

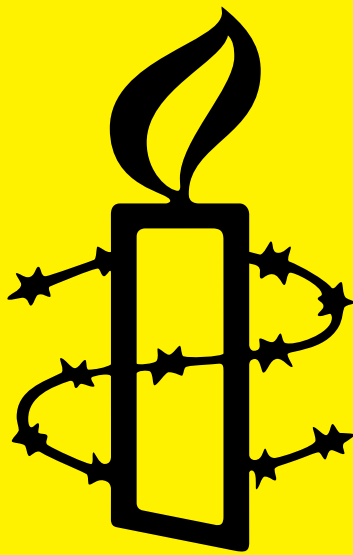



PRESIDENTIAL ELECTION 2020

THEMATIC ISSUE BRIEFS

**AMNESTY
INTERNATIONAL**





←  **COVER PHOTO:** A young girl reaches for the hand of an unseen person through an opening at the U.S./ Mexico border.
© Herika Martinez/ AFP via Getty Images

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INTRODUCTION: HUMAN RIGHTS AND THE 2020 U.S. ELECTIONS

2020 is a crossroads year for human rights, both in the U.S. and abroad. Around the world, authoritarian forces are gaining traction and strength, cracking down on peaceful dissent and free expression. Governments are failing to address existential threats to our human rights – including civil war, climate change, political corruption, and rising inequality. The world is confronted with the highest displaced population in history, at a time when governments are increasingly closing their doors to migrants and refugees seeking safety. These human rights crises are rocking every region of the globe, at a time when the international community's resolve to tackle these crises are on the decline.

No matter the outcome of the 2020 presidential election, U.S. leaders will be critical in protecting – or weakening – human rights both at home and abroad.

What choices should U.S. national leaders make to defend and advance human rights? Amnesty International strives to answer this question each and every day. Amnesty International is the world's largest grassroots human rights organization, with millions of members and supporters worldwide. We engage in policy advocacy, public education, and activism to demand human rights protections for all people – no matter who they are or where they come from. Our researchers document human rights violations in war zones and hot spots across the globe.

Ahead of the 2020 elections, **Amnesty International is pleased to present these policy recommendations, which will serve as a blueprint for foreign and domestic policies that protect human rights.** Our recommendations span domestic and global spheres, ranging from regulating U.S. gun sales, to ending U.S. arms sales that fuel war crimes abroad, to building a humanitarian protection system that addresses the needs of people at the U.S. border as well as those seeking safety across the globe. Our policy recommendations are informed by firsthand documentation conducted by Amnesty researchers worldwide as well as the policy expertise of Amnesty's national advocates and specialists.

Amnesty International welcomes the opportunity to engage with you further on these recommendations. We look forward to working with you to protect and promote human rights, in this new decade and beyond.

Sincerely,



Joanne Lin

National Director of Advocacy and Government Relations

**THEMATIC
ISSUE BRIEFS**



ARMS TRADE REGULATIONS

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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 US 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 US 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.

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ASYLUM ACCESS AT THE U.S./ MEXICO BORDER



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THE ISSUE:

Seeking asylum is a human right. But in recent years, people in search of safety at the U.S./ Mexico 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 violence.

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.

Offshoring asylum. The United States has forced tens of thousands of people seeking safety at our border to wait in dangerous, precarious conditions in Mexico. Under a regime known as “metering,” asylum-seekers are forced to place their names on illegal waiting lists to apply for asylum at ports of entry. 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 also 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 July, it announced a blanket interim final rule that would wrongfully deny asylum to any national of any country who passed through a third country on the way to the United States – ignoring the grave dangers many asylum-seekers face in common countries of transit.

Criminalizing asylum. 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 US authorities both before and after that policy. In addition, thousands of asylum-seekers, including families and unaccompanied children, have been locked up in detention facilities, including growing numbers of for-profit facilities. Policies of forcible separation and detention in jail-like conditions punish people for seeking safety in the United States. Even humanitarian aid workers and lawyers working with asylum-seekers have been criminalized, targeted, surveilled, and harassed for their lifesaving work.

