



**United States Department of State**

*Washington, D.C. 20520*

August 29, 2024

Case No. F-2021-08873

FL-2023-00037

Reed Rubinstein  
America First Legal  
611 Pennsylvania Avenue, SE #231  
Washington, DC 20003

Dear Mr. Rubinstein:

This letter is in response to your request dated August 2, 2021, under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Thus far, the Department of State ("Department") has located one responsive record subject to the FOIA. Upon review, we have determined the record may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on each record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. To the extent another agency asserts that it can neither confirm nor deny the existence of certain records, the Department of State will similarly take the position that it neither confirms nor denies the existence of those records.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Assistant United States Attorney Jeremy Simon, at [Jeremy.simon@usdoj.gov](mailto:Jeremy.simon@usdoj.gov). Please refer to the case number, F-2021-08873/FL-2023-00037, and the civil action number, 23-cv-00419, in all correspondence about this case.

Sincerely,

*Avery Bullard*

Avery Bullard  
Chief, Litigation and Appeals Branch  
Office of Information Programs and Services

Enclosures: As stated.

**Freedom of Information Act (5 U.S.C. § 552) and Privacy Act (5 U.S.C. § 552a)**

**FOIA Exemptions**

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
  - 1.4(b) Foreign government information
  - 1.4(c) Intelligence activities, sources or methods, or cryptology
  - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
  - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
  - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
  - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
  - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- |                |   |
|----------------|---|
| ARMSEXP        | Arms Export Control Act, 50a USC 2411(c)                    |
| CIA PERS/ORG   | Central Intelligence Agency Act of 1949, 50 USC 403(g)      |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT         | Foreign Service Act of 1980, 22 USC 4004                    |
| INA            | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN           | Iran Claims Settlement Act, Public Law 99-99, Sec. 505      |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
  - (B) deprive a person of a fair trial
  - (C) constitute an unwarranted invasion of personal privacy
  - (D) disclose confidential sources
  - (E) disclose investigation techniques
  - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

**Other Grounds for Withholding**

- NR Material not responsive to a FOIA request excised with the agreement of the requester

<b>From:</b>	"Lombardo, Allison K" (b)(6)@state.gov>
<b>To:</b>	McDonald, Kara C (b)(6)@state.gov>; (b)(6)@state.gov>
<b>Subject:</b>	FW: HRW recommendations on *everything*
<b>Date:</b>	Thu, 11 Feb 2021 21:11:36 +0000

Hi there – Imagine you all got this too, but wanted to pass on!

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**From:** Sarah Holewinski (b)(6)@hrw.org>  
**Sent:** Thursday, February 11, 2021 12:49 PM  
**To:** Lombardo, Allison K (b)(6)@state.gov>  
**Subject:** HRW recommendations on \*everything\*

Allison,

A great lot of information here. These are the two sets of recommendations we're sharing with the Biden administration and which are not public.

1. Thematic recommendations like rejoining the world, women's issues, climate, etc.
2. Regional recommendations which cover all the countries we work on with recs for US policy.

May I ask you to share with your bureau?

Thank you!

(b)

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**Sarah Holewinski**  
Washington Director  
(b)(6)  
Washington, DC



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<b>Sender:</b>	"Lombardo, Allison K" (b)(6)@state.gov>
<b>Recipient:</b>	McDonald, Kara C (b)(6)@state.gov>; (b)(6)@state.gov>



HUMAN

RIGHTS

WATCH





## Recommendations on Foreign Policy for the Biden Administration

### Human Rights Watch

January 20, 2021

In his 2019 foreign policy speech, presidential candidate Joe Biden said that his administration would “revitalize our national commitment to advancing human rights and democracy around the world.”

That commitment to human rights is long overdue. The United States has the power, influence, and resources to create positive change for human rights beyond its borders. The global defense of human rights is stronger when the United States joins with others to promote and protect them. Yet the United States has been inconsistent in defending human rights abroad and has committed its own serious abuses in its foreign policies and engagement. The US government has often invoked human rights selectively or to achieve a short-term diplomatic goal but has supported governments with deeply abusive records that have caused incredible human suffering and yet made no effort to press for meaningful improvements.

Human Rights Watch urges the administration to commit in word and deed to a foreign policy that consistently prioritizes human rights for their own sake, not solely as a means to another end. For more than 40 years, Human Rights Watch has pressed successive US administrations to further the protection and promotion of human rights, as we do in capitals around the world. We have seen the benefits—to lives and to US credibility—when human rights are considered in foreign policy decisions. We urge you to adopt new policy processes and programs that ensure human rights considerations are *always* at the table.

Every issue in the foreign policy portfolio would be better served if human rights were a standard consideration. No arms sale, transfer, or aid package should be approved without deliberating the human rights ramifications. US engagement at the United Nations should always incorporate a human rights perspective that is a shared value set among many nations. The work of allied coalitions on everything from climate change to surveillance to fully autonomous weapons to countering terrorism would benefit from explicit human rights considerations and, as appropriate, conditions. Just as economic and security interests are default considerations in interagency meetings, so should be human rights.

As the United States grapples with systemic racism and other human rights violations domestically, it is particularly important for the president to ensure that US foreign policy helps to eliminate and does not contribute to discrimination around the world, and strengthens equality in law and practice.

We also believe buy-in from the American people is essential to ensure human rights will not be discarded again in future administrations. That's why from the outset of his tenure, we urge President Biden to publicly and explicitly explain why his foreign policy will be guided by human rights. His predecessor spoke directly to the public in ways that created suspicion around global engagement and the US role in defending human rights. President Biden should also speak directly to the people. But he should make the case for why global engagement and a strong defense of human rights is in the American people's interests. President Biden should, for example, explain why arms sales to human rights abusers or abuses in the name of countering terrorism leave people in the United States less safe; why women's rights are human rights; and why the United States should care about others' struggles for freedom and dignity.

President Biden should use early public addresses to make the case for human rights to the American public. He should also task his new cabinet to communicate with the American people about what they are doing on human rights and why.

We are including here recommendations which, if implemented, will place the United States on the right path toward a new foreign policy guided by human rights.

## Table of Contents

1. Global Engagement.....	4
2. Alliances .....	7
3. Poverty and Inequality .....	10
4. Covid-19 .....	13
5. Arms, Technology, and Materiel.....	15
6. Climate .....	18
7. Corruption .....	21
8. Migration .....	23
9. Sex and Gender.....	25
10. Human Rights Defenders .....	28
11. Technology .....	30
12. Justice .....	34
13. Children.....	38
14. Disabilities .....	41
15. Civilian Protection.....	43
16. Corporations.....	46

# 1. Global Engagement

## *Take a seat at the international table to push reforms*

The Biden administration should recommit to multilateralism but calibrate its presence.

Under President Trump, the United States relinquished its seat on the United Nations Human Rights Council, ended all participation in the council, and departed from other international collaborative efforts. In the vacuum created we have seen other nations take over as global rights standard bearers. The Biden administration should take stock of these efforts and seek to complement and enhance them. The United States should carefully consider whether US primacy is important on a particular issue or whether it is better to support from behind, letting others take the helm.

**Human Rights Watch urges the Biden administration to:**

- **Restore funding for multilateral humanitarian and development efforts.** The UN and a number of its agencies are currently in a financial crisis, largely due to the failure of the United States to pay its contributions. The administration should pay its contributions and resume funding for lifesaving UN agencies like the UN Population Fund (UNFPA), World Health Organization, and UN Relief and Works Agency for Palestine Refugees (UNRWA).
- **Halt withdrawal from the World Health Organization (WHO)** and join allies in supporting global health initiatives. The Biden administration should specifically disavow the Geneva Consensus, an initiative under the Trump administration with an explicit anti-rights agenda. As the world grapples with the Covid-19 pandemic, the president should ensure that US-funded research is shared with other nations and develop a strategy to fund and support the creation of additional vaccine manufacturing capacity especially in low- and middle-income countries.
- **Make the case to the Senate to ratify core international human rights treaties** including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention on the Rights of the Child.

- **Prepare to join or ratify** the Landmines Ban Treaty and Cluster Munition Convention, and engage in global dialogue about banning fully autonomous weapons. Rescind the Trump administration letter to the United Nations withdrawing from US responsibilities as a signatory to the Arms Trade Treaty.
- **Publicly reject the State Department's Commission on Unalienable Rights'** **narrow** interpretation of internationally recognized and accepted human rights and government obligations. Disband the Commission and disavow its report. Conduct a full review of federal policies to remove a hierarchical, selective approach to human rights. Publicly affirm US commitment to human rights treaties, and support for treaty-bodies and human rights mechanisms.
- **Strive for consistency in international rights bodies.** Condemn human rights abuses where and when they occur. When criticizing China, Iran, and Venezuela on human rights grounds, the administration should also be raising concerns with Saudi Arabia, Hungary, United Arab Emirates, and Israel, among many others. Abuses need not be equivalent to be considered important enough for diplomatic engagement and, when appropriate, condemnation.
- **Rebuild alliances** that will help further human rights-related goals. That means building alliances not only with Western states but with rights-promoting countries in the Global South.
- **Appoint a Special Envoy for International Disability Rights** and ensure adequate staffing, funding, and authority to promote inclusion and accessibility in international diplomacy, at US embassies and consulates worldwide, and within the State Department, in addition to foreign assistance.
- **Resume full participation in the UN Human Rights Council.**
- **Join the Global Compact on Refugees and the Global Compact on Safe, Orderly and Regular Migration.** Demonstrate international cooperation and solidarity involving migrants, asylum seekers, and refugees by committing to international responsibility-sharing that seeks people-centered, rights respecting treatment and solutions that promote the safety and human dignity of all categories of migrants.
- **Urgently address climate change through global cooperation.** The administration should not only rejoin the Paris Agreement but should support the UN secretary-general's efforts to push UN member states to drastically reduce greenhouse gas emissions.

- **Support the International Criminal Court.** Immediately rescind the executive order authorizing sanctions aimed at undermining the ICC's mandate and formulate a constructive approach to the ICC's exercise of jurisdiction in a manner that respects the global rule of law and is consistent with the Rome Statute. Actively and publicly support international accountability mechanisms within the UN system when the ICC is not an option. *(See recommendations below under "Justice: Support Justice for Victims of Serious Crimes.")*
- **Fully cooperate with the UN Office of the High Commissioner for Human Rights,** including in relation to the pending report on systemic racism and police violence against persons of African descent in countries around the world, including the United States.
- **Fully cooperate with UN Special Procedures,** including requests for access and facilitating country visits.
- **Establish a coordination mechanism across the US government to consider the Universal Periodic Review (UPR) (and treaty body and special procedures) recommendations** and develop a plan for implementation to include engagement with state, local, and tribal authorities. Important recommendations address systemic racism, police violence, sexual and reproductive health and rights, and a broad range of other rights issues. Ensure US consideration of the UPR is done in collaboration with those most impacted by alleged violations, and grassroots human rights advocates and civil society organizations.

