekers and lead the way in investing in innovative solutions that protect the human rights of all displaced, persecuted, or at-risk populations. For when countries invest a small amount in protecting displaced, persecuted, and at-risk populations, the dividends pay off for generations to come.

The following briefs offer recommendations on what the next White House Administration can do to offer protection for some of those most at risk in our world.

U.S. REFUGEE ASSISTANCE

INTERNATIONAL

THE ISSUE

The international community faces a displacement crisis of historic proportions that requires bold leadership, innovative solutions, and all countries to do their fair share. Currently, there are nearly 80 million people forcibly displaced because of war, violence, persecution, or the climate crisis – with the number only growing worse every year. Nearly 26 million of those displaced are refugees, having fled their country of origin and unable or unwilling to return voluntarily.

Unable to return home, most refugees stay in their host country where they try to build a new life. For a small minority facing specific protection risks, staying in their initial host country is not an option, making resettlement necessary. The U.N. Refugee Agency estimates that 1.44 million refugees need access to resettlement in 2020. Despite this, only a tiny fraction is afforded this chance.

Resettlement is a lifeline for refugees and a key component of responsibility-sharing that allows states to support each other by agreeing to resettle refugees from host countries. Since the 1980 Refugee Act established the refugee program, the U.S. has historically resettled the largest number of refugees annually. From 1980 until 2017, U.S. administrations have, on average, set the ceiling for refugee resettlement at 95,000. The admissions ceiling for Fiscal Year 2021 is 15,000, the lowest goal ever set by any administration, and accompanied by drastic changes to the types of refugees prioritized.

Abandoning Responsibility: A fundamental principle of refugee protection is responsibility sharing and international cooperation. Unfortunately, the U.S. government is abandoning its duty to share in its responsibility to protect refugees. Successive bans and policy changes have taken their toll, with many refugees who expected to be resettled to the U.S. stuck in a never-ending limbo of security vetting.

Instead of upholding its responsibilities, the U.S. is abdicating its duty for refugee protection, drastically cutting the number of refugees it will accept for resettlement. The U.S. Government has also sought to cut programs that offer life-saving and life-preserving humanitarian aid to displaced populations the world over. Responsibility-sharing of all states is critical to reduce the impact of large-scale refugee populations on host countries, and each state should contribute to the maximum of its capacity. The U.S. has not only reduced its commitment to offering protection to refugees in need of resettlement, it has all but abandoned global leadership in ensuring refugee's access to durable, lasting protection opportunities. While other governments have expressed increased interest in creating pathways for refugee protection, including community sponsorship programs for refugees, none of these programs could ever replace the capacity the U.S. refugee program once offered.



© Scott Olson / Getty Images

THE HUMAN COST

Malik is an Iraqi refugee stranded with his family in Beirut, Lebanon, after the U.S. government failed to keep its promise to resettle him, his wife Sana and their two sons.* After years of harassment and discrimination, fearing for their lives because they are Christian, they fled Iraq in 2013. Malik and his family thought their dream had come true when they were accepted for resettlement to the U.S. in 2016, however the current administration's first Muslim ban halted their resettlement process from moving forward. Since that time, their case has been stuck in limbo — in “security checks” – indefinitely. Malik should be able to enjoy his human rights as a refugee, and should not live in limbo, without hope. *Pseudonyms used to protect their privacy and security

TALKING POINTS

- The U.S. must be a robust participant in refugee protection and lead the way in investing in innovative solutions that protect the human rights of refugees.
- International solidarity is needed in the best of times. Now, it is an absolute must. The United States must not allow restrictions on exercise of rights to become the new normal.
- When a country invests a small amount in refugee protection, the dividends pay off for generations.