Denying protection to people who need it. The administration has also sought to deny refuge to people who need it, including by radically rewriting asylum laws to prevent survivors of gender- and gang-based violence from accessing the protection they deserve and by banning people from seeking asylum based on how they entered the country.

TALKING POINTS:

Seeking asylum is a human right, and the protection of asylum-seekers is a U.S. value exemplified by the Statue of Liberty. By reestablishing a fair and just asylum system, the United States can reassert its leadership and restore its standing in the world.

RECOMMENDATIONS:

- Rescind disastrous policies restricting access to asylum at the border, including metering, Remain in Mexico, unsafe third country agreements, and bans on asylum based on manner of entry or previous transit through other countries. (DHS, DOJ/EOIR, U.S. Department of State)
- Issue guidance clarifying that the asylum definition should be broadly construed to protect individuals from persecution at the hands of non-state actors as well as state actors. (DOJ/EOIR, DHS)
- Reform the reception and adjudication process for asylum-seekers, including by adequately training and staffing the asylum officer and immigration judge corps, deploying child welfare experts to the border to manage cases of asylum-seeking families, and promoting access to government-appointed legal counsel for asylum-seekers. Law enforcement officials, including Customs and Border Protection officers, should under no circumstances be involved in the adjudication of any aspect of an asylum claim. (DHS, DOJ/EOIR)
- Cease the detention of asylum-seekers and families, including by
 - ◇ Issuing guidance clarifying that asylum-seekers generally should not be subject to detention absent an individualized determination that detention is necessary to prevent an immediate danger or potential flight risk (DHS, DOJ)
 - ◇ Restoring and prioritizing community-based alternatives to detention like the Family Case Management Program (DHS)
 - ◇ Eliminating for-profit immigration detention (DHS, HHS)

ADDITIONAL RESOURCES:

- “Saving Lives is Not a Crime” (July 2019), about the targeting of lawyers and advocates at the Mexico/ U.S. border (available [here](#))
- “No Home for Children” (June 2019), about unaccompanied children detained at the largest and only for-profit child detention facility in the country (available [here](#))
- “You Don’t Have Any Rights Here” (October 2018), about attacks on asylum at the U.S./ Mexico border (available [here](#))

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AUTONOMOUS WEAPONS SYSTEMS



CAMPAIGN TO **STOP**
KILLER ROBOTS

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THE ISSUE:

Over the past decade, there have been extensive advances in artificial intelligence (AI) and other technologies. AI is being incorporated in nearly all aspects of our lives, in sectors as diverse as healthcare, finance, travel, and employment. Another sphere where AI innovation is occurring at a rapid pace is in the military and law enforcement spheres, making possible the development and deployment of fully autonomous weapons systems which, once activated, can select, attack, kill and wound human targets without meaningful human control. These weapons systems are often referred to as Lethal Autonomous Weapons Systems (LAWS) and, more comprehensively, ‘Autonomous Weapons Systems’ (AWS), which encompass both lethal and less-lethal systems.

The rapid development of these weapons systems could not only change the entire nature of warfare, it could also dramatically alter the conduct of law enforcement operations and pose extremely serious human rights risks.

TALKING POINTS:

- Countries around the world, including the US, are heavily investing in and developing weapons with increasing autonomy—this raises serious legal, ethical, accountability and security concerns.
- There should be a prohibition on so-called “autonomous weapons systems” in order to ensure meaningful human control over weapons systems.
- An autonomous weapons system without human oversight cannot distinguish between combatants and civilians, which is a breach of international human rights law.
- In law enforcement operations, the use of lethal and less-lethal autonomous weapons systems without meaningful human control will result in unlawful killings and injuries.
- Autonomous weapons systems threaten various fundamental human rights, most notably, the right to life.
- Autonomous weapons systems are also vulnerable to design failures, errors, hacking, spoofing and manipulation, making them unpredictable.
- Autonomous weapons systems are also vulnerable to being used by unscrupulous actors, including non-state actors.

RECOMMENDATIONS:

- Publicly support the commencement of negotiations for an international treaty which ensures that meaningful human control is retained over the use of force by prohibiting the development, production, transfer and use of AWS.