## 2. Alliances

### *Support rights-respecting governments, not rights abusers*

President Biden should be explicit that the US will support rights-promoting governments and will not reward those that violate human rights. US relationships with foreign governments have the potential to deter human rights abuses. Strong public and private diplomatic messaging when abuses occur can push states to stop the abuses, hold those responsible accountable while securing justice for victims, and adopt necessary reforms to end systemic abuses.

As Covid-19 continues to test governments and their capacity to respond, President Biden should publicly criticize government power-grabs through emergency measures under the guise of responding to the pandemic. He should make clear that respecting rights is wholly consistent with—and essential to—effective public health and safety measures.

Human Rights Watch urges the Biden administration to:

- **Reaffirm as US policy that promoting human rights is in the national security interest of the United States.** Restate to all cabinet members and relevant department and bureau heads the “whole of government” concept of advancing US policy, including the promotion of human rights.
- **Issue public statements condemning rights abuses** and calling for respect for human rights, accountability for rights violations, and support for human rights defenders. These public statements do more than send a message to the government in question, they send a powerful message to civil society and human rights defenders that the US stands with them and will fight for their rights.
- **Reserve “red carpet” treatment for human rights allies.** US influence with foreign nations can be as simple as an invitation to the White House; a photo with the US president may be as significant for some leaders as other US support. Meetings with world leaders should address human rights concerns publicly as well as privately, with careful consideration given to the message sent by high-level meetings, including their place, timing, and attendance list. All senior official travel should include meetings with a broad spectrum of civil society.
- **Oppose abusive governments hosting multilateral events** such as the G20 that would improperly enhance their international standing. If multilateral institutions



support high-level roles for human rights abusers, the US should publicly oppose their appointment. Avoid events hosted by rights abusers and if it is necessary to attend such events ensure that US participation is accompanied by public support for human rights defenders and condemnation of government abuses.

- **Reference human rights concerns both publicly and privately** in bilateral and multilateral meetings with foreign leaders. When speaking with foreign leaders, human rights concerns, including issues like political prisoners and repressive policies, should always be included, and should be noted in public readouts of such meetings.
- **Review US use of entry bans, denaturalizations and deportations, and financial sanctions to ensure they are consistent with US policy to promote human rights.** Although sanctions for human rights abuses have been an important part of US policy, they have been applied inconsistently and politically. The human rights sanctions regime is discretionary, which has allowed it to be applied politically against perceived enemies of the US and not against its allies. This has weakened the force of such sanctions.
- **Work with Congress to reauthorize the Global Magnitsky Human Rights Accountability Act** before its expiration in December 2022, and ensure it includes the more expansive criteria of Executive Order 13818. The administration should also provide for mandatory sanctions under appropriate circumstances, both through an early executive order, and by supporting language in a reauthorized act. We encourage the administration to adopt [Human Rights First's extensive recommendations](#) on this issue.
- **Sanctions for human rights abusers should be coordinated, when possible,** with other countries with similar human rights sanctions regimes. These measures are more effective when issued jointly as they have wider reach and send a more powerful message of widespread condemnation of abuse. When appropriate, announce sanctions jointly with allies.
- **Send a clear message to US diplomatic corps that human rights are central to their work.** Chiefs of mission should receive training in international human rights law and international humanitarian law. They should receive regular briefings on the human rights situation in their host countries, including from a broad range of local civil society groups, particularly those representing marginalized populations. Foreign service officers should be offered incentives to take human rights postings.
- **Reaffirm Chief of Mission authority to ensure ambassadors coordinate with other departments' country policies and activities and ensure they contribute**

**to efforts to promote human rights.** All federal agencies, including the Departments of Defense (both civilian and uniformed components), Commerce, Labor, Treasury, the US Trade Representative, Justice (including law enforcement agencies such as the Drug Enforcement Administration), Homeland Security, and the intelligence community, should direct officials and staff, whether posted or visiting, to coordinate, collaborate, or assist the Department of State in human rights areas, including by raising cases or issues of concern, articulating human rights benchmarks to interlocutors, or undertaking other efforts as directed by the chief of mission to promote human rights. This initiative should extend to covert personnel.

- **Include human rights issues as a standard consideration for the President's Daily Brief.**
- **Mandate that a human rights analysis be required in the planning and execution** of US foreign assistance initiatives, country plans at State and the US Agency for International Development (USAID), and strategies at the State Department and other federal departments for security, economic, technological, and trade relationships. In addition, issue an Executive Order to expand the mandates around gender analysis and integration for USAID in the WEEE Act to all foreign assistance, diplomacy, and trade agencies/departments
- **Include human rights as a standing component for US participation in peace negotiations, peacekeeping missions, and treaty talks.** Those deliberations should further US commitments under UN Security Council resolution 1325 and subsequent resolutions on women, peace and security, and the US Women, Peace and Security Act of 2017.
- **The State Department Policy Planning staff should have a senior officer who handles human rights** as one of their main portfolios.

### 3. Poverty and Inequality

#### *Fight against global poverty and inequality to protect rights*

Respect for human rights is closely intertwined with addressing poverty and extreme inequality. People experiencing poverty are often more vulnerable to having their rights violated and abuses can further entrench barriers to people meeting their basic needs. US engagement with governments around the world can help end abusive policies that contribute to poverty, and advocate respect for human rights that can help achieve the building blocks for a dignified life—such as affordable health care, quality education, adequate housing, a living wage, social protection and safe drinking water, as well as the rights to unionize, peacefully protest, and participate in political decision-making.

**Human Rights Watch urges the Biden administration to:**

- **Work with Congress toward a human rights due diligence requirement for companies operating in the United States.** Companies operating domestically and overseas should have to meet the same standards to ensure human rights ramifications are factored into business decisions. We recommend an interagency working group of experts tasked to set the standards.
  - Due diligence should include climate change risks, extend to companies' domestic and global value chains, and be commensurate with a company's size, sector, operational context, ownership, structure, and the severity of their adverse human rights risks and impacts. It should include an assessment of human rights risks across value chains, development of measures to prevent or mitigate harm and to remedy harm when it does occur, and administrative penalties, and civil and criminal remedies for non-compliance. The results of due diligence should be made publicly available. The European Union is considering such standards, and France has due diligence laws already on the books.
- **Continue support to development funding institutions and advocate for alternatives to austerity measures.** Ensure development banks receiving US support implement policies and practices that lead to respect for human rights and inclusive development outcomes. This should include using US influence to set human rights standards for development projects; transparency and anti-corruption measures; robust consultation with affected communities and

application of free, prior, and informed consent in projects affecting Indigenous peoples; and accountability and access to remedy for anyone harmed. Policy and technical development support should emphasize funding for social protection programs, not austerity measures.

- **Build upon and expand the focus of existing Women's Economic Empowerment foreign policy** initiatives by issuing interagency guidance that emphasizes an inclusive approach to women's economic empowerment and equality, including with a focus on gender-based violence, unpaid-care work, education at all levels, health, and access to technology in addition to the legal barriers faced by women. Ensure that activities reach the most marginalized and vulnerable populations, including women living in extreme poverty. This would require expanding access to capital to include access to bank accounts and other financial tools, guaranteeing access to justice systems, and broadening workforce development activities. Establish systems of accountability that include regularly reporting to the public on outcome indicators and an advisory council that includes organizations from low- and middle- income countries.
- **Include a response to poverty in the response to the Covid-19 pandemic.** The Covid-19 pandemic has increased poverty, precarious financial circumstances, and inequality around the world, especially for women and other marginalized groups, threatening their human rights to food, health care, housing, education, and an adequate standard of living. The World Bank estimates that Covid-19 will plunge up to 150 million more people into extreme poverty by 2021. The Biden administration should:
  - **Support other countries in their economic recovery**, and refrain from establishing debt service obligations that come at the expense of social investment, including investment in services crucial to fighting poverty and the realization of human rights.
  - **Extend support to resource-strapped countries**, for social protection programs and to prevent austerity measures. Development initiatives and projects should prioritize the people most affected and include direct consultations with those affected by the financing to ensure their human rights are protected.
- **Ensure imports are produced through good labor practices.** Goods and services produced abroad and sold in the US should be produced by workers who are treated fairly and paid a living wage. US imports should be made conditional to compliance with labor standards. Companies that operate in the US should also

ensure that their value chains, both global and domestic, are not contributing to human or workers' rights abuses. Companies should be held accountable and facilitate access to remedy when people are harmed by their actions.

- **Address the disproportionate impact climate change has** on populations living in poverty and the worsening economic inequality within and between countries because of the global climate crisis. The administration should address climate change mitigation and adaptation by:
  - **Imposing strict regulations on greenhouse gas emissions** produced by overseas subsidiaries of US companies, facilitate overseas subsidiaries' transition to renewable energy, protect livelihoods and promote living wages in the transition process.
  - **Including strict conditions for compliance with the borrowing country's climate commitments in USAID or other US government loan agreements**, and committing funds to mitigate the impacts of a country's greenhouse gas emissions reductions policies—such as carbon pricing—on low-income populations.
  - **In trade and investment agreements and other loan programs**, refraining from imposing the privatization of water and other services essential to human rights or increases in user fees that would render the service unaffordable to people with low incomes.
  - **Leading international efforts to redistribute funds across states to respond to inequalities in resilience capacity and structural injustices** and changing US policies and institutional structures that have perpetuated environmental harm in low-income or developing countries.

## 4. Covid-19

### *Equitable Global Access to Covid-19 Vaccines*

In the first year of the global Covid-19 pandemic, US response was driven by vaccine nationalism and an “America First” attitude, undermining global cooperative approaches and leaving the United States susceptible to accusations of indifference to global need. President Biden has an opportunity to reset and promote universal and equitable access for Covid-19 vaccines.

Human Rights Watch urges the Biden administration to:

- **Increase the global supply of vaccines available by:**
  - **Rolling back the US government’s opposition to the TRIPS waiver proposal** at the World Trade Organization and instead support the proposal; publicly support the maximum use of all TRIPS flexibilities by countries to allow for scaled-up manufacturing capacity for medical products around the world. If adopted, the waiver would remain in place until all people have access to vaccination.
  - **Shifting away from using the Special 301 Report on Intellectual Property Rights** as a pressure tactic to dissuade the use of TRIPS Flexibilities, and stop listing on the US government’s “Priority Watch List” those governments that exercise TRIPS flexibilities to protect public health.
  - **Endorsing and participating in the WHO Covid-19 Technology Access Pool (C-TAP)** and encourage companies funded by the US government to participate in C-TAP and provide global, open, and non-exclusive licenses to their technologies.
  - **Requiring recipients of US government funds to transfer technology and share IP, data, and other know-how** through global, open, and non-exclusive licenses with qualified manufacturers to enable mass manufacturing of successful vaccine candidates. Funding conditions should also ensure vaccines are priced transparently and to prioritize affordability and minimize any debts for low- and middle-income countries rather than profits for vaccine-developers. Where contracts have already been

negotiated, examine the scope of march in rights provided to the government under the Bayh-Dole Act.

