



November 9, 2020

Sen. James Risch  
Chair  
Senate Committee on Foreign Relations  
423 Dirksen Senate Office Building  
Washington, D.C. 20510

Sen. Robert Menendez  
Ranking Member  
Senate Committee on Foreign Relations  
423 Dirksen Senate Office Building  
Washington, D.C. 20510

## **Re: International Human Rights Priorities for 2021**

Dear Chairman Risch, Ranking Member Menendez, and Members of the Senate Foreign Relations Committee:

On behalf of Amnesty International and our 10 million members, activists, and supporters worldwide, I am writing to share our international human rights priorities for 2021. As the country emerges from the presidential election, the Senate Foreign Relations Committee (“SFRC”) can and should use this opportunity to chart out a bipartisan foreign policy agenda that places human rights front and center—and in the process, model for Congress and the country how to find common ground, bring people back together, and advance human rights for all.

While this letter highlights Amnesty International’s topline priorities for 2021, the full suite of Amnesty International’s 80 policy recommendations for the incoming administration can be found here: <https://bidenhumanrightspriorities.amnestyusa.org/>. Our policy briefs address the spectrum of international human rights—organized by thematic area, region of the world, and country.

### **1. Human Rights Day: Set the stage for a foreign policy reset with a joint bipartisan statement in honor of Human Rights Day — December 10, 2020**

To start off, SFRC should honor and promote Human Rights Day by issuing a joint bipartisan statement that signals a bold, transformational approach to human rights. The statement should marry the fight for human rights abroad with the fight for human rights at home. Centered on the right to peaceful protest and restricting police use of force, the statement should lift up the rights to freedom of expression, association, and assembly. The statement should make connections between U.S. protest movements and protest

movements in Nigeria, Belarus, Hong Kong, Thailand, Lebanon, Chile, and elsewhere. The statement should weave together the movements to root out systemic racism in the U.S. with movements to end political corruption, economic inequality, killings by security forces, and climate change worldwide. The statement should affirm the full spectrum of rights grounded in the Universal Declaration of Human Rights (“UDHR”) and should highlight the critical role of human rights defenders (“HRDs”) and civil society.

The statement should urge the incoming administration to rejoin the World Health Organization (“WHO”) and the Paris Climate Accords, and to reverse International Criminal Court (“ICC”) sanctions. Finally, the statement should urge the President-elect to organize a 2021 global forum at the United Nations (“UN”) or State Department (“DOS”) that promotes the full spectrum of human rights and prominently features HRDs and civil society leaders from around the world.

## **2. Confirmation of Presidential Appointments: Ensure ALL nominees commit to protecting and advancing human rights worldwide**

As the President appoints his cabinet and other senior leaders, it is critical that ALL officials uphold the U.S. government’s obligation to respect, protect, and fulfill human rights as enshrined in the UDHR and other international treaties. *All* presidential appointees including those to the State Department (“DOS”), Defense Department, U.S. Agency for International Development (“USAID”), and U.S. Agency for Global Media should commit to protect human rights. This includes all candidates for Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, Inspector General, Legal Adviser, Ambassador, Representative, Administrator, Deputy Administrator, Associate Administrator, Assistant Administrator, CEO, Director, Board of Governors. All candidates should be asked the following questions:

- All U.S. government officials are bound by international human rights treaties to which the U.S. is party. What specific actions would you take to promote and advance the full spectrum of human rights as enshrined in the UDHR?
- Building a foreign policy centered on human rights requires a comprehensive commitment to protect refugees and displaced peoples, to stem political corruption, to reduce economic inequality, to strengthen civil society, and to empower marginalized groups. What specific steps would you take to achieve these goals?
- Those appointed to lead on foreign policy, international development, and media freedom will be inheriting a decimated asylum and refugee resettlement system, a

weakened Diplomatic Corps, and hollowed out civil service. In light of this reduced capacity, how would you go about ensuring the protection of human rights?