ADDITIONAL INFORMATION:

- Amnesty International. (2015). Autonomous Weapons Systems: Five Key Human Rights Issues for Consideration. <https://www.amnesty.org/en/documents/act30/1401/2015/en/>
- Center for New American Security. (2016). Autonomous Weapons and Operational Risk. <https://www.cnas.org/publications/reports/autonomous-weapons-and-operational-risk>.
- Human Rights Watch. (2018). Heed the Call: A Moral and Legal Imperative to Ban Killer Robots. <https://www.hrw.org/report/2018/08/21/heed-call/moral-and-legal-imperative-ban-killer-robots>

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CORPORATE RESPONSIBILITY FOR HUMAN RIGHTS

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THE ISSUE:

While companies can be a force for good, many are implicated in human rights abuses around the world. Attacks on human rights defenders confronting corporate human rights abuses are on the rise: this includes activists challenging corporate practices overseas and within the United States. Activists have been killed, jailed and harassed, including through Strategic Litigation Against Public Participation (SLAPPs). The U.S. government has inadequate, inconsistent and unenforced human rights standards for corporations, including their own government contractors, from the arms industry to the private immigration detention industry, to companies that supply goods to the government. Corporate complicity in abuses also includes environmental violations such as contributing to climate change and violation of Indigenous rights such as the failure to secure free, prior, and informed consent from Indigenous communities when business projects are proposed for Indigenous lands.

According to the UN Guiding Principles on Business and Human Rights, all companies must ensure that their business activities do not harm human rights. They must undertake a due diligence process to assess and address their actual and potential human rights impacts and communicate the measures they have taken. Furthermore, governments must ensure that companies fulfill their human rights responsibilities and hold them to account when they are complicit in human rights abuses. Binding human rights standards, including mandatory human rights due diligence, should be incorporated at all levels of government policy, including those related to procurement, trade, development and international financial institutions.

Companies must also be held accountable for their failure to identify and address negative human rights impacts associated with the different aspects of their business operations, including supply chains, investments and financing. Corporations can never be above or beyond the law. Where they have violated the law, they should face civil and criminal responsibility for their actions.

RECOMMENDATIONS:

The White House should convene an interdepartmental committee to develop a plan to implement mandatory human rights due diligence standards for business operations, investments, business relations and global supply chains at the national level. Among the issues the committee should address include:

- Introducing a corporate duty of care towards individuals and communities affected by companies' global operations;
- Tackling obstacles to access to remedy for victims of business-related human rights harm;

- Holding US institutions to account when they fail to implement their human rights responsibilities under the UN Guiding Principles on Business and Human Rights and other relevant international standards for responsible corporate conduct;
- Ensuring that trade policies and agreements are not harmful to the enjoyment of human rights within and outside of the US;
- Ensuring the protection of human rights defenders and fostering an enabling environment for their efforts;
- Enabling a positive engagement with the process towards the establishment of a legally binding instrument on business and human rights at the United Nations.

The Executive should publicly release an annual report for public accountability on progress towards the implementation of mandatory due diligence standards.

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CLIMATE CRISIS

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THE ISSUE:

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 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. In fact, scientists are as certain of the link between greenhouse gases and global warming as they are of the link between smoking and lung cancer.

THE HUMAN COST:

Marinel Sumook Ubaldo was 16 when she knew she had to find a way to protect herself and her community in the Philippines from the disastrous effects of climate change. On November 13, 2013, she survived Typhoon Yolanda – one of the deadliest typhoons on record. It destroyed her village and over 6,000 people died in the Philippines alone and millions lost their homes. The Philippine government has not done enough to support survivors and has left them to live in unhealthy conditions where it is hard to earn a livelihood. But Marinel remains dedicated to ensuring governments around the world confront the climate crisis and support survivors like her and her community.

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 peoples without consulting them and getting their consent.

The United States has been one of the biggest drivers of the climate crisis and yet the current U.S. administration has not only failed to address the crisis, it has denied that there is a problem and pulled out of the Paris climate agreement. The US must change course immediately.

RECOMMENDATIONS:

Put in place federal policy to ensure that the United States cuts its greenhouse gas emissions in half by 2030 and phases out fossil fuels well before 2050, through a just transition to green energy that respects the human rights of all people.