- **Developing an affirmative strategy to fund and support the creation of additional vaccine manufacturing capacity** especially in low- and middle-income countries, including through the use of compulsory licensing in cases where the IP originator is unwilling to treat vaccine science as a global public good.
- **Increase accessibility and affordability of existing vaccine supplies by:**
  - **Rescinding Donald Trump’s December 2020 “America First” executive order** and pledging not to sign bilateral deals with vaccine developers to prebook future vaccine doses in ways that undermine equitable global allocation according to public health need.
  - **Joining the global vaccine procurement system**, the COVAX Facility, and donating funds to finance vaccines for lower and middle- income countries through the COVAX Advance Market Commitments. Call on Gavi and CEPI, the administrators of the COVAX facility, to publish all agreements with vaccine developers and manufacturers. Urge Gavi and CEPI to attach conditions to their funding related to technology transfers; global, open and non-exclusive licensing; and transparent and affordable pricing that minimizes debt for low- and middle-income countries, verifiable by independent third-party audits that are made public.
- **Increase transparency around vaccine development by:**
  - **Committing to transparency around Covid-19 vaccine funding** by creating a public database of all contracts for funding related to Covid-19 vaccine research, development, manufacturing, or distribution.
  - **Making contracts with vaccine manufacturers**, signed through the Operation Warp Speed process and those signed to secure prebooked doses of the Covid-19 vaccine, public for the purpose of transparency.
  - **Introducing strong oversight—regulatory and contractual—over all funding**, both direct and indirect, for Covid-19 vaccine research, development, and manufacturing to ensure that the use of such funding is aligned with human rights obligations to maximize vaccine availability and affordability, and to share the benefits of the scientific research it funds.

## 5. Arms, Technology, and Materiel

### *Create high human rights standards for the sale or transfer of arms, technology, and materiel*

Foreign governments acquire US arms, technology, and materiel directly through purchase with their own funds, with funds provided by the United States itself through congressionally appropriated Foreign Military Financing, or through the Excess Defense Article program. They may also get these items through resale or illicitly because of poor controls on end use.

Human Rights Watch has documented the use of US-made weapons to commit war crimes and other violations of the laws of armed conflict. Some nations use US-made weapons in domestic law enforcement or counterinsurgency activities in ways that violate international human rights law. With US weapons sales comes the stamp of US credibility and support, particularly when sales continue in the face of documented abuse.

#### **Human Rights Watch urges the Biden administration to:**

- **Commit to setting more stringent human rights standards** for the sale and transfer of US defense articles and services and crime control equipment. Develop those standards in consultation with local, national, and global civil society and commit to transparency throughout the process. Ensure the human rights behavior of potential partner governments is monitored.
- **Place a moratorium on all arms sales and transfers, including pending arms sales and transfers**, pending a human rights review. The review should examine policies and procedures to ensure compliance with existing law that prohibits the export of defense articles and services to countries that have engaged in a consistent pattern of gross violations of human rights or violations of end-use agreements, unless exceptional circumstances exist and the Congress has been notified.
- **Impose a unilateral embargo on countries with a clear track record of widespread and systematic abuse**, and work towards multilateral embargoes. Human Rights Watch has called for an arms embargo on Saudi Arabia and the United Arab Emirates, among other countries, due to the widespread systemic



nature of their abusive conduct and their failure to hold those responsible to account.

- **Revise the Conventional Arms Transfer Policy** to prohibit the transfer of defense articles and services and crime control equipment where it is *likely and foreseeable* that they will be used in gross violations of human rights or in violation of the laws of armed conflict. The new policy should require the intelligence community to provide human rights data on countries identified by the State Department as having committed gross violations of human rights for three or more years.
- **Revise Relevant Presidential Directives** to 1) apply Leahy Laws to the sale of defense articles, services, and crime control equipment; 2) clarify that the use of defense articles and services in deliberate, indiscriminate, or disproportionate attacks on civilians violates the end-use agreements required by the Arms Export Control Act (AECA); 3) require the Assistant Secretary of State for Democracy, Human Rights, and Labor (DRL) to certify in any arms sale notification to the Congress, pursuant to the AECA, that the recipient does not have a consistent record of credible reports of human rights abuses or violations of the laws of armed conflict; and 4) classify the 500 series of the Commerce Control List as “crime control equipment,” as defined by the Foreign Assistance Act.
- **Make clear to Congress that your administration will support and applaud** legislative efforts to strengthen and expand the application of the Leahy Laws, including extending it to the intelligence community and law enforcement. US personnel and US-trained security forces should be empowered by US Embassy leadership to report violations of human rights. Assistance should be rigorously monitored and evaluated to ensure it is not contributing to human rights violations or civilian harm. When there is credible evidence of human rights violations or civilian harm, the United States should suspend assistance until the problem is meaningfully addressed.
- **Work with Congress to strengthen oversight on arms sales**, including special operations programs, and increase transparency around export licenses—including details around human rights, civilian harm, and corruption risks in notifications to Congress—and work with Congress to reform the Arms Export Control Act to bolster human rights considerations.

- **Commit to an equal application of human rights considerations** when considering arms sales and transfers. Violations of international human rights or humanitarian law, or credible allegations of violations, should not be overlooked for allies, and Congress-determined human rights conditions should not be waived.
- **Develop human rights-focused end-use monitoring standards** that dictate that US arms, technology, and materiel may not be used to violate international human rights or humanitarian law. Create a process by which US representatives regularly seek and receive updates as to how US-origin arms are used. Task US officials to monitor for and act upon credible allegations, including from nongovernmental organizations, of misuse of US-origin arms.
- **Revise the Export Administration Regulations (EAR)** and International Trafficking in Arms Regulations to classify semi-automatic assault rifles and de-encryption software as defense articles. The EAR should also be revised to require end-use monitoring of commercial munition articles and services (i.e., former US Munitions List items) and the suspension of transfers if there are credible reports that such articles or services have been used in violation of end-use agreements.
- **Reform export policies on dual-use technologies**, especially those governing the transfer of sensitive surveillance technologies. Monitoring mechanisms should be mandated to include human rights considerations.
- **Revise US defense contracts** to specify recipient military or law enforcement unit in detail in all contracts, thus better enabling the application of adequate human rights vetting under the Leahy Laws.
- **Cease the transfer of excess military equipment** to US law enforcement, including through the [1033 Program](#), and commit not to send officers with international or domestic records of abuse or unlawful acts to serve in UN or other multilateral operations or US military or law enforcement operations abroad.
- **Re-establish the Department of State as the lead agency** on all security sector assistance by requesting proportionate funding from Congress to carry out that mandate.
- **Rescind the Trump administration letter to the United Nations stating that the United States will not fulfill its signatory role in the Arms Trade Treaty.**

## 6. Climate

### *Participate in Global Efforts to Address Climate Crisis*

The climate crisis is taking a growing toll on the lives and livelihoods of people around the globe, with the greatest impacts felt by marginalized populations that have fewer resources to adapt. Governments have a human rights obligation to address climate change by taking measures that include drastically reducing greenhouse gas emissions, protecting critical ecosystems that absorb and store carbon, and helping vulnerable populations adapt to extreme weather events and other foreseeable climate impacts that threaten their enjoyment of their rights.

Under the Trump administration, the US withdrew from the Paris climate agreement and abandoned international efforts to limit global warming. Biden has pledged to re-enter the Paris Agreement and to take urgent steps to reduce greenhouse emissions and rally other governments to do the same.

#### **Human Rights Watch urges the Biden administration to:**

- **Fulfill the commitments of the Paris Agreement.** Adopt or seek to enact ambitious measures to dramatically and rapidly reduce greenhouse gas emissions through a just transition toward cleaner energy, including by ending subsidies for coal and other fossil fuels and by providing economic support to communities and groups whose right to an adequate standard of living might be adversely affected.
  - Upon re-entry into the Paris Agreement, submit an ambitious intended Nationally Determined Contribution required under the Paris Agreement consistent with its goal of holding the global average temperature increase to 1.5 degrees Celsius above pre-industrial levels.
- **Fulfill its commitment to rally other governments to take urgent action to cut emissions and protect carbon sinks.** Recent Human Rights Watch research in Brazil and Canada found:
  - **Brazil:** Human Rights Watch has documented how the policies of President Jair Bolsonaro have encouraged increased illegal deforestation in the Amazon, the world's largest rainforest and a critical carbon sink, by undermining environmental law enforcement and failing to address impunity for violence against forest defenders and for environmental

crimes. The Biden administration should **support efforts to protect the Amazon rainforest by rallying international pressure on the Bolsonaro administration** to protect and support Brazilian forest defenders and end impunity for violence and other crimes linked to the destruction of the Amazon rainforest. It should also rally international support for effective forest conservation in the Amazon through multilateral cooperation with Brazil's federal and local governments, civil society, Indigenous peoples, and appropriate private sector actors.

- **Canada:** Human Rights Watch has documented the failure of the administration of Prime Minister Justin Trudeau to make progress in reducing Canada's greenhouse emissions in line with the goals of the Paris Agreement. Canada has also not adequately supported First Nations to adapt to a rapidly changing environment that is endangering their food security, health, and cultural identity. The Biden administration should **pursue policies that would encourage Canada to reduce its greenhouse gas emissions and protect First Nations**. These policies could include Biden's campaign commitments to impose carbon adjustment fees on goods from countries that are failing to meet their climate obligations, including on imports of Canadian oil and gas.
- **Regulate the conduct of private actors, including by holding them accountable for harm they generate and contribute to, both domestically and extraterritorially.** Impose strict regulations on direct and indirect greenhouse gas emissions of US companies and their overseas subsidiaries, including financial institutions, in line with the 1.5°C goal of the Paris Agreement. Facilitate these companies' and their overseas subsidiaries' transition to renewable energy, while protecting livelihoods and promoting living wages, in a just transition process.
- **Adopt a due diligence requirement on forest risk commodities.** US companies and financial institutions operating domestically and overseas should be required to take steps to eliminate deforestation and forest degradation associated to forest risk commodities in their global value chains, as well as reduce their direct and indirect greenhouse gas emissions from land use, land use change, and forestry in line with the most ambitious goal of the Paris Agreement on climate change. In addition, companies should be required to conduct human rights due diligence to ensure that the forest risk commodities that they source, finance, or trade in are

not linked to human rights abuses, including abuses that threaten Indigenous peoples' livelihoods and customary rights over their traditional lands.

- **Support and protect environmental human rights defenders abroad.** Affirm the important work of environmental human rights defenders through diplomatic engagements and public statements. Ensure their access to the various US funds, programs, protection measures, and awards open to rights defenders.

## 7. Corruption

### *Fight Corruption to Protect Human Rights*

Corruption deprives the public of money to invest in human rights like health and education and can determine who does and does not have access to these rights; dangerously undermines essential government functions; and often spreads in ways that threaten judicial independence, freedom of expression, and other rights. Left to fester, it can destabilize economies and trigger political backlash with far-reaching consequences.

The United States has a bipartisan history of fighting against corruption abroad, even while its own legal and financial system has some glaring gaps. Under the Trump administration, these gaps were exploited, badly eroding US credibility. The Biden administration should begin to restore US credibility by addressing gaps in domestic laws and should address corruption around the world through a human rights lens. As a Senator, Biden was a supporter of the UN International Commission against Impunity in Guatemala, a useful model of international cooperation to fight corruption (closed down during the Trump administration).