Candidates who fail to pledge unequivocally that they will uphold their obligation to respect, protect, and fulfill human rights, as well as any candidates who have previously been involved in authorizing or implementing human rights violations, should be considered unsuitable.

**3. Civil Society: Urge All Presidential Appointees to Work Closely with Human Rights Defenders, Journalists, and Civil Society.**

Members of the SFRC should encourage all Presidential appointees to meet regularly, and work closely, with human rights advocates and civil society leaders. U.S. Ambassadors and Representatives, prior to their deployment, should meet with U.S.-based human rights advocates with expertise in the relevant country, region, or thematic area. In addition, U.S. Ambassadors and Representatives, once relocated to their post, should meet frequently, and work closely with, HRDs, civil society, and journalists in their assigned country or region.

**4. Senate Human Rights Commission: Urge the Senate to establish and fund this new Commission**

Since its creation in 2014, the Senate Human Rights Caucus (“Caucus”) has provided a platform to highlight international human rights crises including threats to religious minorities. Unlike the Lantos Human Rights Commission in the House, the Senate Caucus has no dedicated staff, funding, or resources. The establishment of a Senate Human Rights Commission, similar to the Lantos Commission, would create a central organizing body in the Senate to promote international human rights, and would strengthen partnerships with non-governmental bodies.

[S. Res. 725](#) would establish and fund the Senate Human Rights Commission with its own full-time staff. Dedicated personnel would significantly increase the volume and effectiveness of the Senate’s work on international human rights. The Commission would complement the work of SFRC by drawing attention to human rights crises that SFRC may not have adequate capacity to cover.

The Senate should speedily establish and staff up the Senate Human Rights Commission, in order to advance human rights worldwide.

## **5. CRITICAL HUMAN RIGHTS LEGISLATION IN 2021**

### **5a. Rescind all the Muslim, Africa, refugee, asylum, and immigration bans**

The Trump Administration's multiple Muslim, Africa, refugee, asylum, and immigration bans violate the rights enshrined in the UDHR and other internationally recognized standards. Congress should immediately reverse policies and procedures that limit refugee resettlement and asylum in the U.S. by passing legislation to rescind the Muslim, African, refugee, asylum, and immigration bans (Presidential Proclamations 9645, 9822, 9983, 9984, 9993, and 10014, and Executive Orders 13769, 13780, 13815, and 13888).

In July 2020 the House passed the National Origin-Based Antidiscrimination for Nonimmigrants Act ("NO BAN Act") (H.R. 2486, formerly H.R. 2214; S. 1123 in the Senate). The bill would [undo the Trump administration's Muslim ban](#) in place since 2017; check any President's ability to discriminate on the basis of religion; rescind initiatives to unlawfully limit the right to seek asylum at the U.S. border; remove impediments placed on refugees who are already subject to more vetting than any other group entering the U.S., and ensure that DOS and Department of Homeland Security ("DHS") must consult with Congress. The NO BAN Act sends a clear message that the U.S. welcomes and protects people from all faiths and backgrounds.

### **5b. Protect international human rights amidst COVID-19 pandemic**

Leaders around the world have used the [COVID-19 pandemic](#) as cover to arrest critics, intensify surveillance, seize emergency powers, and discriminate against marginalized populations. The bipartisan Protecting Human Rights During Pandemic Act ("PHRDPA") (S. 3819, H.R. 6986) was introduced in both chambers in June 2020. In late September 2020 the House Foreign Affairs Committee marked up and approved H.R. 6986. The Senate has yet to take up its companion bill.

The [PHRDPA](#) would require DOS and USAID to outline a five-year strategy to address persistent issues related to internationally recognized human rights in the context of the COVID-19 response and authorize the establishment of foreign assistance programs designed specifically to support civil society organizations and human rights defenders in countries where the abuse of emergency measures has resulted in the violation of human rights. The bill would also prohibit, subject to a waiver in extraordinary circumstances, the U.S. government from providing security sector assistance to countries engaging in a "consistent pattern of gross violations of internationally recognized human rights" by way of "emergency laws, policies, or administrative procedures."