TIME URGENCY:

The urgent need to address the climate crisis has become even clearer with the release of a major report in 2018 by the world's leading scientific body for the assessment of climate change, detailing 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.

ADDITIONAL RESOURCES:

- Amnesty International: Climate Change and Human Rights <https://www.amnesty.org/en/what-we-do/climate-change/>
- Amnesty International: The Case of Marinel Sumook <https://write.amnestyusa.org/cases/fighting-to-save-her-community/>

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CONSUMER PRIVACY

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THE ISSUE:

Two companies control the primary channels that Americans rely on to engage with the internet. Over two-thirds of the American population now uses Facebook and Google each month.

Facebook is the United States' dominant social media company, used by 220.5M Americans each month. Facebook's influence extends beyond the Facebook platform itself, and also includes Facebook-owned entities such as WhatsApp, Messenger and Instagram. Google occupies an even larger share of the American market – 246M Americans use Google each month. Search engines are a crucial source of information; Google accounts for around 88% of US search engine use. 73% of adults in the US use YouTube, Google's video platform.

But despite the real value of the services they provide, Google and Facebook's platforms come at a systemic cost. The companies' surveillance-based business model forces people to submit to an unprecedented assault on our right to privacy in order to access these services. The companies have conditioned access to their services on "consenting" to processing and sharing of personal data for marketing and advertising, directly countering the right to decide when and how our personal data can be shared with others. In other words, we pay for the services with our intimate personal data.

These two companies collect extensive data on what we search; where we go; who we talk to; what we say; what we read; and, through the analysis made possible by computing advances, have the power to infer what our moods, ethnicities, sexual orientation, political opinions, and vulnerabilities may be. These algorithmic systems have also been shown to pose other potential threats to people's rights, including the right to freedom of expression, and the risk of algorithms exacerbating discrimination against minority populations.

RECOMMENDATIONS:

The President should work with Congress to pass strong data protection laws with human rights at the front and center. These laws should restrict the amount and scope of personal data that can be collected, strictly limit the purpose for which companies process that data, and ensure inferences about individuals drawn from the collection and processing of personal data are protected. Companies must also be prevented from making access to their service conditional on individuals "consenting" to the collection, processing or sharing of their personal data for marketing or advertising.

TALKING POINTS:

Over two-thirds of the American population now uses Facebook and Google each month. They have created a new public square, setting the rules of digital interaction for the vast majority of Americans, based on an invisible web of pervasive tracking and profiling.

The companies' surveillance-based business model forces people to submit to an unprecedented assault on our right to privacy. The companies require that we give them access to our personal data in order to use these services.

The scale of the data collected by Facebook and Google means that they are amassing more information on people and what we do than previously imaginable. The aggregation of so much data, combined with the use of sophisticated data analysis tools, can reveal very intimate and detailed information; in effect, the companies can know virtually everything about an individual.

But for the past two decades, technology companies have been largely left to self-regulate. There are currently almost no limitations on what kind of data these companies can collect, nor any limitations on what they can do with this data. They can even sell it to other companies.

We need strong privacy protections based on fundamental human rights, including the right to privacy.

We don't let oil companies drill for oil in the middle of national parks. We don't let car companies put cars on the road without basic safety features. We don't let pharmaceutical companies release drugs without rigorous testing. Why should tech companies get a free pass on their harmful behavior?

ADDITIONAL RESOURCES:

- Amnesty International. 2019. Surveillance Giants: How the business model of Google and Facebook threatens human rights. <https://www.amnesty.org/en/documents/pol30/1404/2019/en/>

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DEATH PENALTY

THE ISSUE:

The death penalty is flawed beyond repair. It violates the human right to life, fails to serve as a deterrent to crime and does not keep us safer. It is applied disproportionately to people of color and poor people, and the risk of executing an innocent person can never be eliminated.

The U.S. ratified the International Covenant on Civil and Political Rights in 1992, which recognizes that no one shall be subject to cruel, inhuman or degrading treatment or punishment, and that imprisonment's essential aim is reformation and social rehabilitation. Thus, when the state ends a life through the death penalty it deprives a person of these human rights. Amnesty International opposes the death penalty in all cases, regardless of innocence or guilt.

