



April 09, 2019

Senator Cory Gardner  
354 Russell Senate Office Building  
Washington, DC 20510  
Subcommittee on East Asia, the Pacific,  
and International Cybersecurity Policy  
Subcommittee

Senator Ed Markey  
255 Dirksen Senate Office Building  
Washington, D.C. 20510  
Subcommittee on East Asia, the Pacific,  
and International Cybersecurity Policy  
Subcommittee

**Re: April 9 hearing on “ARIA in Action, Part 1: Human Rights, Democracy, and the Rule of Law**

Dear Chairman Gardner, Ranking Member Markey, and Members of the Subcommittee:

On behalf of Amnesty International USA and our more than two million supporters and members nationwide, we submit this statement for the hearing record.

Over the past couple of years countries in the Indo-Pacific region have backslided in implementing their international human rights commitments. The U.S. Congress has a crucial role to help spotlight these problems and, when appropriate, use U.S. diplomatic and economic tools to help reverse them. In particular, we have noticed three significant trends taking place in the region – the closing space for civil society, exemplified by the harrassment, detention, or killing of human rights defenders and independent journalists; the systematic and egregious oppression of Muslim minority groups; and the continuing lack of accountability and justice with respect to the perpetrators of those rights abuses, leading to a culture of impunity in the Indo-Pacific.

The Senate Foreign Relations Committee, in particular the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy will face a multitude of vexing human rights challenges in the Indo-Pacific region that will require the United States Congress to have a comprehensive human rights strategy with respect to the region. U.S. national security and

moral interests require that both Congress and the Executive Branch have a unified, clear and well-resourced human rights policy when it comes to the Indo-Pacific. The rights-based international order requires U.S. leadership to be engaged in protecting and promoting human rights both at home and abroad.

One of the key reasons that human rights matter for U.S. national security interests are clear. Countries in the Indo-Pacific that respect the rights of their people are more likely to be stable functioning societies and prosper economically. Asia is one of the most ethnically, racially, politically, and economically diverse regions in the world, in which people must be empowered to voice their grievances. When minority groups are not protected and are even actively targeted, not only are human rights violated, but also the political and economic structures that sustain them are put at risk.

In the Indo-Pacific we have seen governments attacking and campaigning against civil society actors such as human rights organizations, activists, and defenders, all of which play an important role in checking rights-abusing governments. In China, we have seen the Foreign NGO Management Law used to impose increased restrictions on foreign and domestic NGOs in terms of registration, reporting, banking, and hiring requirements, and fundraising. As quoted in a new report that Amnesty International published in February, an NGO in southern China described the chilling effect the law has had and said some of the “international funders that financed the organizations focusing on advocacy ... have pulled out of China considering the legal risks involved... The law has had detrimental effects on the development of civil society in China, and the situation is irreversable in the foreseeable future.”<sup>1</sup> In India, Amnesty International and other civil society organizations have recently come under attack by the Indian government. With their accounts partially frozen, Amnesty India’s vital human rights work has run into serious difficulties and the organization now faces a crisis as to its ability to effectively do human rights work.<sup>2</sup> Throughout the region we have seen free press come under attack simply for doing its job.

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<sup>1</sup> Amnesty International, “Laws Designed to Silence,” February 2019, p.g. 35, <https://www.amnestyusa.org/reports/laws-designed-to-silence-the-global-crackdown-on-civil-society-organizations/>

<sup>2</sup> Amnesty International, “Amnesty India Target of Government Crackdown,” October 2018, <https://www.amnestyusa.org/press-releases/amnesty-india-latest-target-of-government-crackdown/>

Human rights defenders, lawyers, journalists, academics and others have found themselves the target of state repression – from an unprecedented crackdown on freedom of expression in China to sweeping intolerance of dissent in Cambodia and Thailand and enforced disappearances in Bangladesh and Sri Lanka. High profile cases like the Myanmar Reuters journalists Wa Lone and Kyaw Soe Oo or Maria Ressa, executive editor of online news outlet Rappler in the Philippines, illustrate that rights abusers see a independent press as antithetical to their goals <sup>3</sup>.