RECOMMENDATIONS

- Immediately reverse policies and procedures intended to limit refugee resettlement and asylum in the United States - which violate the rights enshrined in the Universal Declaration of Human Rights and other internationally recognized human rights standards - including rescinding the Muslim, African, refugee, asylum, and immigration bans (Presidential Proclamations 9645, 9822, 9983, 9984, 9993, and 10014, and Executive Orders 13769, 13780, 13815, and 13888). The President should also publicly repudiate xenophobia and apologize for these official acts of discrimination by the U.S. government that have impacted so many families and individuals.
- Apply the provisions of the 1951 Refugee Convention and the 1967 Protocol to refugees without discrimination.
- The U.S. should ease pressure on countries currently hosting the greatest number of refugees by participating in equitable and predictable pathways to protection for refugees, including by expanding access to traditional resettlement, and by facilitating the successful integration of refugees in their host countries or helping to facilitate the conditions for voluntary return to refugees' countries of origin.
- Notify Congress of an intent to increase the FY 2021 admissions goal to 100,000 refugees, restore regional allocations for refugee admissions to reflect global needs, reestablish the U.S. Refugee Admissions Program's acceptance of UN High Commissioner for Refugees referrals, and request additional funds from Congress to allow for increased refugee admissions in FY21.
- In addition to expanding resettlement, the U.S. should invest in other admission pathways, including humanitarian programs, family reunification, and a private sponsorship model, and expand community involvement in resettlement by robustly promoting community sponsorship through co-sponsorship programs and private sponsorship.
- Expand refugee resettlement options from Central American countries and establish a regional resettlement initiative for Central American and Venezuelan refugees, including through expansion and improvement of the Protection Transfer Arrangement and reestablishing and improving the

Central American Minors program.

- Restore in full critically needed funding for the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) at levels consistent with the US's historical contributions.
- For refugees who remain in displacement, the U.S. should increase its financial support of international humanitarian programs that enhance refugees' self-reliance through educational opportunities, job and livelihood programs, focus on women's and children's unique needs, energy support, and other independence measures.
- Increase financial support to international organizations working on the front lines to address refugees' needs, including ensuring that refugee camps and host countries have medical personnel and supplies, along with clean running water.
- Work with the international community to ensure that all displaced persons have access to timely and accurate information along with access to healthcare in the host state's public health systems, without discrimination, and access to testing, treatment and preventive measures for COVID-19.

ADDITIONAL RESOURCES

- "Refugees and Migrants Forgotten in COVID-19 Crisis Response," (May 2020) (available [here](#))
- "Refugee-led organizations need support to continue their vital work," (August 2020) (available [here](#))
- "The Mountain is in Front of Us and the Sea is Behind Us': The Impact of U.S. Policies on Refugees in Lebanon and Jordan," (June 2019) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Ryan Mace
Senior Policy Advisor, Refugees
(202) 509-8185
RMace@aiusa.org

MUSLIM MINORITIES IN CHINA

INTERNATIONAL

THE ISSUE

China's growing economic and political influence around the world makes it one of the most consequential relationships the U.S. will have to manage. The next President should reframe the U.S.-China relationship to put human rights front and center of its policy. Whether the U.S. succeeds will have significant consequences not only for the human rights of people in China, but also for the global and international human rights agenda as China's government builds support for its efforts to reframe human rights and undermine its institutions.

In recent years, China's government has drafted and enacted a series of restrictive laws in the name of national security that present grave dangers to human rights and human rights defenders. Human rights defenders, including lawyers and activists, are increasingly subjected to monitoring, harassment, intimidation, detention, and imprisonment. In Xinjiang Uyghur Autonomous Region (Xinjiang), an estimated one million predominantly Muslim people have been held in internment. Detainees have been subjected to political and cultural indoctrination, children have been separated from their parents, and there have been numerous allegations of torture and other ill-treatment in these camps.

On a broader scale, an increasingly assertive China has worrying implications for the human rights system as a whole. China's leaders are operating from within the United Nations (UN) Human Rights Council to shrink the space available for the UN and civil society to hold states accountable for their human rights records, as well as making efforts to reframe human rights as a "cause," as opposed to a state's legal obligations to its people. As China has become more powerful, it has been able to shut down human rights dialogues and intimidate those that criticize its record. In 2013, Xi Jinping launched the Belt and Road Initiative (BRI), steering much of this finance into infrastructure projects. Many of the projects that make up BRI are based in countries where there is much potential for exploitative labor practices, environmental degradation, and weak governance and accountability.