There are 2,656 people under sentence of death in the United States, and in the modern era of the death penalty over 1,500 people have been executed by U.S. states and the federal government. While there was an over 50% decline in the number of death sentences issued in the 2010s from the previous decade and executions remain at historically low levels, in July 2019, the DOJ announced plans to resume federal executions after a 16-year hiatus, issuing a new lethal injection protocol and five execution dates. Before the scheduled execution dates were reached, a district court issued a preliminary injunction halting the executions.

RECOMMENDATIONS:

- The president should reinstate the moratorium on federal executions and work with the Attorney General to rescind the lethal injection protocol issued by Attorney General Barr on July 25, 2019.
- The president's FY 21 budget request should include an increase in funding for the Kirk Bloodworth Post-Conviction Testing Program, under the Department of Justice's Office of Justice Programs budget.
- The president should appoint federal judges that respect the United States' obligation to uphold international law and standards.

TALKING POINTS:

The U.S. is the only country left in the Americas that maintains an active death penalty. Two-thirds of US states have either abolished the death penalty outright or failed to carry out an execution in at least ten years. It's past time we eliminate this ultimate denial of human rights.

ADDITIONAL RESOURCES:

- Death Sentences and Executions Report (2018), available at: ["https://www.amnestyusa.org/wp-content/uploads/2019/04/Death-Penalty-and-execution-2018.pdf"](https://www.amnestyusa.org/wp-content/uploads/2019/04/Death-Penalty-and-execution-2018.pdf)
- Darkness Visible in the Sunshine State: The Death Penalty in Florida (2018), available at <https://www.amnestyusa.org/wp-content/uploads/2018/08/Florida-Darkness-Visible.pdf>

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GUN VIOLENCE

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THE ISSUE:

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 Harsh 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:

- Create an Executive Task Force on Ending Gun Violence that includes representatives from impacted communities, direct service providers, health care professionals, law enforcement agencies, and researchers to investigate evidence-based gun violence prevention policies that holistically address gun violence, including school safety, gun violence in communities of color, access to mental and physical health care for gun violence survivors, requirements for universal background checks, licensing, and training for gun purchasers/registration of firearms, etc. Within its first 100 days, the Task Force should draft a report on effective policies that could be implemented to reduce gun violence.
- 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
 - ◇ Adoption 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 reverse Trump administration 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.

ADDITIONAL RESOURCES:

- In the Line of Fire: Human Rights and the U.S. Gun Violence Crisis (2018): https://www.amnestyusa.org/wp-content/uploads/2018/09/Gun-Report-Full_16.pdf
- Scars of Survival: Gun Violence and Barriers to Reparation in the U.S. (2019): <https://www.amnestyusa.org/wp-content/uploads/2019/07/Scars-of-survival.pdf>
- Fragmented and Unequal: A Justice System that Fails Survivors of Intimate Partner Violence in Louisiana (2019): <https://www.amnestyusa.org/wp-content/uploads/2019/10/AMR5111602019ENGLISH.pdf>

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GUANTÁNAMO

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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. Most have never been charged with a crime. The few charged have not received fair trials.

The Guantánamo prison, and the military commissions it hosts, violate human rights, serve no practical purpose, and continue to exact enormous financial and reputational cost to the United States. Suspects accused of committing or attempting violence should be detained in humane conditions that comply with human rights law and tried according to international fair trial standards in civilian courts. There is no legitimate reason to continue to maintain this offshore detention facility, which costs more than \$540 million per year to maintain for 40 prisoners.

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 Guantanamo prison has been open 18 years. That is far too long. The next president should stand up for the rule of law by promising to close it within their first year in office, and should follow through on that promise. This sorry chapter of American 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 US 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 Guantanamo who were cleared to leave the prison by the Obama administration, yet remain stuck there still without charge or trial.

TALKING POINTS:

Guantánamo is used as a recruiting tool by armed extremist groups. Its continued existence as a site of indefinite detention makes us less safe.

RECOMMENDATIONS:

- 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 fair trials in U.S. federal courts for all remaining detainees.