### **5c. Pass bipartisan Saudi Arabia Accountability and Yemen Act (S.398)**

Amnesty International has repeatedly found [evidence](#) that U.S.-made munitions have been used by Saudi Arabia and UAE-led Coalition (“coalition”) forces to target Yemeni civilians. Amnesty has [documented](#) 36 coalition airstrikes across six different governorates that appear to have violated international law. These airstrikes have claimed more than 500 civilian lives and appear to have deliberately targeted civilian infrastructure such as hospitals, schools, markets, and mosques.

Although European countries have suspended arms transfers to the coalition, the U.S. government continues to provide the coalition with military support and [arms sales](#). The U.S. government, therefore, has been complicit in the coalition’s violations in Yemen, some of which amount to war crimes.

In 2019 the Trump administration pushed through emergency arms sales to Saudi Arabia, even over strong bipartisan, bicameral opposition. In an effort to block the arms sales to the coalition, Congress passed three resolutions, all vetoed by the President (Congress failed to meet the [super-majority threshold](#) required to overturn a Presidential veto).

The new Senate should pass the Saudi Arabia Accountability and Yemen Act (S.398) to block all future arms sales to the Saudi Arabia-UAE-led coalition.

### **5d. Halt Myanmar’s atrocities against Rohingya and other minorities**

In August 2017 Myanmar security forces, led by the Myanmar Army, [attacked the Rohingya](#) in villages across northern Rakhine State, driving more than 740,000 Rohingya into Bangladesh. Myanmar security forces carried out a [relentless and systematic campaign](#), killing at least 10,000 Rohingya including children; raping hundreds of Rohingya women and girls; torturing Rohingya men and boys in detention sites; and burning hundreds of villages in a targeted and deliberate manner. Today more than 54 percent of the Rohingya who had previously lived in northern Rakhine State are now living in mass refugee camps in [Bangladesh](#). Nearly one million Rohingya refugees live in [threadbare camps](#) in Cox’s Bazar.

In response to these crimes against humanity, the House in 2019 passed the Burma Unified through Rigorous Military Accountability Act ([H.R. 3190](#)) and Burma Political Prisoners Assistance Act ([H.R. 2327](#)). These bills would apply much needed pressure against Myanmar authorities to halt atrocities against the Rohingya. H.R. 3190 would hold senior Myanmar military officials accountable for human rights abuses, while H.R. 2327

would direct DOS to assist civil society organizations in Myanmar working to free prisoners of conscience. Although the House passed both bills in 2019, the bills have languished in the Senate without a vote.

The Senate should take up these bills and quickly pass them in 2021, in order to hold those responsible for these atrocities and to ensure continuing humanitarian assistance to the Rohingya in Bangladesh and Myanmar.

### **5e. Permanently repeal the Global Gag Rule and Helms Amendment**

U.S. foreign policies like the [Global Gag Rule](#) (also known as the Mexico City Policy) and the [Helms Amendment](#) harm the health and other human rights of millions by restricting women and girls, especially those living in developing countries, from [accessing safe abortion services](#). The Helms amendment restricts U.S. foreign aid from going toward abortion services, and the Global Gag Rule prohibits foreign non-governmental organizations that receive U.S. foreign aid from using their own money to educate their communities on safe abortion services, advocate for safer abortion laws, or provide abortion services.

The Helms amendment and Global Gag Rule do not reduce abortion rates; they simply make abortion unsafe. Unsafe abortion is responsible for 13 percent of maternal deaths worldwide and represents one of the four major causes of pregnancy-related mortality and morbidity. Abortion rates have been shown to [increase](#) when the Global Gag Rule is in place, and people lose access to sexual and reproductive health education and services.

In 2021 SFRC should quickly take up and approve the Global HER Act ([S.368](#), [H.R.1055](#)), which would permanently repeal the Global Gag Rule, and a companion bill to the Abortion Is Health Care Everywhere Act ([H.R.7816](#)), which would repeal the Helms amendment.