In July 2015, an unprecedented government crackdown on human rights lawyers and other activists began during which nearly 250 targeted individuals were questioned or detained by state security agents. Many detained human rights lawyers and activists are held incommunicado for months awaiting trial. Without access to families or lawyers of their choice, they remain at grave risk of torture and other ill-treatment. A number of other lawyers have been disbarred and thus are no longer able to use their legal expertise to seek justice for victims of human rights abuses. The effects of this crackdown are being felt throughout Chinese society.

The internment of predominantly Muslim ethnic groups in Xinjiang has intensified since March 2017, when a "Regulation on De-extremification" was adopted in the region. Open or even private displays of religious and cultural affiliation, including growing an "abnormal" beard, wearing a veil or headscarf, regular prayer can be considered "extremist" under the regulation. Since then there has been a growing government campaign of mass internment, intrusive surveillance, political indoctrination and forced cultural assimilation against Uyghurs, Kazakhs and others in Xinjiang. An

estimated one million people have been held in internment camps where they have endured a litany of human rights violations.

China is systematically harassing Uyghurs and other Muslim ethnic groups even after they have fled the country. Across the globe, Chinese authorities are carrying out a [campaign of intimidation against diaspora communities](#) through pressure from Chinese embassies abroad, as well as through messaging apps and threatening phone calls. Chinese embassies and consulates abroad are tasked with collecting information about members of Uyghurs, Kazakhs and others ethnic groups originally from Xinjiang residing in other countries.

Several [interviewees](#) told Amnesty International that local authorities in Xinjiang had targeted their relatives back home as a way to suppress the activities of Uyghur communities living abroad. Individuals reported being warned that family members would be detained if they did not return to Xinjiang or that they would not be able to see their family again if they refused to provide information about other Uyghurs living in their communities. Adding to the anxieties of those living abroad are aggressive efforts by Chinese security officials to recruit informants to spy on others in overseas Uyghur communities.

Chinese authorities have a history of pressuring other governments to repatriate Uyghurs who have left China. Chinese Uyghurs living abroad fear that, if they were to be returned, they would inevitably end up detained in Xinjiang's "re-education" camps. For those awaiting asylum status in the countries where they are staying, deportation is a source of tremendous stress and concern.

TALKING POINTS

- The deterioration of civil society and rule of law in China appears to signal a systematic effort by the Chinese government to tighten its controls on free expression and undermine the will of its own people, including the rights of its ethnic minorities, such as Uyghurs and Tibetans, guaranteed under China's own Constitution.
- As President, I plan to work with allies and partners to use all diplomatic and economic tools to push back on China's systematic attack on international human rights norms, whether they be inside China, globally or at the United Nations.
- Our values need to be front-and-center as we manage our relationship with China. A rights-respecting China is a U.S. national security imperative and would help the U.S. achieve our other political, economic, and security goals.

RECOMMENDATIONS

- The U.S. should robustly fund and support human rights non-governmental organizations that support human rights defenders (HRDs) including by prison visits, legal representations, consultations with HRDs, provisions of visas, and trial monitoring in China.
- The U.S. should make the human rights crisis in Xinjiang a national security priority by calling for and supporting a [UN fact finding mission to Xinjiang](#), holding accountable the Chinese government officials who are responsible for abuses, providing protection opportunities to Uyghurs and other ethnic Muslims to ensure humanitarian pathways to the U.S., and banning surveillance exports that pose a substantial risk of violating human rights in their destination.

- The U.S. should aggressively push for international human rights norms vis-à-vis China in bilateral, regional, and multilateral forums through positive and negative diplomatic and economic incentives and disincentives.