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GLOBAL GAG RULE



© Carolyn Van Houten/ The Washington Post via Getty Images)

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:

- Immediately and fully repeal the Global Gag Rule.

ADDITIONAL RESOURCES:

- Amnesty International, "Global Gag Rule," https://www.amnestyusa.org/wp-content/uploads/2017/08/GLOBAL-GAG_v2.pdf
- International Women's Health Coalition, "Crisis in Care: Year Two Impact of Trump's Global Gag Rule," <https://iwhc.org/resources/crisis-care-year-two-impact-trumps-global-gag-rule/>

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HUMAN RIGHTS DEFENDERS



THE ISSUE:

Human Rights Defenders (HRDs) around the world are routinely the target of judicial harassment, smear campaigns, intimidation, death threats, arbitrary detention, sexual violence, torture, enforced disappearances, and even assassination by governments, armed groups, and corporations. Since the adoption of the UN Declaration on Human Rights Defenders in 1998, over 3,500 human rights defenders have been killed worldwide. In 2019 alone, 304 human rights defenders were assassinated for their work.

Human rights defenders are people who, individually or in association with others, act to defend the rights enshrined in the Universal Declaration of Human Rights without advocating hatred, discrimination, or violence. HRDs come from all walks of life; they can be anyone, for example community leaders, lawyers, survivors of abuses and their families, women's or LGBTI rights activists, trade unionists, elected officials, Indigenous leaders, journalists, teachers or students, environmental activists, and more.

HRDs play a key role in defending the principles of freedom, justice, and dignity, and their work contributes directly to the realization of human rights, strengthening the rule of law, supporting democracy, and fostering well-being in countries around the world and here in the United States as well.

HRDs who are imprisoned solely for their peaceful human rights work are also considered Prisoners of Conscience. A Prisoner of Conscience is any person who is imprisoned or otherwise physically restricted (like house arrest), solely because of who they are or their political, religious or other conscientiously held beliefs, and who has not used violence or advocated violence or hatred.

Amnesty International calls for all Prisoners of Conscience to be immediately and unconditionally released. Amnesty further calls on governments to immediately investigate and promptly prosecute those found responsible for killing HRDs, including the intellectual authors behind such crimes. Amnesty also calls for the implementation of concrete measures to protect HRDs including the repeal of any legislation that criminalizes or restricts their work.

THE HUMAN COST:

On October 24, 2018, Julian Carrillo, an environmental human rights defender and leader of the Raramuri Indigenous people, was killed by unidentified armed men in Chihuahua, Mexico. Julian had for years publicly denounced illegal logging and mining happening on his community's land.

The killing of Julian was a predictable tragedy that could have been avoided. His house had been burned down, and he had received death threats from unidentified armed groups in four different occasions since 2015. Five

other people in his family, including his son, were also killed. All these attacks and death threats had been reported to the Mexican authorities for years. Despite having been granted protection measures by the Mexican government in 2014, these measures were not enough to stop the wave of attacks against him and ultimately protect his life.

Unfortunately, the story of Julian is common in Mexico. Global Witness has reported an increase in the killings of environmental human rights defenders (EHRDs) in Mexico since 2016. In the first eight months of 2019, 12 have already been killed.

RECOMMENDATIONS:

- In consultation with civil society in the United States and in countries that host U.S. diplomatic missions, the State Department should develop comprehensive and specific guidelines for diplomatic missions to protect human rights defenders. The guidelines should be supported with increased funding for State Department and USAID programs, such as the Human Rights Defenders' Fund and Lifeline: The Embattled NGOs Assistance Fund.
- The President should require that the State Department and USAID hold regular consultations with civil society organizations in country and in Washington, to evaluate HRD Programs and to implement said organizations' recommendations. These consultations should not be limited to USAID grantees and should include a full range of civil society groups, outside the capitals and include those addressing numerous different human rights issues. The State Department and USAID should then provide Congress with a report about HRDs that includes this civil society assessment of the impact of U.S. funded programs in support of HRDs.
- The President should ensure that the State Department and US embassies worldwide regularly, publicly, and explicitly recognize the importance and legitimacy of HRDs and their work, acknowledging their contribution to the advancement of human rights.

