



**Questions for Senate Foreign Relations Committee Nomination Hearing for Ms.  
Kimberly Breier to be an Assistant Secretary of State (Western Hemisphere Affairs)**

**June 13, 2018**

Amnesty International is a Nobel Peace Prize-winning global movement for human rights, with 7 million supporters worldwide—including 1.2 million in the United States. We are independent of any political ideology, economic interest or religion. We investigate abuses, lobby governments to make sure they respect international law, and mobilize millions of supporters to campaign for change. We speak out for anyone and everyone whose freedom and dignity are under threat.

We urge you to vigorously question Ms. Breier to ensure she supports the U.S. Constitution, embody American ideals of inclusion and respect for all individuals, uphold U.S. democratic processes and institutions, and respect the nation’s human rights obligation.<sup>1</sup>

The Trump Administration and Congress should appoint individuals to public office with a view to ensuring that the government is committed to respecting and upholding United States’ obligations under international human rights and humanitarian law.

Reprioritization of Human Rights in U.S Foreign Policy

In an [open letter](#) to all members of the Organization of American States, in which the United States is a member, Amnesty International cautioned that significant social, economic and participatory divides endure in the Western Hemisphere and that difficult challenges remain regarding access to justice, impunity and respect for human rights.

**Do you believe that human rights must be the connecting thread in U.S. foreign policy?**

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<sup>1</sup> [Amnesty International USA et al., Statement of Principles Regarding the Suitability of Nominees for Senate-Confirmed Positions, 13 December 2016](#)

**Do you believe human rights must be reprioritized in the development of public policy in the Americas to holistically address the region's most concerning situations?**

On April 20th the U.S Department of State released the 2017 Country Reports on Human Rights Practices. In the past, the reports have represented a significant human rights effort by the State Department staff and in U.S embassies around the world to educate readers about human rights conditions in different countries and help reinforce human rights norms. According to which, States are obligated not only to respect and protect the rights of people, but also to fulfill those rights. States are bound to prevent and punish human rights violations perpetrated not only by state actors, but also by non-state actors as well.

[According to Amnesty International](#) this “year’s reports have been overshadowed by an unprecedented and alarming level of politicized editing by the Trump administration that undermines the credibility of the reports — and worse, undermines the human rights they are intended to promote and support.” Scaling back reporting on women’s rights, LGBTI rights, and other rights to non-discrimination does not erase States’ obligations to hold non-state actors and individuals to account.

The principle of non-discrimination is paramount to the realization of human rights. In the Western Hemisphere the non-compliance with this principle leads to human rights violations as the disproportionate killings of black youth by military police in Brazil, the situation of stateless people in the Dominican Republic, and the treatment of minorities afro-descendants and indigenous peoples throughout the hemisphere.

For the first time since its inception, the 2017 Country Reports omitted from its Dominican Republic chapter that “the most serious human rights problem was widespread discrimination against Haitian migrants and their descendants.”<sup>2</sup> Yet the removal of these mentions doesn’t erase the fact that structural discrimination is the reason at least 135,000 individuals remain stateless in the Dominican Republic.

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<sup>2</sup> State Department: Bureau of Democracy, Human Rights, and Labor. 2016. "Country Report on Human Rights Practices for 2016."

**As Assistant Secretary for WHA, would you commit to publicly denounce racial discrimination policies that prevent a solution to statelessness in the Dominican Republic?**

**The U.S Embassy in the Dominican Republic was supporting drafting of anti-discrimination legislation in the Dominican Republic. Would you commit the US Embassy in the Dominican Republic be re-engaged on those efforts?**

On May 21, 2018 Brazilian Acting Minister of Foreign Affairs and Deputy Secretary Sullivan launched the U.S.-Brazil Permanent Forum on Security. State Department press release announced that the initiative aims to foster consistent cooperation between the United States and Brazil on fighting transnational crime, strengthening of collaboration of law enforcement and security agencies in both countries. Brazil official figures showed that on-duty police officers killed more than [1,035](#) people in Rio de Janeiro state alone in in 2017.

In Brazil many individuals have been victims of extrajudicial executions after police or joint police and military operations that are supposed to fight organized crime and drug trafficking. Residents of unprivileged communities have been long stigmatized as they are treated as criminals, verbally and physically abused, and their deaths are counted as collateral damage or described as having resulted from police acting in self-defense.

**Last October Brazilian President enacted a law that would allow for human rights violations committed by the military against civilians to be tried in military courts, at odds with Brazil human rights obligations. What are the safeguards put in place that USG is not collaborating with security agencies implicated in extrajudicial execution? Are defense articles sold by the U.S. being used by Brazilian police forces or for the civilian market? Which ones?**

**Does the USG have supply contracts with Brazilian law enforcement bodies? Is so, which ones?**

[Human Rights Defenders](#)

A human rights defender (HRD) is someone who, individually or in association with others, acts to defend or promote universal human rights and fundamental freedoms. An HRD does this peacefully, without advocating hatred, discrimination or violence. They come from all walks of life; they may be, elected officials, journalists, lawyers, indigenous peoples leaders, teachers, women's or LGBTQ rights activists.