FOR MORE INFORMATION, PLEASE CONTACT:

Joanne Lin
National Director, Advocacy and Government Affairs
(202) 509-8151
JLin@aiusa.org

THE ROHINGYA

INTERNATIONAL

THE ISSUE

In August 2017, an armed group known as the Arakan Rohingya Salvation Army (ARSA) launched coordinated attacks on security force posts in northern Rakhine State, Myanmar. In response, the Myanmar security forces, led by the Myanmar Army (“Tatmadaw”), attacked the entire Rohingya population in villages across northern Rakhine State. In the ten months after August, the Tatmadaw drove more than 700,000 women, men, and children—more than 54% of the Rohingya who lived in northern Rakhine State at the outset of this crisis in 2017—into neighboring Bangladesh.

An overwhelming population of the affected communities in Bangladesh, including about 500,000 Rohingya, are school-aged children who have no access to accredited education and are vulnerable to forced recruitment into armed groups, child labor, sexual exploitation, and child marriage.

The Myanmar Security Forces carried out a relentless and systematic campaign in which they unlawfully killed thousands of Rohingya, including young children; raped and committed other sexual violence against hundreds of Rohingya women and girls; tortured Rohingya men and boys in detention sites; pushed Rohingya communities toward starvation by burning markets and blocking access to farmland; and burned hundreds of villages in a targeted and deliberate manner.

Crimes against humanity continue against the estimated 600,000 Rohingya who are still living in Rakhine State. Their rights to equality, a nationality, freedom of movement, and access to adequate healthcare, education, and work opportunities are routinely violated. Seven years after they were forced from their homes, some 128,000 people remain confined to squalid detention camps within Rakhine State, reliant on humanitarian assistance for their survival. The Rohingya have long faced systematic persecution; for example, the 1982 Citizenship Law stripped many of their Myanmar citizenship and deprived them of their right to a nationality.

The Myanmar Military and the Arakan Army (AA), an ethnic Rakhine armed group, have clashed on and off for years—though the last year marked a clear escalation in the violence, with nearly 45,000 people displaced in Rakhine and Chin states as of December 2019. Amnesty has documented serious human rights violations against civilians committed by the military, including unlawful attacks, arbitrary arrests, torture and other ill-treatment, enforced disappearances, extrajudicial executions, and forced labor. Many of these constitute war crimes.

Shan State in northern Myanmar has also seen decades of conflict and violence. In 2011, conflict renewed in northern Myanmar between the military and ethnic armed organizations (EAOs). Despite efforts to end the fighting—including through a national peace process—conflict has continued, with civilians often bearing the brunt. Amnesty has documented war crimes and other serious violations by the Myanmar military in the ongoing conflict, including arbitrary arrests, detention on military bases, torture and other ill-treatment, and unlawful attacks.

TALKING POINTS

- We say “never-again,” yet the international community continues to watch and fail to put an end to the systematic and widespread persecution of the Rohingya population, which has resulted in war crimes and crimes against humanity.
- As President, I will seek to bring justice to the millions of Rohingya and other ethnic minorities in Myanmar who have been displaced at the hands of the Myanmar military. Whether through supporting international accountability mechanisms or through multilateral sanctions, I will make sure that we protect the most vulnerable and support our values through our engagements.
- More than half a million Rohingya children have yet to see the inside of a classroom since they arrived in the refugee camps of Bangladesh more than two years ago. That’s almost an entirely lost generation in a volatile region where extremist groups are operating. We should support, sustain, and increase humanitarian assistance—including access to education—to help give the Rohingya and other refugees in the region a better future.

RECOMMENDATIONS

- The United States should ensure that any international aid, development projects or financial assistance in Rakhine State are explicitly and specifically contingent on non-discrimination, non-segregation and equality, that Myanmar takes immediate action to cease ongoing violations against the Rohingya community and prevents the destruction of evidence.
- The United States should use all of its diplomatic and political levers to push for a United Nations Security Council referral of the situation in Myanmar to the International Criminal Court to bring those most responsible for atrocity crimes to justice.
- The United States should create a global coalition to respond to the Myanmar human rights crisis, calling for multilateral targeted sanctions against senior military officials responsible for atrocities.
- The United States should increase and sustain its support for humanitarian assistance—including access to education—for refugees in Bangladesh and in Myanmar.
- The United States should ensure all decisions related to Rohingya refugees are clearly detailed in a consultation-based, publicly accessible, transparent and rights-respecting policy document, which outlines a framework of representation of Rohingya refugees, in order to protect their human rights.