#### **Human Right Watch urges the Biden administration to:**

- **Support accountability for corruption at home and abroad.** The Trump administration's [reversal of US support](#) for independent corruption accountability bodies abroad, such as in Guatemala, has harmed anti-corruption efforts that Biden previously championed. The Biden administration should renew and broaden US support for such bodies, and model accountability for corruption in the US.
- **Promote natural resources transparency,** including by renewing US membership in the Extractive Industries Transparency Initiative and ensuring a strong publish-what-you-pay implementing rule for Section 1504 of Dodd Frank.
- **Support a robust approach to good governance at the International Monetary Fund and World Bank** where the US holds a 16.5 percent vote share on each board.
- **Include commitments against corruption in the Global Democracy Summit.**
- **Support the Open Government Partnership** which promotes transparency, accountability, and independence of democratic institutions. Encourage US states

and cities to create sub-national action plans, and work with other nations to do the same.

- **Review US use of entry bans and financial sanctions** to ensure they are consistent with US policy to promote human rights. US sanctions have been applied inconsistently, and because they are discretionary, have been applied politically against perceived enemies of the US and not allies. This has weakened the force of sanctions as a human rights tool. When possible, sanctions for human rights abusers should be coordinated and announced with other countries with similar human rights sanctions regimes. These measures are more effective when issued jointly and send a powerful message of widespread condemnation of abuse. The administration should consider if there are circumstances in which sanctions should become mandatory, such as in the case of conviction by a credible court for certain crimes that constitute violations of international human rights law.

## 8. Migration

### *Protect the rights of migrants, asylum seekers and refugees*

The Biden policy platform includes commitments to keep parents and children together if detained at the border, end the so-called Migrant Protection Protocols, reinstate the DACA program, reinstate asylum protections for survivors of domestic violence and sexual violence whose home governments cannot or will not protect them, and increase the annual global refugee admissions cap to 125,000. These reforms are an important beginning towards restoring human rights in US refugee, asylum, and immigration policy.

Other countries are influenced by the US approach to migrant and refugee rights. For example, US financial assistance and resettlement, combined with other inducements and pressures, have persuaded frontline countries to keep their borders open to refugees fleeing war and persecution and helped to persuade other donor and resettlement countries to begin or expand their commitments. If the US leads with a rights-based approach to migration, and provides generous humanitarian assistance and refugee resettlement—as well as diplomatic influence—other countries are more likely to adopt similar approaches. The challenge of resettling refugees is a global one which requires a global solution, including measures by countries with resources such as the United States to commit to their fair share of refugee admissions.

While there are myriad aspects of US immigration and asylum policy that affect the protection and enjoyment of human rights for all persons living in the United States, **Human Rights Watch urges the Biden administration as part of its foreign policy to:**

- Set [refugee admissions levels](#) to help meet international resettlement needs and provide needed solidarity to countries hosting millions of refugees.
- Join the UN Global Compacts on Refugees and for Safe, Regular and Orderly Migration and work to advance [rights-based solutions](#) to refugee protection and global human mobility.
- End political pressure, US funding, or foreign operations focused on migration that have the purpose or effect of infringing on the right to leave one's own country, the right to seek asylum from persecution in other countries, or in any other way [violates fundamental human rights](#).



- **Address the systemic problems causing people to flee their countries**, including through foreign assistance initiatives designed to enhance due process, accountability, and equitable economic development; tackle corruption, violence, discrimination, and environmental degradation; innovate to find alternatives to the drug war; and strengthen the rule of law.

## 9. Sex and Gender

### *Promote and Protect Gender Equality, Sexual and Reproductive Rights, and Sexual and Gender Diversity*

The Biden administration should make clear—through policy and public statements—that women’s rights, sexual and reproductive rights, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people’s rights are human rights, and that governments have an obligation to respect all people’s human rights. It should promote the protection of these rights and advance gender equality around the world in addition to supporting domestic initiatives to protect these rights.

President Biden has a clear track record supporting efforts to end violence against women, including by writing and championing the Violence Against Women Act and, as vice president, establishing the first White House Advisor on Violence Against Women during the Obama administration. The Biden administration should work to ensure that it is the policy of the United States to end gender-based violence in all its forms globally and at home.

**Human Rights Watch urges the Biden administration to:**

- **Nominate and appoint officials who commit to promoting and protecting gender equality, LGBTI people’s rights, and sexual and reproductive rights**, and ensure they understand clearly what these rights entail. Vocal advocates on behalf of gender equality and sexual and gender diversity should be represented throughout the administration, including within the US Mission to the UN, USAID, and in relevant bureaus at the State Department including the Democracy, Human Rights, and Labor and Global Women’s Issues offices. These officials should regularly meet with civil society to gain from its expertise and advice on the rights situation of women and girls and LGBTI people around the world.
- **Rescind the Protecting Life in Global Health Assistance Policy** (also known as the Mexico City Policy or “global gag rule”) issued on January 23, 2017, and expressly declare that federal assistance is permitted under the law to fund access to comprehensive reproductive healthcare, including abortion care to the maximum extent allowed. Work with Congress to pass legislation to permanently repeal the

global gag rule and harmful appropriations mandates like the Helms amendment that unjustly limit access to reproductive healthcare globally, particularly for women and girls.

- **Publicly reject the State Department's Commission on Unalienable Rights'** interpretation of internationally recognized and accepted human rights. Disband the Commission and disavow its report. Conduct a full review of federal policies to remove a hierarchical, selective approach to human rights from US federal policy. Publicly affirm the US commitment to human rights treaties, and support for treaty-bodies and human rights mechanisms.
- **Promote gender equality, LGBTI equality, and sexual and reproductive rights in multilateral settings.** Productively engage in negotiations around outcome documents, resolutions or other multilateral statements, and commitments to ensure consistency with human rights obligations related to these issues. Commit to active, high-level participation in the LGBTI Core Group at the UN. Restore funding to the UN Population Fund (UNFPA).
- **Reaffirm full support for sexual and reproductive health and rights** in future Women, Peace and Security resolutions in the UN Security Council to neutralize the negative impact of the [Trump administration's veto threat](#) last year.
- **Revoke the gender policy released by USAID in January 2021**, revert to the 2012 policy, and immediately begin consultations with civil society organizations for a redraft. Consultations with civil society should address the many significant concerns raised in the comment period and should result in a new policy that removes reference to unalienable rights and includes reference to gender identity, sexual orientation and sex characteristics, among other identities, that intersect to affect the achievement of gender equality.
- **Revise State Department guidance on the annual country reports on human rights practices** to restore inclusion of data related to reproductive rights, including on maternal mortality. Signal support to Congress for the reintroduction and passage of the Reproductive Rights are Human Rights Act.
- **Promote a survivor-centered approach to responding to and ending gender-based violence globally.** Gender-based violence is a barrier to advancing gender equality and ending gender-based violence is a human rights imperative. The administration should adopt a whole-of-government approach to address gender-based violence that is rooted in a survivor-centered approach. This includes creating an interagency taskforce. The administration should require all agencies to conduct and integrate an intersectional gender analysis and address gender-

based violence in all US government programs and policies, including Covid-19 response and economic recovery plans.

- **Promote the rights of children at risk of being married early or already married.** Create an interagency working group to increase coordination and collaboration of efforts to address child, early, and forced marriage.
- **Reaffirm US commitments to promote LGBTI people's rights globally** by ensuring the passage of the Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act of 2019, which would build a framework into US diplomacy to protect LGBTI human rights worldwide.
- **Support the passage of the LOVE Act**, which would offer an apology to US diplomats affected by the "Lavender scare." That event resulted in the purge of at least 1,000 Department of State employees in the 1950s and 60s.

## 10. Human Rights Defenders

### *Support and protect human rights defenders*

US support of human rights defenders and others detained, harassed, or attacked for peacefully exercising their fundamental rights has been critical to curtailing abuses and promoting positive reform around the world. Recent US alliances with abusive governments and silence on human rights issues have diminished the ability of the United States to help those seeking freedom and justice abroad. The Biden administration will need to earn back its authority to help human rights defenders speak out without fear of reprisal; to form nongovernmental organizations; to assemble peacefully; and to seek, obtain, and receive information.

Human Rights Watch urges the Biden administration to:

- **Publicly state that the United States will stand with human rights defenders.** The Secretary of State and Assistant Secretary of State for Democracy, Human Rights, and Labor should do this publicly and consistently throughout their terms.
- **Speak out when allies or adversaries take actions that contravene universal rights,** regardless how sensitive the relationship. Identify and conduct diplomacy to counter foreign governments' restrictions on civic space including abuses cloaked as countering terrorism, maintaining public order, or responses to national emergencies; clampdowns on free speech in traditional and social media; and security force brutality.
- **Seek the release of political prisoners and information on the forcibly disappeared, and call for accountability for any mistreatment.** One of the most important things the US government can do is call for the release of unjustly detained or imprisoned human rights defenders. Doing so publicly helps shore up domestic support and may help keep them alive. Doing so privately makes clear to other governments that the US will prioritize the protection of human rights defenders in all its engagements.
- **Create State and USAID country strategies that link US support to ethnic, religious and other groups** under threat with other overarching human rights challenges in their countries so it is clear that the United States is not concerned solely with the rights of some groups and not others.

- **Elevate civil society and other voices—including LGBTI people, people with disabilities, refugees, and Indigenous peoples**—by ensuring that they actively participate in formal bilateral and multilateral fora and are protected from reprisal for doing so. Explicitly prohibit the use of US assistance to undermine civil society in USAID contracts, arms sales, and security assistance packages.
- **Recognize the diversity of human rights defenders.** Human rights defenders can work to protect the full range of human rights, but often defenders working on traditional civil and political rights issues are most visible and better connected to seek support. The Biden administration should affirm the human rights work of all defenders—from environmental human rights defenders and Indigenous peoples defending land rights to women’s reproductive rights defenders and to those fighting for economic justice. The full range of human rights defenders should have access to US rights defender funds, programs, protection measures, and awards.

# 11. Technology

## *Guide Technology Development and Use Toward Respect for Human Rights*

Technology can enable the exercise or fulfillment of human rights or facilitate abuses, depending on how it is developed and used. Repressive governments use technology, often developed in countries like the United States, to assert their control, track and crack down on activists, and restrict access to information. The current system through which the United States manages which technologies are permitted to be sold to governments around the world should be explicitly tied to human rights concerns, including with regard to allies. US-based technology companies also facilitate human rights abuses abroad without accountability or providing redress.

The US conception of internet freedom needs to evolve beyond freedom of expression and privacy to include how technology can impact the ability of people around the world to exercise their basic rights. How the United States domestically addresses questions of regulation and rights will impact its credibility in promoting protections for those fighting against digital authoritarianism and inequalities around the world.