In addition, nationalist and Islamophobic forces have taken hold in parts of the Indo-Pacific region, resulting in systematic and egregious violations of the rights of Muslim minorities in ways not seen for many years. In Myanmar, Buddhist nationalists have campaigned against the citizenship claims of members of the Rohingya minority. This is part of a regime of long-term systematic discrimination and persecution, by which the Rohingya have been deprived of their right to a nationality via an array of discriminatory laws, policies, and practices. This discriminatory system also facilitated the crimes under international law perpetrated by the Myanmar security forces. Since August 2017, they have killed thousands of Rohingya, including young children; raped and committed other acts of 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 Rohingya villages in a targeted and deliberate manner. <sup>4</sup>

In the Xinjiang Uighur Autonomous Region, intrusive surveillance, arbitrary detention, political indoctrination and forced cultural assimilation are carried out targeting Uighurs, Kazakhs and other predominantly Muslim ethnic minority groups, with the goal to replace religious affiliation and ethnic identity with secular, patriotic political allegiance. There are

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<sup>3</sup> Amnesty International, “Myanmar: Case against Reuters Journalists Upheld as Media Restrictions Intensify,” April 2018, <https://www.amnestyusa.org/press-releases/myanmar-case-against-reuters-journalists-upheld-as-media-restrictions-intensify/>

<sup>4</sup> Amnesty International, “We Will Destroy Everything: Military Responsibility for Crimes against Humanity in Rakhine State, Myanmar” June 2018, <https://www.amnestyusa.org/wp-content/uploads/2018/06/Amnesty-We-Will-Destroy-Everything.pdf>

estimates of up to one million people reportedly being detained for so-called “transformation-through-education”.<sup>5</sup> Sri Lanka on the other hand is grappling with Sinhalese nationalism, making efforts to pursue truth, justice, and reconciliation initiatives challenging and slow. While this does not describe all the drivers for why the Rohingya and Uighurs, Kazakhs and other ethnic Muslim groups are being oppressed they certainly help illustrate common threads we are seeing throughout the region.

Finally, there continues to be an accountability vacuum in the Indo-Pacific region, where security forces that violate human rights are allowed to act with impunity. In the Philippines we are witnessing the third year of President Duterte’s unchecked drug war, which has entailed actions that may amount to crimes against humanity.<sup>6</sup> Despite mounting evidence of atrocities in Myanmar, the international community, including the United States, has failed to take effective action or send a clear message that there will be accountability for the military’s crimes. In Indonesia’s Papua province there has been a lack of accountability for unnecessary or excessive use of force during mass protests or other security operations. The Philippines and Malaysia governments have pulled out of the Rome Statute of the International Criminal Court, and there are no meaningful regional or national institutions able to hold perpetrators accountable, allowing impunity to become widespread and entrenched.

The United States Congress took an important step in including certain provisions in Title IV of the Asia Re-Assurance Initiative Act (P.L. 115-409).<sup>7</sup> Three areas that are cross-cutting and crucial to implement a comprehensive human rights strategy in the Indo-Pacific include personnel, regional institutions, and a focus on youth exchanges; however, questions remain on implementation and whether political will exists within the Administration to see it through.

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<sup>5</sup> Amnesty International, “China: “Where Are They?”: Time for Answers about Mass Detentions in the Xinjiang Uighur Autonomous Region” September 2018, <https://www.amnesty.org/en/documents/asa17/9113/2018/en/>

<sup>6</sup> Amnesty International, “If You Are Poor, You Are Killed: Extrajudicial Executions in the Philippines’ “War on Drugs”” January 2017, <https://www.amnesty.org/download/Documents/ASA3555172017ENGLISH.PDF>

<sup>7</sup> P.L. 115-409, Asia Reassurance Initiative Act of 2018, 12/31/2019 became Public Law, <https://www.congress.gov/bill/115th-congress/senate-bill/2736/text#toc-HC32034D917FB4A08B5958C6C23C9CF0C>