ADDITIONAL RESOURCES

- Let us Speak for Our Rights: Human Rights Situation of Rohingya Refugees in Bangladesh” (September 2020) (available [here](#))
 - COVID-19 Response Flaws Put Older Rohingya Refugees in Imminent Danger (April 2020) (available [here](#))
 - Indiscriminate airstrikes kill civilians as Rakhine conflict worsens (July 2020) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Joanne Lin
National Director, Advocacy and Government Affairs
(202) 509-8151
JLin@aiusa.org



U.S. GUN VIOLENCE

The U.S. has both the highest absolute and highest per capita rates of gun ownership in the world, and guns are easily accessible by those likely to misuse them. Yet the U.S. has failed to implement even a basic system for the regulation of firearms – with no requirements for universal background checks, licensing, and training for gun purchasers or for registration of guns.

Killing an average of 109 people each day, gun violence is the second leading cause of death among children and disproportionately affects communities of color. African Americans are ten times more likely to be the victims of gun homicides than white Americans, and gun violence is the leading cause of death among black men ages 15–34. Persistent firearm violence, high rates of gun ownership, and ease of access to firearms by individuals likely to misuse them demonstrate how the U.S. government is failing to meet its obligation to respect, protect and fulfill human rights pursuant to international law. Persistent gun violence in the U.S. is denying people their civil and political rights including the right to life, the right to security of person and the right to be free from discrimination.

The U.S. crisis of gun violence impacts a broad range of people domestically, including women, children, communities of color, and students. It also impacts foreign countries as the Trump administration relaxes arms export oversight to boost U.S. arms sales, making it easier for dangerous actors to access military-style weapons which are often used to commit human rights atrocities abroad.

THE HUMAN COST

Hadiya Pendleton was an honors student and drum majorette who had just performed at President Obama's inauguration. In January 2013, gun violence claimed her life. Two members of a gang, driving past Hyde Park, Chicago, saw a group of teenagers gathered under a canopy, sheltering from the rain, and opened fire, mistaking the teenagers for rival gang members. Hadiya was just 15 years old when she was killed.

TALKING POINTS

- It is time for a change: the crisis of gun violence in the U.S. and failure of the U.S. government to take effective action has resulted in the death of thousands and injuries to even more. The U.S. has an obligation under international law to ensure the rights and individual safety of people living in the country.

RECOMMENDATIONS

- Establish a White House Task Force to End Gun Violence with a mandate to direct and coordinate a whole of government, interagency, effort to identify evidence-based gun violence prevention policies that address school safety, gun violence in communities of color, mental and health care for gun violence survivors, universal background checks, licensing, and training for purchasers and registration of firearms.
- The Task Force should, consistent within applicable law, work across executive departments and agencies, in consultation with community and directly impacted voices, to:
 - ◇ Within its first 100 days release a report identifying both existing and needed policies of all relevant executive departments and agencies that could be enforced or implemented to meaningfully reduce gun violence, and host a national convening of community organizations in Black and Brown communities to examine the specific challenges of gun violence in their communities.
 - ◇ Provide Congress a clear direction on urgently needed legislative reforms and funding priorities to end gun violence.
 - ◇ Where possible, incentivize states to create safe gun storage and extreme risk protection order policies.
 - ◇ Where possible, increase funding support for sexual and gender-based violence prevention programs and close the “boyfriend loophole” for abusers with guns.
 - ◇ Prohibit the possession, shipment, or transport of a firearm by an individual who has been convicted of a misdemeanor hate crime.
 - ◇ Issue directives to the Department of Justice, Attorney General, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requiring:
 - Enforcement of existing gun violence prevention measures that fall within their jurisdictions, including interstate gun trafficking, and
 - Implementation of policies banning 3-D printed guns, ghost guns, and other dangerous accessories that increase firearm lethality.
- Mandate that the State Department and Department of Commerce to reverse policies transferring oversight of exports of semi-automatic weapons and ammunition and adopt policies preventing the import of foreign assault weapons into the U.S.
- The President should call on Congress to invest in our communities by providing at least \$150 million annually, for at least 10 years, to community gun violence prevention and intervention programs that have proven effective in decreasing gun violence in communities where there are persistently high levels of firearm violence.
- The President should direct ATF to research and compile a report on guns sold in 2020 through

default sales, including all data on whether any purchasers would have failed a background check should they have been subjected to one, and whether any were retrieved by ATF.