ADDITIONAL RESOURCES:

- Ending the Targeted Digital Surveillance of Those Who Defend Our Rights: A Summary of the Impact of the Digital Surveillance Industry on Human Rights Defenders <https://www.amnesty.org/download/Documents/ACT3013852019ENGLISH.PDF>
- Challenging Power, Fighting Discrimination: A Call to Action to Recognize and Protect Women Human Rights Defenders <https://www.amnesty.org/download/Documents/ACT3011392019ENGLISH.PDF>
- Laws Designed to Silence: The Global Crackdown on Civil Society Organizations <https://www.amnesty.org/download/Documents/ACT3096472019ENGLISH.PDF>

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LANDMINES



THE ISSUE:

On January 31st, [the Trump Administration announced the Department of Defense's new landmine policy](#), canceling the prohibition on the U.S. employing anti-personnel landmines outside of the Korean Peninsula. This policy change will have global implications and increase the risk that civilians be injured or killed.

Landmines are inherently indiscriminate weapons that maim and kill long after conflicts end. Over the past twenty years, the world has rejected antipersonnel landmines through the Mine Ban Treaty – to which 164 countries are states parties, including every NATO member other than the U.S.

While not a signatory, the U.S. has functionally adhered to several provisions of the Mine Ban Treaty – except those that would prohibit the U.S. from ordering the use of landmines on the Korean peninsula.

The United States has not used antipersonnel landmines since 1991, excluding the [use of a single munition](#) in 2002; it has not exported them since 1992 and has not produced them since 1997. In the last five years, only the government forces of Syria, Myanmar, and North Korea, as well as non-state actors in conflict areas, [have used landmines](#).

Of the more than 50 countries that once produced landmines, [41 have ceased production](#). Under this new landmine policy, the U.S. will join a small handful of mine-producing countries.

This is not company the U.S. should keep.

Decades after combatants have retreated or laid down arms, landmines continue to threaten civilian lives and undermine the development of post-conflict communities. Farmers cannot farm, children cannot attend school, businesses cannot thrive, and whole communities are displaced. Mild flooding or rain can shift previously mapped mines to new locations, reintroducing danger to unknowing civilians.

Landmines violate international humanitarian law and undermine peace agreements and ceasefires. They continue to kill and maim civilians every day, with children especially vulnerable. In recent years, civilian casualties constituted [71-87% of landmine and other explosive remnants of war casualties](#) – with children constituting 42-54% of civilian casualties where data on age is available.

Efforts to enhance the “safety” of landmines are largely ineffectual.. So-called non-persistent or “self-destruct” mines are equally indiscriminate – they are triggered by the victim and cannot distinguish between a combatant or a civilian. Shortening the lifespan of the landmine does not make the weapon less indiscriminate while active. Self-destruct mines often malfunction and remain lethal long-term. Landmines can be detonated by the strike of a farmer’s hoe or repurposed into improvised explosive devices. The way in which landmines

are delivered has changed over time. Rather than being planted and mapped by hand, U.S. mines would be dropped from aircraft or deployed through artillery – indiscriminately scattering them over wide unmarked terrain. This could cause civilian harm, including to humanitarian aid workers and peacekeepers who have no way of knowing if they are in a mined area or where mines might be placed.

Under the provisions of the treaty, large swaths of territories have been cleared and put back to productive uses. While there are still too many casualties annually, there has been a dramatic decline since the treaty came into force with the U.S. abiding by large parts. To roll back the progress the global community has made would not only be an affront to landmine survivors around the world but also a tragedy for the countless lives that will suffer in the future.

TALKING POINTS:

- Landmines are capable of inflicting unspeakable destruction and harm on their victims – projecting metal fragments that create deep wounds, destroying limbs, and causing burns, traumatic brain injuries, blindness and deafness, and fatally wounding through decapitation, blood loss, or other horrific means.
- This new landmine policy starkly sets the U.S. apart from its allies and has drawn [international condemnation](#), including from U.S. allies in the [European Union](#). It's time for the U.S. to make good on its international obligations and ban the sale, production, and deployment of this horrific weapon.