The Asia Re-Assurance Initiative Act (ARIA) law mandates that embassies and consulates in the Indo-Pacific region should have adequate resources and personnel to report on and advance United States human rights policy interests. The Government Accountability Office report on democracy in Myanmar demonstrates how staffing embassies with human rights personnel who report to the Bureau of East Asian and Pacific Affairs can lead to oversight on important human rights programming.<sup>8</sup> Challenges sometimes arise because raising human rights issues can undermine the access of regional bureaus to governments, but integrating personnel in multiple agencies and bureaus would hedge against that possibility. Congress would be well placed to take it a step further and make sure that the United States Indo-Pacific Command should also have a senior-level human rights officer that engages with combatant commanders to ensure that the military respects human rights and adheres to international law. This position would be best served by a civilian at an experience level equivalent to a GS-15. This applies to USAID, the Treasury Department, and U.S. financial institutions as well. The State Department's traditional diplomacy is one way to raise human rights challenges, but in the Indo-Pacific, these challenges also come into play in defense and economic relationships go farther. As such, the expertise on East Asia and the Pacific within the Bureau of Democracy, Human Rights, and Labor should cross-cut into these various other U.S. government bureaucracies.

The State Department is required within the coming weeks to report on a strategy on how to use ASEAN bodies to support human rights norms in the region. The United States should use ASEAN's convening power to bring human rights groups to the sidelines of the East Asia Summit and various U.S.-ASEAN dialogues, as well as at the foreign minister meetings leading up to them. Human rights need to be discussed in all bilateral and multilateral forums, even those that may not typically touch on human rights, such as the negotiation of trade agreements, the Shangri-La Dialogue, the ASEAN Regional Forum, and even the Asia-Pacific Economic Cooperation, the ASEAN Defence Ministers' Meeting, and the ASEAN Defence Ministers' Meeting-Plus.

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<sup>8</sup> Government Accountability Office, "U.S. Democracy Assistance in Burma: USAID and State Could Strengthen Oversight of Partners' Due Diligence Procedures," 2017,

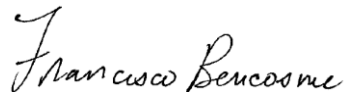
<https://www.gao.gov/assets/690/686272.pdf>

ARIA also recognizes harnessing the power of youth and exchanges can help complement U.S. civil society engagement. The Young Southeast Asian Leaders Initiative (YSEALI) is the United States' hallmark regional exchange program to build leadership development, youth civic engagement, and networking in Southeast Asia. ARIA has the State Department build on the model of YSEALI and launch a network of young Indo-Pacific activists who focus on human rights issues. The initiative fittingly targets youth, given that 65% of the population in Southeast Asia is under the age of 34, but it should be expanded in geographic scope and narrowed in areas of expertise. These networking opportunities allow human rights activists to build best practices, share networks, and help train a generation of activists in the Indo-Pacific human rights community. Congress began to lay the foundation for this in the ARIA, but implementation and appropriations funding for these types of programs remain uncertain.

If the free and open Indo-Pacific concept is to be imbued with the values, principles, and norms that the United States, its allies, and its partners in the region see as underpinning the regional order, then it must also include universal human rights. If the United States does not support a vision of a region that includes human rights through bold new policies and initiatives, the free and open Indo-Pacific risks becoming yet another hollow concept. Thus, Congress and the Executive Branch should ensure that efforts to realize this vision include a comprehensive and innovative human rights strategy.

For more information, please contact Francisco Bencosme by phone at: (202) 845-5075 or email at: [fbencosme@aiusa.org](mailto:fbencosme@aiusa.org).

Sincerely,

A handwritten signature in black ink that reads "Francisco Bencosme". The signature is written in a cursive, flowing style.

Francisco Bencosme  
Advocacy Manager for Asia  
Advocacy and Government Affairs