- Direct the Federal Bureau Investigation (FBI) and the Department of Homeland Security to produce a report on hate violence with guns including detailing what policies can be implemented to ensure communities are safeguarded from incitement to violence and hate crimes. Direct Health and Human Services and Social Security Administration to release certain critical data to FBI for individuals in crisis who should be prohibited from purchasing a gun due to their incapacity or state of mind.
- Direct a ban on the import of assault weapons from other countries.

RECOMMENDATIONS

- In the Line of Fire: Human Rights and the U.S. Gun Violence Crisis (2018) (available [here](#))
- Scars of Survival: Gun Violence and Barriers to Reparation in the U.S. (2019) (available [here](#))
- Fragmented and Unequal: A Justice System that Fails Survivors of Intimate Partner Violence in Louisiana (2019) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Jasmeet Sidhu
Senior Researcher
(202) 832-1832
JSidhu@aiusa.org



U.S. POLICE KILLINGS OF BLACK PEOPLE

© Scott Olson / Getty Images

When police interact with the public, they have human rights protections to take into account, particularly the right to live, the right to be safe, the right to freedom from discrimination, and the right to equal protection of the law. Nearly 1,000 people are killed by police each year, by firearm, according to the [Washington Post's Fatal Force database](#). In 2014, Congress passed the Death In Custody Reporting Act (DICRA) into law. The law requires that states receiving funds for local law enforcement under the Omnibus Crime Control and Safe Streets Act of 1968 as well as the heads of federal law enforcement agencies report deaths that occur in their custody to the Attorney General. In order to receive these Department of Justice (DOJ) funds, states and federal law enforcement agency heads must complete reporting on a quarterly basis. To date, the DOJ has yet to fully implement DICRA, thus some of the best data available detailing people killed by police each year comes from sources like the Washington Post.

Like other areas of the criminal justice system, people of color are overrepresented among those killed by police, particularly Black people. While we entrust police with the authority to use serious and even lethal force to preserve life, [Amnesty International's 2015 Deadly Force report](#) surveyed police use of force laws in every state and found that all states fail to comply with international laws and standards on the use of lethal force by law enforcement. The federal standard fails to comply as well. U.S. domestic laws authorizing police use of force do not adequately reflect core principles that seek to preserve life, such as necessity, proportionality, legality and accountability. These principles are required to meet international standards for use of force, helping to prevent excessive force that too often results in unnecessary killings at the hands of police.

The following briefs offer recommendations on what the next White House Administration can do to offer protection for some of those most at risk in our world.

TALKING POINTS

- Nobody knows how many people are shot and killed by police officers because the federal government does not currently collect nor report this data. Fully implementing the Death in Custody Reporting Act would result in the annual publication of this information and give the public and lawmakers a more accurate understanding of the gravity of this devastating issue.
- Black people are disproportionately impacted by police killings. While Black people make up

approximately 13% of the U.S. population, the Washington Post's Fatal Force data found that 22% of people killed by police in 2019 were Black.

- Limiting police use of force in law helps restore public trust in police particularly from communities of color overrepresented in these kinds of killings. It would provide avenues for accountability when force is found to be have been used unlawfully.
- Studies show more restrictive use of force policies reduce police killings and don't risk police officers' safety.
- In the past few years Washington State and California have both passed laws to restrict police use of force. It's time we address this life or death issue at all levels of government. When law enforcement is authorized to kill, your right to live shouldn't be determined by your zip code.