RECOMMENDATIONS:

The White House and Department of Defense should

- Within the first 100 days, reverse this change in U.S. landmines policy and restore the previous prohibitions on the use of all types of landmines.
- Sign the 1997 Mine Ban Treaty and urge the Senate to approve a resolution of ratification.

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POLICE USE OF EXCESSIVE FORCE

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THE ISSUE:

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, 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. 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 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.

TALKING POINTS:

- Nobody really 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.
- African Americans are disproportionately impacted by police killings. While black people make up approximately 13% of the US 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 couple 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.
- 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:

- *Deadly Force: Police Use of Lethal Force in the United States* <https://www.amnestyusa.org/reports/deadly-force-police-use-of-lethal-force-in-the-united-states/>
- *Use of Force: Guidelines for Implementation of the UN Basic Principles on The Use of Force and Firearms by Law Enforcement Officials* <https://www.amnestyusa.org/reports/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/>

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RAPE COMMITTED AGAINST INDIGENOUS WOMEN

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THE ISSUE:

Rape and violence are committed against Indigenous women with almost total impunity in the United States.

Indigenous women are 2.5 times more likely to be raped than non-Indigenous 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 lacking 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 Center facilities 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.

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: <https://www.amnestyusa.org/reports/maze-of-injustice>
- AIUSA end rape of Native women flyer https://www.amnestyusa.org/wp-content/uploads/2019/10/EndRape_JointFlyer_2019_Final.pdf

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REFUGEES



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 over 70 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.

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

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 2020 is 18,000, 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.

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.
- When a country invests a small amount in refugee protection, the dividends pay off for generations.

RECOMMENDATIONS:

- 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.
- In addition to expanding resettlement, the U.S. should invest in other admission pathways, including humanitarian programs, family reunification, and co-sponsorship programs.
- 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.

ADDITIONAL RESOURCES:

- 'The Mountain is in Front of Us and the Sea is Behind Us': The Impact of US Policies on Refugees in Lebanon and Jordan. https://www.amnestyusa.org/wp-content/uploads/2019/09/MDE0205382019ENGLISH_09232019.pdf (2019)

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SURVEILLANCE

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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.

THE HUMAN COST:

Amnesty is supporting a legal action to take the Israeli Ministry of Defence (MoD) to court, to demand that it revokes the export license of NSO Group, an Israeli company whose spyware products have been used in chilling attacks on human rights defenders around the world.

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 elect 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.
- Work with Congress to reform surveillance by the US government in line with human rights standards.

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U.S. KILLINGS ABROAD

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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 USA-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 US 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:

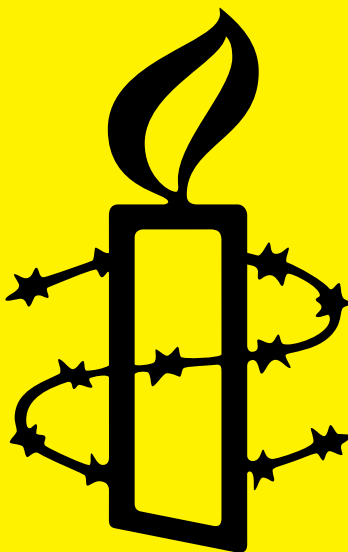
- The White House must commit the U.S. Department of Defense to thoroughly reviewing the conduct of U.S.-led and US-supported air strikes and other lethal operations to ensure that every effort is made to fully respect international humanitarian law and international human rights law to protect the lives 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”: <https://raqqa.amnesty.org/>
- Amnesty report, “The Hidden U.S. War in Somalia,” March 2019: <https://www.amnestyusa.org/reports/the-hidden-us-war-in-somalia/>
- Amnesty update: “U.S. Military Shows Appalling Disregard for Civilians Killed in Somalia Air Strike,” September 2019: <https://www.amnesty.org/en/latest/news/2019/09/us-military-shows-appalling-disregard-for-civilians-killed-in-somalia-air-strike/>

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BACK COVER PHOTO: Kaden* and his family outside their home in Zaatari refugee camp in Jordan. They would like to be resettled anywhere, and are unable to return to Syria.
*Name changed. © *Amnesty International*





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