### **Human Rights Watch urges the Biden administration to:**

- **Address the human rights concerns presented by US surveillance programs,** which provide almost no protections for the privacy and other human rights of people outside the US. Intelligence collection [under Section 702](#) of the Foreign Intelligence Surveillance Act (FISA) should be limited and ultimately repealed. Similarly, limit intelligence collection under Executive Order 12333. Improve transparency, accountability, and oversight of both of these intelligence surveillance programs.
- **Eliminate the use of parallel construction,** which prevents courts from scrutinizing the legality of questionable investigative methods, including surveillance. Criminal defendants, including non-citizen defendants, should be notified whenever US surveillance authorities are used to obtain information at any stage in their criminal cases and should be able to adequately challenge such use.
- **Support access to judicial remedies for challenging use and access to people's information and data using US surveillance authorities.**

- **Place a moratorium on the export, sale, and transfer of dual-use technologies,** including biometric surveillance technologies, until a human rights-compliant regulatory framework is in place that ensures they are not exported to countries where there is a substantial risk that they may be used to violate human rights.
- **Clarify and bolster export control policies for dual-use technology** to ensure that foreign governments cannot use technology developed by US companies to violate human rights. Improve transparency of export licensing decisions, solicit public input, and conduct multi-stakeholder consultations when processing applications of export licenses.
- **Abandon efforts to weaken encryption,** such as by requiring companies to design their services with back doors so that the government can access decrypted data.
- **Support the establishment of rights-based global norms on the development and use of artificial intelligence (“AI”).** Go beyond the vague commitments articulated in the OECD’s Global AI Principles to model and support regulation at home and abroad that mandates minimum standards of transparency, human rights due diligence, due process, accountability, and effective remedies in the development and application of artificial intelligence, whether in the public or private sector. Articulate and advocate for red lines on particularly abusive uses of AI—for example, by considering a ban on law enforcement uses of facial recognition.
- **Address AI’s impacts on working conditions.** Ensure that companies do not hide abusive wage and labor practices behind opaque algorithmic systems, which are increasingly used in hiring, work assignments, wage calculation, and performance management. Promote robust minimum wage guarantees, workplace safety standards, and other protections of the rights to an adequate standard of living and non-discrimination at home and globally.
- **Support civil society and investigative media in other countries** to uncover and report on digital authoritarian tactics.
- **Increase internet freedom support** to those around the world building and using technology to defend human rights and keep activists safe on- and offline. This should include support to expand affordable, reliable, and accessible internet access, which is a critical enabler of a wide range of rights. People depend on it to obtain essential information, to express themselves, for their livelihoods and for children’s education. Digital divides exacerbate inequality and need to be bridged to realize human rights in today’s world.



- **Name countries that misuse technology to violate human rights** and publicize information on what tactics they have used, including in the annual State Department country reports on human rights practices.
- **Urge US companies to resist requests for politically motivated take-downs and user data that are inconsistent with international human rights standards.**
- **Require US-based technology companies to carry out human rights due diligence for their operations globally**, including human rights impact assessments that address all aspects of their operations, including their underlying business models, and take steps to prevent or mitigate adverse human rights impacts directly linked to their operations, products, or services in line with their responsibilities under the UN Guiding Principles on Business and Human Rights. This should include investing sufficient resources to meet their responsibility to respect human rights and remedy harm of their users wherever they operate, and paying attention to how platforms can be used to spread misinformation and incite violence, and the impact on individuals when technology facilitates harmful content such as doxxing or non-consensual sexual images that disproportionately target women.
- **Establish an independent mechanism to liaise with social media platforms** and preserve publicly posted content that social media companies take down, including because they may have classified it as terrorist and violent extremist content. Such content could be evidence of international crimes. The independent mechanism should then be responsible for sorting and granting access to the content for archival and investigative purposes in a manner that respects privacy and security concerns.
- **Work with Congress to create more flexible authorities** so that US investments in internet freedom tools match the speed and flexibility with which technology is built. Twelve to 18-month grant timelines are too slow to keep up with the pace of change.
- **Give greater independence, autonomy, and support for the Open Technology Fund**, an independent nonprofit grantee of the United States Agency for Global Media (USAGM), including by supporting passage into law of the Open Technology Fund Authorization Act. Over eight years, the fund and the projects it supports—including the encrypted message service Signal, the anonymizing browser Tor, and the secure operating systems Qubes and Tails—have enabled over two million

people in more than 60 countries to safely access the internet free from censorship and repressive surveillance.

- **Take digital rights into account in all foreign assistance** (and not just for State Department programs labeled “democracy, rights or governance”).
- **Encourage Congress to adopt a strong federal data protection law** that meaningfully regulates the collection, analysis, and sharing of personal data by companies with security and intelligence agencies; advertisers and data brokers who may engage in discriminatory profiling; and others whose actions may result in rights abuses. The law should also require human rights impact assessments that address all aspects of companies’ operations, including their underlying business model, and require human rights due diligence for their operations globally.

## 12. Justice

### *Support Justice for Victims of Serious Crimes*

Ensuring accountability for war crimes, crimes against humanity, genocide, and other serious crimes in violation of international law is essential to building respect for human rights and the rule of law. The United States should be a leader in promoting accountability through international and national courts. Most immediately, the administration should rescind the Executive Order authorizing sanctions against International Criminal Court (ICC) personnel and others.

President Biden will be in office for the 20<sup>th</sup> anniversary of the September 11, 2001 attacks on the United States. No one has been held criminally accountable for those attacks because of years of missteps by successive US administrations. It is crucial that President Biden pursue accountability for the United States' own past abuses of human rights globally and commit to preventing future abuses. Failure to do so will diminish the United States' ability to persuade other countries to commit to accountability. An essential first step would be to authorize the declassification of the report by the Senate Select Committee on Intelligence regarding the Central Intelligence Agency's detention and interrogation program. The Biden administration should also fully declassify the Rendition, Detention and Interrogation program, thereby facilitating civil claims by torture victims, and eliminating a significant cause of the delay in the prosecution of the September 11<sup>th</sup> attack suspects.

#### **Human Rights Watch urges the Biden administration to:**

- **Close the Guantanamo Bay detention facility.** The detention facility in Guantanamo has been in use for 19 years, a continuing stain on respect for human rights and the rule of law. If no progress has been made on closing Guantanamo by the 20<sup>th</sup> anniversary of the September 11<sup>th</sup> attacks, the Biden administration will have missed the opportunity to close this dark chapter of US history. President Obama's attempts to close Guantanamo were stymied in large part because of politics. After years of stagnation, Congress is unlikely to support decisive action, and will likely only do so if led forcefully by the president. President Biden should publicly commit to ending the unlawful practice of prolonged, indefinite detention without charge or trial, and to ending the fundamentally flawed military

commissions. We urge the Biden administration to take the lead while working to bring the US into compliance with international law.

- **Support the International Criminal Court.** President Biden should immediately rescind the executive order authorizing sanctions aimed at undermining the ICC's mandate. While we recognize existing tensions between Washington and the ICC, we believe the administration should commit to formulating a constructive approach to the ICC's exercise of jurisdiction in a manner that respects the global rule of law and is consistent with the Rome Statute. The US can advance ICC cases by providing evidence, cooperating in the arrest of fugitives, supporting UN Security Council resolutions referring cases to the court and other Council actions to support cases, and attending Assembly of States Parties meetings as an observer. This includes directly addressing and cooperating with ICC efforts to investigate allegations of wrongdoing by US nationals (see below). Ultimately, consistent with its expressed commitment to global accountability for grave crimes, the Biden administration should take steps to support repeal of the remaining provisions of the American Servicemembers' Protection Act and move towards US accession to the Rome Statute.
- While developing a modus operandi to guide ongoing engagement with the court in what may be contentious areas, the Biden administration **can take some immediate steps to restore a constructive approach to its relationship with the ICC.** These steps are also vital to enhancing US credibility on human rights in US foreign policy. These include:
  - **Seizing new openings to press Sudanese national authorities** to cooperate with the ICC in ensuring those accused of atrocities in Darfur face justice, including former president Omar al-Bashir and three other ICC fugitives;
  - **Pressing Libyan authorities to arrest and surrender** to the court suspects linked to its Libya investigation, including at the next briefing of the Security Council by the ICC prosecutor;
  - **Ensuring UN peacekeeping operations** in countries where the ICC is conducting investigations are mandated to assist the court, including in arrests; and,
  - **Strategizing on next steps**, working together with regional and other governments committed to accountability, to ensure the arrest of Joseph Kony, leader of the Lord's Resistance Army.

- **Reject all personnel who violated human rights, including through torture and arbitrary detention, from administration positions and promotion.** Those responsible for making, supporting, carrying out, or covering up unlawful policies should be barred from federal government service. At the very least, they should never be in positions where they could influence US national security policy, particularly with respect to detention and treatment of prisoners.
- **Hold US personnel accountable for violations of international law** including by ceasing the Trump administration's practice of executive interference in military justice processes (i.e., through the pardoning of war criminals) and emphasizing the importance of adherence to the laws of armed conflict and accountability for violations. This should include a comprehensive review of existing reporting mechanisms for illegal conduct by US personnel as well as illegal conduct observed or suspected by partner forces. The US should also cooperate with the ICC's investigation into crimes committed by US personnel in relation to the conflict in Afghanistan and with the entire ICC Afghanistan investigation.
- **Declassify the bipartisan Senate Select Committee on Intelligence report** on the CIA's torture program. The program itself should be carefully reviewed to determine whether it remains classified for lawful purposes; if not, the program should be declassified.
- **Re-examine criminal prosecution for those who authorized and ordered unlawful conduct, including torture following the 9/11 attacks.** The investigation conducted by Special Prosecutor John Durham was unnecessarily limited to investigate only those crimes that exceeded the "legal authorizations" provided by George W. Bush administration officials at the time. The investigation should be reopened to include conduct that was within the so-called authorizations, but illegal.
- **Provide redress for victims of US torture and other ill-treatment.** Victims of US torture should receive appropriate financial compensation and be provided with full rehabilitation services (where desired) at US government expense. There are torture treatment centers worldwide that could assist former detainees but for US-imposed travel restrictions. The US should facilitate access to those programs, including by urging host countries to lift travel restrictions. The president should formally apologize to all victims of US torture or other ill-treatment including by any person working with or at the behest of the US government, including contractors.
  - As part of a renewed commitment to international justice and accountability, the US should **assist victims of torture by other governments** with access

to rehabilitation services both inside the US and abroad through the Services to Survivors of Torture program, as well as the UN Voluntary Fund for Victims of Torture.

- **Support other international and domestic justice efforts to ensure accountability for serious international crimes, including:**
  - **Continue US financial and political support** for the Kosovo Specialist Chambers and Specialist Prosecutor's Office, based in The Hague and currently run by an American chief prosecutor. Press Serbia, Croatia and Bosnia to improve their efforts to hold perpetrators of war crimes to account, especially high-ranking officials, and encourage the European Union to make justice for war crimes a key condition of accession.
  - **Cooperate with** the Special Criminal Court in Central African Republic, the proposed Hybrid Court for South Sudan, Guinea's domestic trial of the 2009 stadium massacre and related crimes, establishment of a war crimes court to prosecute atrocities committed during Liberia's back-to-back civil wars, domestic accountability efforts in Democratic Republic of Congo, as well as UN-backed investigative mechanisms, such as those established for Syria and Myanmar.
  - **Support, along with other states, efforts in the UN Human Rights Council and other forums**, to set up paths to accountability when grave international crimes have not been investigated.
  - **Support the use of federal universal jurisdiction laws** against perpetrators of grave international crimes abroad.
  - **Convene regular roundtable discussions** among the State Department's Office of Global Criminal Justice, the Justice Department's Human Rights and Special Prosecutions Section, and civil society to promote an exchange of views on how to support a range of national and international justice efforts.
  - **Encourage rights-respecting countries** to promptly repatriate their nationals held as Islamic State (ISIS) suspects or family members in northeast Syria for rehabilitation, reintegration, and, as appropriate, prosecution for serious international crimes in proceedings that meet international fair trial standards. Also encourage these countries to accept for repatriation their nationals who have already been convicted in Iraq in unfair trials and are serving out sentences there.