Human Rights Defenders play a key role in defending the principles of freedom, justice and dignity and when they are attacked, the human rights of everyone are undermined. Human rights defenders in Brazil, Colombia, Cuba, Guatemala, Honduras, Nicaragua, Cuba, Venezuela along with other countries in the region, are often victims of insulting, stigmatizing and discriminatory language. Many of the death threats and human rights violations faced by these activists are a direct result of smear campaigns advanced by their own governments. These campaigns not only threaten the lives of citizens but discourage any form of free and open activism.

**In 2017 there were over 493 attacks against human rights defenders in Guatemala, including the murder of over 52 HRDs. Just last month alone, another seven HRDs have been killed. What specifically will WHA do to ensure that Guatemalan authorities take immediate and effective measures to protect human rights defenders and launch thorough, impartial and independent investigations into all attacks against them?**

Those human rights defenders who work on land, territory and the environment are among the most targeted. Of concern is the role that large multi-national corporations have played in the targeting of human rights defenders with smear campaigns and threats, that have contributed greatly to an atmosphere of hostility and violence against these very same human rights defenders.

**What will you do as the head of WHA to ensure that companies like Tahoe Resources and Kappes, Cassidy & Associates do not violate national and international law AND undermine the rule of law in Guatemala by deliberately and directly lobbying U.S and Guatemalan officials to overrule just court rulings in favor of companies?**

**Will you support U.S arbitration with Guatemala even when the known company involved is responsible for human rights violations, widespread corruption, undermining the rule of law, and violating both domestic and international law?**

**What steps would you take to lead WHA policies to discourage the use of smear campaigns by governments and condemn countries that use rhetoric to undermine their human rights defenders?**

The rights of human rights defenders are currently under attack in Colombia. With U.S assistance, Colombian authorities have been able to reduce this violence and strengthen protections for those at risk. Despite this collaboration, the Colombia Office of the U.N. High Commissioner for Human Rights (UNHRO) recorded that attacks against human rights defenders in Colombia have increased by thirty percent over the past year.

**Do you believe that it is the Colombian government's responsibility to prioritize the dismantling of non-state organizations that seek to endanger human rights defenders?**

**How will WHA work with the incoming Colombia administration to expand the protection of human rights defenders?**

### [Refugees and Asylum Seekers](#)

We are currently amidst the worst displacement crisis in recorded history, with over 65.6 million people forcibly displaced worldwide including 22.5 million refugees. Half of the refugee population are under the age of 18. A longstanding humanitarian crisis continues in the Northern Triangle region of Central America which has caused significant internal displacement and regional pressures.

The Trump administration had adopted policies and practices that seem designed to strip human rights protections from millions of people. Recently, humanitarian program like the Temporary Protective Status (TPS), which allowed Honduran, Salvadoran, Haitian and Nicaraguan nationals to reside and work legally in the United States, and the Deferred Action

for Childhood Arrivals (DACA), which granted temporary legal status to 700,000 young immigrants, have been cancelled, despite U.S Embassy staff cables recommending otherwise.

**Would you commit to work with this Committee towards the reinstatement of TPS status to El Salvador, Honduras and Haiti?**

**Would you commit to work with this Committee and other agencies to find a permanent solution to TPS holders, including more than 200, 000 U.S. citizen children?**

Attorney General Jeff Sessions recently encouraged the use of family separation as a security tactic on the southern border. The separation of children from their parent/legal guardian is a violation of international law and disregards the rights of family unit.

This Committee also oversees that the U.S. government abides by its human rights obligations. Under international law, non-admission of asylum-seekers at the border directly violates the principle of *non-refoulement*, which is binding on the U.S. as a party to the 1967 Protocol of the 1951 UN Convention Relating to the Status of Refugees and as a principle of international customary law. The *non-refoulement* principle, provided for in Article 33 of the Convention, establishes that states must not return persons to territories where their “life or freedom” would be threatened.

**Do you recognize there is a refugee crisis in the Norther Triangle of Central America?**

**Will you commit that this administration upholds U.S. and international law obligations, including the prohibition on separating children from their parents/guardians?**

**Pretending that there is not a refugee crisis in Central America will not solve the problem. Would you commit to work with this Committee and leaders in the region to tackle the root causes of the region’s refugee crisis?**

[U.S Foreign Assistance](#)

This Committee has the duty to shape U.S. foreign assistance policy that addresses regional refugee and human rights challenges.

**Would you commit to discourage U.S. support for military role in law enforcement, especially in Brazil, Colombia, Honduras, Guatemala, El Salvador and Mexico?**

**Would commit to promote assistance for Central America that and focus on programs that facilitate implementation of reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary, and social inclusion programs?**

**Would you support foreign assistance that foster implementation of policies to ensure that local communities, civil society organizations, including indigenous and other marginalized groups, and local governments are consulted in the design, and participate in the implementation and evaluation of programs that affect them?**

**Would you encourage the investigation and prosecution in the civilian justice system of government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensure that such personnel are cooperating in such cases?**