RECOMMENDATIONS

- The Department of Justice should ensure the collection and publication of nationwide statistics on police shootings in accordance with the Violent Crime and Enforcement Act (1994) and fully implement the Death in Custody Reporting Act (2014). The Data collected should be disaggregated on the basis of race, gender, age, nationality, sexual orientation, gender identity, and Indigenous status. Further, the White House should call on the FBI to change reporting to their National Use of Force (by law enforcement) data collection, which is currently collected voluntarily, to make it mandatory, and ensure the FBI publishes this information at least annually.
- The Department of Justice should ensure that all federal law enforcement agencies' policies on use of force comply with international law and standards for the use of force by law enforcement, that is that law enforcement should reserve deadly force as a last resort, in order to prevent death or serious bodily injury to the officer or another person.
- The President should reinstate the Obama era executive order banning the transfer of 1033 program, or surplus military equipment, to local law enforcement.

ADDITIONAL RESOURCES

- HR 4359: Police Exercising Absolute Care with Everyone Act of 2019 or PEACE Act" (September 2019) (available [here](#))
- Deadly Force: Police Use of Force in the United States" (June 2015) (availalbe [here](#))
- "Use of Force: Guidelines for Implementation of the UN Basic Principles of The Use of Force and Firearms by Law Enforcement" (August 2015) (available [here](#))

FOR MORE INFORMATION, PLEASE CONTACT:

Kristina Roth
Senior Advocate, Criminal Justice Program
(202) 945-2021
KRoth@aiusa.org

CONTACTS

THEMATIC

ARMS SALES

Philippe Nassif
(202) 675-8755
PNassif@aiusa.org

ASYLUM ACCESS

Charanya Krishnaswami
(202) 675-8766
CKrishna@aiusa.org

CLIMATE CRISIS

Zeke Johnson
(646) 853-9779
ZJohnson@aiusa.org

DEBT RELIEF

Adotei Akwei
(202) 509-8148
AAkwei@aiusa.org

FREEDOM OF EXPRESSION

Justin Mazzola
(212) 633-4209
JMazzola@aiusa.org

GENDER, SEXUALITY, AND IDENTITY / INDIGENOUS RIGHTS

Tarah Demant
(202) 509-8180
TDemant@aiusa.org

MULTILATERAL AND INTERNATIONAL ORGANIZATIONS

Daniel Balson
(202) 509-8132
DBalson@aiusa.org

PRISONERS OF CONSCIENCE

Andrew Fandino
(202) 509-8183
AFandino@aiusa.org

REFUGEES

Ryan Mace
(202) 509-8185
RMace@aiusa.org

SURVEILLANCE

Michael Kleinman
(501) 989-2388
MKleinman@aiusa.org

UNIVERSAL HEALTHCARE

Zeke Johnson
(646) 853-9779
ZJohnson@aiusa.org

U.S. GUN VIOLENCE

Jasmeet Sidhu
(202) 832-1832
JSidhu@aiusa.org

U.S. HEALTH AND ESSENTIAL WORKERS

Denise Bell
(917) 683-8584
DBell@aiusa.org

U.S. KILLINGS OF BLACK PEOPLE

Kristina Roth
(202) 945-2021
KRoth@aiusa.org

ALL OTHER INQUIRIES

Joanne Lin
(202) 509-8151
JLin@aiusa.org

CONTACTS

REGIONAL

AFRICA

Adotei Akwei
(202) 509-8148
AAkwei@aiusa.org

AMERICAS

Charanya Krishnaswami
(202) 675-8766
CKrishna@aiusa.org

ASIA

Joanne Lin
(202) 509-8151
JLin@aiusa.org

EUROPE AND CENTRAL ASIA

Daniel Balson
(202) 509-8132
DBalson@aiusa.org

MIDDLE EAST AND NORTH AFRICA

Philippe Nassif
(202) 675-8755
PNassif@aiusa.org

ALL OTHER INQUIRIES

Joanne Lin
(202) 509-8151
JLin@aiusa.org

**AMNESTY
INTERNATIONAL**

**AMNESTY
INTERNATIONAL**