## 13. Children

### *Protect children from harm and promote their rights*

The Covid-19 crisis has a potentially far-reaching, long-term, negative impact on children around the world. Hundreds of millions of students are out of school. Widespread job and income loss and economic insecurity among families have increased rates of child labor, sexual exploitation, teenage pregnancy, and child marriage. The global death toll from Covid-19 will orphan large numbers of children and make others vulnerable to exploitation and abuse.

The disproportionate impact of armed conflict remains a concern, including the recruitment and use of children as soldiers, high casualties among children, attacks on schools and educational personnel, sexual violence, and the blocking of humanitarian assistance.

**Human Rights Watch urges the Biden administration to:**

- **Discourage the recruitment and use of child soldiers through effective implementation of the Child Soldiers Prevention Act.** The administration should end the use of full waivers under the act and use partial waivers only in cases where the country concerned is taking concrete steps to end its use of child soldiers.
- **Encourage governments to end the detention of children for suspected association with armed groups** and adopt handover protocols to ensure the swift transfer of children apprehended by security forces to civilian authorities for reintegration assistance.
- **Encourage rights-respecting countries to repatriate children held in camps in northeast Syria** for alleged association with ISIS. Mothers or other adult guardians who are also detained in these camps should be repatriated with their children, in keeping with the principle of family unity that is a cornerstone of international children's rights, absent clear evidence that doing so would run counter to the child's best interest. Once home, adults can be investigated and monitored or prosecuted as appropriate.
- **Support the development of rehabilitation and reintegration programs abroad for children affected by armed conflict,** particularly children who have been

associated with armed groups and in countries where such programs do not currently exist.

- **Endorse the Safe Schools Declaration**, an inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict, including through implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.
- **Support countries receiving military training and assistance from the United States, that have endorsed the Safe Schools Declaration** and the related Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, to implement those commitments within their own domestic military policies, training, and practice.
- **Promote the rights of children at risk of being married early or already married.** Create an inter-agency working group to increase coordination and collaboration of efforts to address child, early and force marriage, consistent with a broader whole-of-government approach to ending gender-based violence. Strengthen US support for ending child marriage by 2030, as per the Sustainable Development Goals, through assistance programming and diplomacy and by supporting efforts through other agencies to end child marriage in the United States, including by creating incentives for states to pass relevant laws.
- **Recognize that digital literacy and access to the internet are increasingly indispensable for children** to realize their right to education, and support measures to provide affordable, reliable, and accessible internet service for all children. Support efforts to ensure that any technology used for online learning protects children's privacy rights. Over the longer term, governments should institute data protection laws for children.
- **Strengthen US action to end child labor in all its forms by 2025, as per the Sustainable Development Goals**, through assistance programs, diplomacy, and cooperation with the International Labour Organization. Work with Congress to eliminate exemptions in US labor laws that allow children to work in violation of the international child labor standards.
- **Assist governments in developing alternatives to institution-based care for children orphaned**, including those orphaned by Covid-19, including by expanding networks of extended family and foster care. Support efforts to transition children in institutions and otherwise deprived of their liberty to family-and community-



based care and provide support to strengthen community-based alternatives to detention and other deprivation of liberty.

## 14. Disabilities

### *Elevate the Rights of People with Disabilities and Older People*

The United States showed leadership on disability rights during the Obama administration, including through the appointment of the first-ever Special Advisor on International Disability Rights. Human Rights Watch saw the notable impact of the special advisor in advancing the rights of people with disabilities. The Biden campaign pledge to appoint a Special Envoy for International Disability Rights is an important indicator of the US recommitment to this leadership role. This role should be one aspect of disability-inclusive US diplomacy and foreign assistance around the world, grounded in the disability rights movement's motto: "Nothing about us, without us."

The US can also promote the human rights of older people, both those with and without disabilities. People around the world are living longer and the number of older people is increasing in every region of the world. This is a crucial time to confront age discrimination and barriers older people may face in services, employment, community-living, and their risks they face during conflicts, humanitarian crises, and as a result of the effects of climate change.

**Human Rights Watch urges the Biden administration to:**

- **Champion the rights of people with disabilities in the foreign policy agenda.** This should include promotion of disability rights in multilateral institutions and in bilateral and multilateral engagement. All work streams, including on other marginalized groups, should be inclusive of people with disabilities. The annual State Department country reports on human rights practices are also an important avenue for documenting and promoting disability rights and the rights of older people.
- **Demonstrate strong leadership on protection of persons with disabilities and older people in armed conflicts, in humanitarian crises, and in relation to climate change.** We encourage the US to work to ensure inclusion of people with disabilities, including children with disabilities, as well as older people, in country-specific; protection, monitoring and reporting; humanitarian; and, women, peace and security agendas at the UN Security Council.

- **Ensure inclusive US representation abroad.** This can take different forms, such as including organizations of persons with disabilities and disability and older persons rights activists in civil society activities, such as programming, events, and other initiatives, in US missions abroad. This should also include efforts to ensure people with disabilities in staffing of US missions abroad, as a visible statement on the US commitment to inclusion.
- **Ensure all foreign assistance is fully inclusive of people with disabilities.** In addition to assistance directly targeting people with disabilities, assistance in other sectors should be fully inclusive, so as not to reinforce marginalization. Foreign assistance should not be used directly or indirectly to fund institutions where adults or children with disabilities can be placed without their consent or any institution where people with disabilities experience segregation, abuse, neglect, denial of family life, or other serious rights abuses. Foreign assistance should also be inclusive of older people whenever relevant.
- **Focus on mitigating the disproportionate effects of the Covid-19 pandemic on people with disabilities and older people.** People in institutions and nursing homes have been at high risk of Covid-19 infection, as well as in isolation and neglect in many parts of the world. This is a moment to promote quality, accessible, community-based services that facilitate the autonomy, inclusion, and human rights of people with disabilities and older people. This is also an important time to focus on children with disabilities, who have experienced serious barriers to education during the pandemic, leaving them at risk of further marginalization.

## 15. Civilian Protection

### *Ensure that military and covert operations are lawful and minimize civilian harm*

As the largest and most influential military force in the world, the US should set a global standard for abiding by international law and protecting civilians.

The Biden administration will assume office during the 20<sup>th</sup> consecutive year of US involvement in war and counterterrorism operations involving the use of force. These operations have and continue to result in civilian deaths and injuries; the destruction of civilian objects; and harmful, long-term, and reverberating effects. Some operations resulted in arbitrary detention, torture, and other ill-treatment.

**Human Rights Watch urges the Biden administration to:**

- **Hold a comprehensive review of US policies on the use of force** and agencies involved to ensure compliance with all applicable international law. This review should pay particular attention to the “by, with, and through” strategy that outsources security operations to partner nations and to covert and clandestine operations that are inherently unaccountable to the Congress and the people of the United States, and which may engage US liability under international law.
- **Include human rights as a central tenet** in a new National Security Strategy. All other goals and efforts in the NSS should be deliberated to understand human rights ramifications.
- **Set higher standards for adherence to human rights norms and international law in security partnerships.** The administration should condition partnerships on compliance with international humanitarian law and human rights norms. The State Department, with complementary Department of Defense offices, should implement processes to assess and mitigate human rights risks involved with security partnership arrangements, including those that arise from the provision of training and equipment and advise and accompany missions. US personnel should work with security partners to avoid, minimize, and respond to civilian harm resulting from the activities of military forces.

- **When the laws of war do not apply, such as outside of recognized armed conflict, US personnel should strictly adhere to international human rights law,** which prioritizes the right to life and permits the use of lethal force only in the face of an imminent threat to life. Issue new guidance that ensures that the use of lethal force outside of armed conflict is consistent with international human rights law.
- **Ensure that the forthcoming Department of Defense Instruction (DODI) for protecting civilians** prioritizes transparency and dignity for civilians suffering US-caused harm, explicitly details roles and responsibilities, and considers protection mitigation strategies in new types of warfare.
- **Issue a new Executive Order on Civilian Casualties—building on the DODI—to** reinforce the point that civilian harm is a concern across US agencies involved in armed conflict, partnered operations, and security assistance. In particular, the EO should restore the Trump-rescinded reporting requirements regarding US actions in areas outside active hostilities.
- **Engage regularly with civil society organizations.** In operating theaters, US Embassies and Combatant Commands and their subordinate units should open constructive dialogues with national and civil society organizations as well as with the local population about the impact of military operations there. Personnel tasked with these conversations should be given guidance about reporting to more senior officials about civilian harm.
- **Ban all use, manufacture, and transfer of antipersonnel landmines and cluster munitions.** Accede to the Mine Ban Treaty and the Convention on Cluster Munitions and participate in regular meetings of both the Convention on Cluster Munitions and the Mine Ban Treaty.
- **Restrict explosive weapons use.** The administration should commit to restricting the use of explosive weapons with wide-area effects in populated areas (EWIPA) and participate in the multilateral consultations process. Sign the political declaration on EWIPA, avoid unnecessary caveats, and encourage other states to avoid the use of EWIPA.
- **Dignify civilian victims of US operations since the September 11<sup>th</sup> attacks.** Establish a claims system available in local languages that provides civilians who have been harmed by US or US-led coalition operations a channel to pursue recognition of harm and amends. For ongoing operations, the Department of

Defense should create a process that can intake complaints from civil society or individuals, acknowledge harm, and offer culturally appropriate amends if harm is found to have resulted from US actions.

- **Appoint Defense Department personnel to oversee civilian protection.** The Undersecretary for Policy in the Office of the Secretary of Defense should appoint personnel with operational expertise to assess progress on minimizing and responding to civilian harm, which would include analyzing classified civilian casualty (CIVCAS) reports for trends, recommending changes in real time, and participating in operational planning exercises with the goal of mitigating civilian harm. The Joint Staff should reinstate a senior advisor on human rights to the Chairman as was done in 2017-2018 under Gen. Joseph Dunford.
- **Set high standards for transparency for military and covert operations.** Wherever possible, US use of force should be acknowledged publicly as soon as practicable. This should be done regardless of whether the US is acting unilaterally or as part of an international coalition. Covert and clandestine actions are inherently opaque, making them unaccountable to the public and victims. President Biden should restore the reporting requirement (Section 3) under Executive Order 13732 (July 2016) "United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force." Combatant Commands involved in active military operations should issue regular reports of civilian casualties that include geo-coordinates, date, time, and place, and the status of the military assessment or investigation. The status of military assessments and investigations should be regularly updated. The US should encourage members of coalitions of which it is a part of to issue similar statements and periodic reports, and to conduct assessments and investigations.

