



January 7, 2021

Re: Top International Human Rights Priorities for Congress in 2021

Dear Members of Congress:

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. At a December 9 House Foreign Affairs (“HFAC”) Subcommittee hearing, I testified about three disturbing global human rights trends: (1) internet shutdowns and restrictions; (2) Big Tech complicity in censorship and repression on an industrial scale; and (3) growing government attacks on civil society and NGOs including Amnesty International sections in Hungary, Turkey, and India. Here is the link to my [written testimony](#) submitted for the HFAC hearing on “International Human Rights and the Closing Civic Space” on December 9.

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

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

Senators should advise all Presidential appointees (for leadership posts in the Department of State, Department of Defense, USAID, and USUN) to meet regularly and work closely with human rights defenders (“HRDs”) 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.

2. CRITICAL HUMAN RIGHTS LEGISLATION IN 2021

2a. 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 Universal Declaration of Human Rights ("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 the Department of State ("DOS") and Department of Homeland Security 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.

2b. Protect international human rights amidst COVID-19 pandemic

While the end of 2020 brought most welcome news on the COVID-19 vaccine front, it is essential that Congress and the incoming Biden administration apply and implement an [international human rights approach](#) to the pandemic, by prioritizing vaccine distribution for those most at risk, including in lower-income nations. If this pandemic has taught us anything, it is that we are only as safe as those of us who are most at-risk, and we will not be completely safe until those individuals most at-risk are vaccinated. Under international human rights law, wealthier states have a special responsibility to assist nations with fewer resources. But some governments, notably the current U.S. administration, have adopted a "me first" approach that could undermine the efficacy of a vaccine.

Even though the U.S. population is [just 4 percent](#) of the global population, the U.S. government has ordered more than 20 percent of the world's supplies of vaccines currently in phase 3 clinical trials, enough to immunize the entire U.S. population [four times](#) over. Wealthy nations, representing just 14 percent of the global population, have already bought up more than half of future vaccine supplies.

As of November 2020, [more than 80 percent](#) of the planned 2021 supply of Pfizer-BioNTech and Moderna's vaccines have already been purchased by rich countries, putting a strain on emerging economies' ability even to acquire immunization. According to Dr. Bruce Aylward, a [senior adviser to the World Health Organization \("WHO"\) Director-General](#), "The worst possible outcome is you're offering vaccines to a whole

country's population before we're able to offer it to the highest-risk ones in other countries." Many low-income countries may not obtain enough vaccines to fully immunize their populations before [2024](#).

To ensure equitable access to the vaccine with prioritization given to those most at risk, the incoming Biden administration should immediately rejoin the WHO and support global initiatives that aim to ensure fair vaccine access for all countries, such as the WHO's [COVAX](#) pillar.

Beyond COVID-19 vaccine access, 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. Congress should take up and quickly pass the bipartisan Protecting Human Rights During Pandemic Act ("PHRDPA") (S. 3819, H.R. 6986), introduced in June 2020. The House Foreign Affairs Committee marked up and approved H.R. 6986 in September 2020, but the Senate failed to advance S.3819.

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."

2c. 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).

Congress should swiftly introduce and pass a companion bill to the Saudi Arabia Accountability and Yemen Act (S.398) to block all future arms sales to the Saudi Arabia-UAE-led coalition.

2d. 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.

Congress 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.

2e. 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 Congress 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.

2f. Support police reform in Nigeria

Beginning in October 2020, [protests in Nigeria](#) demanded the government implement genuine, comprehensive police reform. While the demands initially focused on the Special Anti-Robbery ("SARS") police unit, protestors are also calling for accountability for grave human rights violations committed by the SARS and other police units; access to SARS and other police detention centers; the review of the use of force and firearms by security agents to bring them in line with international standards; independent investigation into all cases of violence against protesters; respect and protection for the rights to peaceful protest, including the immediate release of all protesters held merely on grounds of their support of or participation in #EndSARS protests.

Congress should introduce and pass the resolution Supporting the #EndSARS peaceful protest movement in Nigeria ([H.Res.1216](#)).

2g. Protect human rights in Ethiopia

Armed conflict between the federal government of Ethiopia and the regional government of Tigray erupted in November 2020. Amnesty International has received reports of massacres being committed, including one on [November 9](#) that resulted in the deaths of several hundred people. The federal government also reportedly stripped Tigrayan members of parliament of immunity and has detained them.

Congress should introduce and pass the resolution Supporting respect for human rights and encouraging continued democratic progress in Ethiopia, and for other purposes ([H.Res.1183](#)).

2h. 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. Lawmakers 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.

Amnesty International's experts in the U.S. and around the world stand ready to work with Congress 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.

Sincerely,



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