### **5f. Lift restrictions on transferring detainees out of Guantánamo Bay**

The U.S. government opened the detention center at [Guantánamo Bay](#) in 2002 to house people outside the reach of the law after the 9/11 attacks. Since then, 780 men have been detained at Guantánamo prison. Eighteen years after its opening, 40 detainees remain imprisoned there indefinitely. Most have never been charged with a crime. Five have been cleared for release from Guantánamo prison for years by all relevant national security agencies, yet still remain imprisoned. The few charged have not received fair trials. The prison is not equipped to provide adequate medical care to these aging detainees, many

of whom have serious underlying medical conditions, some of them created or exacerbated by U.S.-sponsored torture and ill-treatment.

The Guantánamo prison costs more than \$540 million per year to maintain for 40 prisoners and denies them their rights to due process and humane treatment. Other suspects accused of committing or attempting violence are routinely safely housed in federal detention centers on U.S. soil. They are also routinely tried in U.S. courts.

One of the challenges President Obama faced in closing the Guantánamo prison was the restrictions placed by Congress on [transferring detainees to the U.S.](#), including for trial or medical treatment. SFRC should support amending the National Defense Authorization Act to remove the current restrictions (sec. 1043) that make it impossible to transfer Guantánamo detainees to the U.S.

## **6. SFRC should hold hearings on international human rights issues including:**

**6a. Refugees and displaced peoples:** SFRC should hold hearings to examine how the U.S. can fully implement the provisions of the 1951 Refugee Convention and its 1967 Protocol. The hearings should probe explore innovative solutions, including private sponsorship, to protect refugees, migrants, and displaced persons worldwide.

**6b. Protest movements:** In recent years the world has witnessed a surge in protest movements as huge waves of people have taken to the streets to exercise their right to protest and demand change from those in power. From Nigeria to Belarus to Hong Kong to Lebanon to Chile—many governments have responded to protesters with excessive force, arbitrary detention, and crackdown on civil society in violation of human rights standards.

**6c. Debt cancellation for poorer nations recovering from COVID-19 pandemic:** The economic fallout of COVID-19 has been devastating for developing countries. The poorest 77 countries will spend nearly \$85 billion in debt repayments in 2020 and 2021. These countries need urgent support from the U.S., the [top bilateral lender to developing countries](#). The U.S. government should call [on the G20 to cancel the debt owed by the poorest countries](#).

**6d. Human rights defenders and prisoners of conscience:** Since the adoption of the UN Declaration on Human Rights Defenders in 1998, over 4200 human rights defenders (“HRDs”) have been killed worldwide. In 2019 alone 304 HRDs were

assassinated for their work with Colombia and the Philippines being the most dangerous countries to be an HRD. Thousands of prisoners of conscience (“POCs”) languish in prisons, sometimes for years on end, in horrendous conditions. Many are subjected to torture and other forms of ill-treatment in severely overcrowded prisons. Countries of particular concern are Saudi Arabia, China, Bahrain, Turkey, Vietnam, United Arab Emirates, and Egypt.

Foreign governments need to immediately investigate and promptly prosecute those found responsible for the killing of HRDs, including the intellectual authors behind such crimes. The US government should also call on foreign governments to repeal any legislation or practices that criminalizes or restricts the work of HRDs, like in India, Turkey, China, Guatemala, and Russia. Amnesty also calls on foreign governments to immediately and unconditionally release all prisoners of conscience around the world, and to fully, impartially, and promptly investigate any allegations of torture or other ill-treatment of POCs, and that those found responsible be held accountable. Foreign governments must guarantee POCs access to legal counsel, medical attention, and family members.

Amnesty International’s experts in the U.S. and around the world stand ready to work with the SFRC on any of these human rights issues. We look forward to working with you to protect and advance human rights around the world in 2021 and beyond. Please do not hesitate to contact me at 202/281-0017 or [Jlin@aiusa.org](mailto:Jlin@aiusa.org).

Sincerely,



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