## 16. Corporations

### *Promote Corporate Accountability*

The conduct of companies, through action or omission, can cause, contribute to, or be linked with a variety of human rights abuses and environmental degradation, not only in their own operations but also in their business relationships throughout their global value chains.

While many businesses have taken steps to address these risks—through the adherence to certification schemes or the adoption of voluntary commitments—these measures have been largely ineffective due to the lack of meaningful oversight, enforcement, and accountability for non-compliance. In addition, the lack of binding standards contributes to an uneven playing field that benefits companies with the least responsible conduct.

Binding regulations on companies and their value chains are increasingly being considered and debated in jurisdictions around the world. Notably, the European Union is considering such standards, and France has due diligence laws already on the books. The US has fallen behind current debates to promote global corporate accountability, but the Biden administration has an opportunity to catch up and provide a boost to US companies that already follow best practices.

By introducing comprehensive, coherent, binding standards, the Biden administration can create the conditions for a race to the top where most socially and environmentally responsible businesses have a competitive advantage, and where the cost of damaging corporate practices is borne by perpetrators.

**Human Rights Watch urges the Biden administration to:**

- **Adopt a human rights due diligence requirement for companies operating in the United States.** US companies operating domestically and overseas should have to meet the same standards to ensure human rights ramifications are factored into business decisions. We recommend a working group of experts that includes civil society organizations with expertise on labor and human rights, environment and climate change, and those representing people directly affected by corporate abuses tasked to set the standards. Due diligence should include human rights,

labor rights, and environmental issues, including climate change risks. Due diligence requirements should extend to companies' domestic and global value chains, including upstream companies, like financial institutions. To prevent regulations becoming overly burdensome for small and medium enterprises, requirements should be commensurate with a company's size, sector, operational context, ownership, structure, and the severity of adverse human rights risks and impacts.

- **Human rights due diligence should include** an assessment of human rights risks across value chains, development of measures to prevent or mitigate harm and to remedy harm when it does occur, and administrative penalties and civil and criminal remedies for non-compliance. The results of due diligence should be made publicly available. People who are harmed as the result of a company's failure to undertake human rights due diligence should have the ability to take their claim to court to seek justice and remedy.
- **Adopt a due diligence requirement on forest risk commodities.** US companies and financial institutions operating domestically and overseas should be required to take steps to eliminate deforestation and forest degradation from their global value chains as well as reduce their direct and indirect greenhouse gas emissions from land use, land use change, and forestry in line with the most ambitious goal of the Paris Agreement on climate change. In addition, companies should be required to conduct human rights due diligence to ensure that the forest risk commodities that they source are not linked to rights abuses, including abuses that threaten Indigenous peoples' livelihoods and customary rights over their traditional lands.





## **Region- and Country-Specific Foreign Policy Recommendations for the Biden Administration**

Human Rights Watch

February 9, 2021

## Additional Resources

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World Report 2021, Human Rights Watch's 31st annual review of human rights practices and trends around the globe, reviews developments in more than 100 countries. To read more, please visit: <https://www.hrw.org/world-report/2021>

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## Table of Contents

AFRICA.....	1
East Africa.....	6
Great Lakes Region.....	9
Horn of Africa .....	13
Southern Africa .....	21
West Africa.....	23
AMERICAS.....	28
Brazil .....	28
Colombia .....	30
Cuba.....	32
El Salvador.....	33
Guatemala .....	34
Honduras .....	36
Mexico .....	37
Nicaragua.....	39
Venezuela .....	40
ASIA .....	42
Afghanistan.....	45
Bangladesh.....	48
Cambodia .....	51
China .....	53
India .....	55
Indonesia.....	58
North Korea .....	61

Pakistan.....	64
Sri Lanka.....	66
EUROPE AND CENTRAL ASIA.....	68
MIDDLE EAST AND NORTH AFRICA .....	74
Bahrain .....	76
Egypt.....	78
Iran .....	81
Iraq.....	84
Israel/Palestine.....	86
Jordan .....	90
Lebanon.....	92
Libya.....	94
Morocco/Western Sahara .....	96
Qatar.....	98
Saudi Arabia .....	101
Syria .....	102
United Arab Emirates.....	106
Yemen.....	108

## AFRICA

Human rights challenges in Africa include abuses in the context of ongoing communal and sectoral conflicts, discrimination and violence against women and girls, abusive terrorism and counter-terrorism operations, weak rule of law institutions, political repression and election-related abuses, corruption and mismanagement as drivers of poverty and inequality, weak regulation of land rights and natural resource exploration and exploitation, climate insecurity and vulnerability, and weak accountability for crimes and other serious human rights violations.

Amid the global Covid-19 pandemic, 2020 was a tumultuous year for Africa for other reasons as well. By the end of the year, the continent will have held more than a dozen general elections, many of which were marred by violence and repression, while several countries are gripped by protracted and some new serious humanitarian and human rights crises.

In Ethiopia, the unfolding violence in the Tigray region is the latest manifestation of crises, with heavy fighting between regional and federal forces that has resulted in serious violations of international law against civilians and civilian infrastructure. Despite the gravity of alleged abuses, a communications blackout remains in parts of Tigray and restrictions on access for the media and obstacles to humanitarian aid threaten to further cut off an already vulnerable civilian population. Armed conflicts and communal violence continue across much of the continent, including in Burkina Faso, Cameroon, the Central African Republic, the Democratic Republic of Congo, Ethiopia, Mali, Mozambique, Niger, Nigeria, Somalia, and South Sudan. Non-state armed groups and government forces were implicated in massacres, targeted killings, rapes and other sexual violence, burning and looting of villages, kidnappings and forced recruitment, attacks on students and teachers, and illegal occupation of schools.

As one of the region's most important foreign partners, the United States supports African security forces with training and equipment, but many of these forces have been implicated in serious human rights abuses, including in the context of counterterrorism operations and crackdowns on activists, journalists, the political opposition and pro-democracy activists and during elections periods. More needs to be done to improve oversight and impose serious consequences on actors who abuse equipment supplied by the US.

Progress in ensuring justice for serious crimes and support to victims is also crucial for building respect for the rule of law. In this respect, the United States should encourage Guinea to move

ahead with the long-awaited trial of alleged perpetrators of the country's 2009 stadium massacre trial; press Sudan to cooperate with the ICC in its investigation and prosecution of Darfur crimes pursuant to UN Security Council Resolution 1593; work together with regional and other governments to ensure justice for atrocities committed by the Lord's Resistance Army through the arrest and surrender of the group's leader; support South Sudan in its establishment of the proposed hybrid court and reparations for serious crimes; assist the Democratic Republic of Congo in strengthening its domestic capacity to try serious crimes committed in the country over the past several decades; support the Special Criminal Court in Central African Republic; promote the establishment of a war crimes court to prosecute atrocities committed during Liberia's back-to-back civil wars. The United States should also provide support for the investigation and prosecution of serious crimes of sexual violence and assist efforts to provide reparations for survivors across the continent.

In response to the Covid-19 pandemic, many governments introduced severe restrictions on movement and the freedom of assembly, and in some cases full lockdowns. While these measures may have helped curb the spread of the virus in some contexts, they have had a disproportionate impact on women and girls and people living in poverty. Many governments did not provide adequate assistance to cushion the impact of the economic downturn, which has exacerbated existing poverty and inequality across Africa. Millions of children received no education after schools closed across the continent in March 2020, worsening previously existing inequalities. Children who were already most at risk of being excluded from a quality education have been most affected.

There is little transparency regarding how many governments spent funds donated to support the Covid-19 responses, triggering allegations of corruption. The pandemic has also exposed serious gaps in health services and social safety nets and brought to the fore the need for African governments to make meaningful investments to improve access to quality health care, water and sanitation, education, and to tackle violence against women and girls. Some governments also used the Covid-19 emergency measures as a pretext to restrict civil and political rights, such as in Guinea and Uganda where authorities used Covid-19 guidelines as an excuse for violent repression of the opposition. The Covid-19 lockdowns also exposed existing weaknesses in efforts by authorities to protect women and girls against gender-based violence.

Finally, while well-established traditional donors like the US have become less engaged in Africa in recent years, other countries like Russia and China deepened their involvement in Africa. Many

African governments regard China as an important partner and source of investment. The lack of US leadership on human rights and non-cooperation with international accountability mechanisms like the UN Human Rights Council and the International Criminal Court appear to have bolstered impunity for abuses and repression of opposition on the continent. Several African leaders have sought to entrench their hold on power through rigged elections and constitutional amendments to extend term limits.

**Human Rights Watch urges the Biden administration to prioritize and take action on the five critical areas below in Africa:**

***Regional human rights scrutiny and military engagement***

- **Appoint special envoys** in regions gripped with human rights and humanitarian crises, including the Great Lakes Region, the Horn of Africa, and the Sahel.
- **Publicly and privately condemn security force abuses** and urge African governments to ensure that all security forces deployed on law enforcement operations are subject to scrutiny.
- **Support rights-respecting counterterrorism strategies** in countries dealing with armed insurgencies, including by publicly denouncing abusive operations and making support to such operations conditional on progress towards curbing abuses and holding those implicated in abuses to account.
- **Increase the presence of human rights officers** in US counterterrorism missions in Africa and ensure that cooperation agreements on counterterrorism operations include specific clauses setting out human rights standards.
- **Support security sector reform efforts including vetting mechanisms** to remove members of security forces implicated in serious human rights abuses from the security and intelligence services.

***Human rights and governance***

- **Press governments to ensure respect and protection of rights**, including to regular, free, fair, and credible elections, as well as the rights to freedom of expression, peaceful protest and assembly, and association.

- **Publicly denounce violations of rights and invest in efforts to create conditions** conducive to free, fair, and credible elections early on in an election cycle.
- **Review US support to African government institutions to ensure** it promotes human rights and has no negative effects on freedom of expression and association, gender equality, political pluralism, and the ability of civil society organizations to operate freely and independently. Promote similar approaches within African regional institutions as well as international institutions such as the African Union, African Development Bank, UN Development Program (UNDP) and the World Bank.

### *Justice and accountability*

- **Support efforts to ensure accountability** through fair, credible trials for those most responsible for mass atrocities and other serious human rights abuses, including through implementation of specialized accountability mechanisms such as the Special Criminal Court for the Central African Republic, the proposed Hybrid Court for South Sudan, and establishment of a war crimes court to try atrocities committed in Liberia's back-to-back civil wars, encouraging Guinea to move ahead with the long-awaited trial of alleged perpetrators of the country's 2009 stadium massacre trial, assisting the Democratic Republic of Congo in strengthening its domestic capacity to try serious crimes committed in the country over the past several decades, and ensuring support, including through reparations, for victims.
- **Seize new openings in Sudan to press for justice** for atrocities committed in Darfur by urging authorities to ensure those accused by the ICC are surrendered, including former president Omar al-Bashir, and work together with regional and other governments to ensure justice for atrocities committed by the Lord's Resistance Army through the arrest and surrender of the group's leader, Joseph Kony, to the ICC.
- **Maintain existing targeted sanctions, and adopt new targeted sanctions**, including travel bans and asset freezes, against those allegedly responsible for serious human rights abuses.
- **Support accountability for conflict-related sexual violence** and measures for survivors including reparations policies and programs.

### *Rights-focused multilateral engagements*



- Support the African Union (AU) - UN Addis Ababa road map to strengthen collaboration between regional accountability mechanisms and commissions of inquiry established by the UN Human Rights Council and the African Commission on Human and Peoples' Rights.
- Support an overarching human rights agenda within the AU's peace and security architecture by investing in the development of strong tools for conflict prevention and management, and rights-focused responses to emerging crises.
- Promote stronger cooperation between AU human rights institutions and international human rights institutions (such as the Office of the High Commissioner for Human Rights (OHCHR) and the Inter-American Human Rights organizations).
- Promote stronger US-Africa partnerships between US agencies and local human rights organizations and ensure support for pro-democracy activists.

#### *Rights-driven Covid-19 responses*

- Support efforts to make Covid-19 vaccines available to developing countries and provide financial and other support for safe vaccination campaigns.
- Press governments to ensure transparency in the management of Covid-19 response funds, make investments to improve access to quality health care, water and sanitation, and help people cope with the economic impacts of Covid-19 related restrictions and price increases.
- Support governments to address the ways women and girls have been uniquely impacted by the pandemic in their national Covid-19 responses, develop responses in consultation with women and girls and women's rights organizations, and allocate necessary resources.
- Support governments to promptly get all children back in school with careful public health planning, in line with World Health Organization guidance, to prevent and control the spread of Covid-19. This should include support to girls who married or became pregnant or parents during the schools' closure.

## East Africa

Respect for human rights in East Africa is precarious, with authorities in Kenya, Uganda and Tanzania failing to adequately investigate a range of abuses and undermining basic rights to free expression and association. Activists and journalists working on a range of issues in Kenya, Uganda, and Tanzania have faced increased obstacles and harassment. In Kenya, the government has repeatedly failed to make good on its promises to provide justice and reparations for serious human rights abuses, including for electoral violence, extrajudicial killings, and enforced disappearances. Violence against women and girls remains widespread.

Since the election of President John Magufuli in December 2015, Tanzania has witnessed a marked decline in respect for free expression, association, and assembly, and serious rollback on the rights of women and girls. Rhetorical attacks on rights by authorities are increasingly accompanied by implementation of repressive laws and the harassment and arrest of journalists, opposition members, and critics. As a result, self-censorship and fear of reprisals have stifled free speech.

President Magufuli has attacked women's reproductive rights, vigorously supported the expulsion of pregnant girls and teenage mothers from attending public schools, and threatened non-governmental organizations advocating for their education. Tanzanian authorities have also arrested some schoolgirls for becoming pregnant and harassed their families. Tanzania is one of two countries in Africa that expressly ban pregnant students from school. Tanzanian authorities have failed to raise the minimum age of marriage to 18 for boys and girls, and appealed a High Court ruling that directed the government to amend its law to remove discriminatory provisions that allow girls to marry at 15 with parental permission and at 14 with the permission of a court.

In Uganda, violations of the rights to freedom of association, expression, and assembly have persisted. In the lead up to the general elections in January 2021, security forces disrupted opposition meetings and shot at, beat, arrested, and arbitrarily detained and tortured protesters, journalists, and opposition members. Despite various government commitments to hold security forces accountable for their conduct, many investigations into military and police abuses against civilians failed to progress.

All three countries criminalize consensual same-sex relations. Tanzania and Uganda are among the few countries in the world that conduct forced anal examinations, which can amount to torture, on people accused of same-sex conduct.

## Kenya

### Human Rights Watch urges the Biden administration to:

- Urge Kenyan authorities to uphold and protect free expression and ensure that security officers or public officials are held accountable for threatening, intimidating, or physically attacking a member of the media in Kenya.
- Urge the government to ensure that killings of unarmed young men in low-income areas are halted and that those responsible for these crimes are speedily held to account.
- Support the government to develop and implement, through a transparent and participatory process and in accordance with international standards, a reparations program for all victims of serious human rights violations committed during the 2007-2008 post-election violence, including sexual violence.

*For more Human Rights Watch reporting on Kenya, please visit: <https://www.hrw.org/africa/kenya>*

## Tanzania

### Human Rights Watch urges the Biden administration to:

- Urge Tanzanian authorities to take prompt, credible, and impartial steps to investigate allegations of election-related killings, beatings, and assaults by security forces, and hold those responsible accountable.
- Encourage the government to urgently review repressive legislation and policies and ensure protection for the rights of all as guaranteed under international and regional human rights law.
- Provide financial and technical support to LGBT-led organizations in all aspects of their work, including those related to documentation of human rights violations, advocacy, economic empowerment, and service provision.
- Ensure that US financial support to the health sector, including PEPFAR, reaches groups that face discrimination in Tanzania and that such support is not used to further discrimination.

- Urge the government to immediately end the ban on pregnant and married girls or young mothers attending public schools, adopt a human rights-compliant continuation policy that would allow pregnant girls to remain in school for as long as they choose, and implement measures to ensure girls can remain in school and succeed in their studies.
- Urge the government to take legal and policy steps to end child marriage by immediately changing Tanzania's Law of Marriage Act to increase the age of marriage to 18.

*For more Human Rights Watch reporting on Tanzania, please visit:*

*<https://www.hrw.org/africa/tanzania-and-zanzibar>*

## Uganda

**Human Rights Watch urges the Biden administration to:**

- Publicly and privately condemn excessive use of force and urge the Ugandan government to ensure that security forces deployed on law enforcement operations are subject to scrutiny.
- Press Ugandan authorities to ensure that security forces respect the rule of law, are held accountable for abuses, and act in an impartial manner. Consider conditioning security assistance on adherence to these standards.

*For more Human Rights Watch reporting on Uganda, please visit: <https://www.hrw.org/africa/uganda>*

## Great Lakes Region

Rapidly shifting political dynamics, persistent instability, and entrenched repression in the Great Lakes region have created significant challenges for international actors to influence the human rights situation. Burundi's prolonged human rights and humanitarian crisis shows no sign of abating, despite initial hopes raised by the election of a new president, Evariste Ndayishimiye, in May 2020. Reports of extrajudicial executions, arbitrary arrests, torture, sexual violence, extortion, and a deeply-rooted intolerance of criticism—which have been the hallmarks of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD)—show that US engagement remains important.

In Rwanda, the ruling Rwandan Patriotic Front (RPF) continues to target those perceived as a threat to the government. Several high-profile government critics have recently been arrested or threatened. Authorities consistently fail to conduct credible investigations into reported cases of grave human rights violations. Instead, arbitrary detention, ill-treatment, and torture in official and unofficial detention facilities continues. Fair trial standards are routinely flouted in sensitive political cases, in which security-related charges are often used to prosecute prominent government critics.

In the Democratic Republic of Congo, Felix Tshisekedi's new administration took positive initial steps in the promotion of human rights in 2019, but 2020 saw a downturn of these gains. Congolese authorities cracked down on peaceful protesters and activists, journalists, and politicians, while using state of emergency measures temporarily imposed due to the Covid-19 pandemic as a pretext to curb protests.

US sanctions announced in 2016 on individuals tied to human rights abuse, and additional sanctions on officials responsible for undermining the electoral process, which included asset freezes, have been effective and send a strong message.

Some Congolese army units continue to use armed groups as proxy forces in their fight against other militia. These units provide support in weapons and ammunition to proxy groups and have interests in the illegal trade of minerals or other illegal business activities.

Despite disengagement at the highest levels over the past four years, the United States remains one of the most influential donor countries and diplomatic actors in the Great Lakes region of Africa, including Burundi, Rwanda, and the Democratic Republic of Congo.

We strongly encourage the reinstatement of the Great Lakes Special Envoy position at the beginning of the Biden administration. Previous US engagement—particularly through the work of the US special envoy’s office—was crucial in helping to end an abusive Rwandan-backed rebellion in eastern Congo in 2013 and in addressing the escalation of human rights crises linked to presidents seeking to extend their terms in office in Burundi and Congo. Following in the footsteps of former envoys Thomas Perriello and Russell Feingold, a new envoy would need an office that is well-staffed and resourced. The US special envoy position could once again be critical for continued high level US engagement in the region, conducting shuttle diplomacy, and developing and building support for a common strategy towards the region and coordination amongst other partners, including the UN, EU, AU, and sub-regional bodies.

## Burundi

### Human Rights Watch urges the Biden administration to:

- Publicly press Burundian authorities to stop abuses by government security forces and the CNDD-FDD youth league, the Imbonerakure, including torture, enforced disappearances, rape, arbitrary arrests, and killings of perceived opponents.
- Condemn publicly and privately Burundi’s withdrawal from the International Criminal Court and its suspended collaboration with the UN Office of the High Commissioner for Human Rights in Burundi.
- Task the incoming Assistant Secretary for Africa at the State Department to prioritize more active involvement by African leaders who may be able to influence President Evariste Ndayishimiye, such as Tanzanian President John Magufuli and Republic of Congo President Denis Sassou Nguesso.
- Express in the strongest possible terms concerns about the gravity of the continuing human rights crisis and Burundi’s rejection of UN and other initiatives aimed at ensuring accountability for serious crimes.
- Conduct thorough due diligence to ensure that no financial support for development, humanitarian, or other programs enables human rights abusers, including the members of the ruling party’s youth league, the Imbonerakure.

*For more Human Rights Watch reporting on Burundi, please visit: <https://www.hrw.org/africa/burundi>*

## Rwanda

### Human Rights Watch urges the Biden administration to:

- Express strong public and private messages about the government's need to ensure and respect the rights of people in Rwanda to exercise their freedom of expression, conscience, and peaceful assembly and ensure consistent and coherent messaging in all contacts with the Rwandan government.
- Press for accountability for high-profile cases of killings and enforced disappearances of government critics.
- Ensure that cooperation with the security and justice sector is accompanied by pressure to halt enforced disappearances, arbitrary and illegal detention, and torture in unofficial detention facilities and to demand strong judicial responses to torture, independence of the justice system, and fair trials.
- Review support to Rwandan government institutions to ensure that it fully promotes human rights and has no negative effects on freedom of expression and association, political pluralism, and the ability of civil society organizations to operate freely and independently. Promote similar approaches within international institutions such as the UNDP and the World Bank.

*For more Human Rights Watch reporting on Rwanda, please visit: <https://www.hrw.org/africa/rwanda>*

## Democratic Republic of Congo

### Human Rights Watch urges the Biden administration to:

- Denounce political repression and other serious human rights abuses and urge the government to ensure that the right to free speech and peaceful assembly is respected, that Congolese human rights defenders can work without interference, and that those responsible for serious human rights violations are appropriately held to account.
- Suspend support to security forces implicated in serious rights abuses, including in the context of political demonstrations, campaigns, or in unlawful arrests of suspected criminals. Encourage efforts towards security sector reform.

- Support efforts to protect civilians more effectively in eastern Congo, including by supporting the UN to actively implement its protection mandate, including in Beni and Ituri territories where hundreds of people have been killed over the past five years in numerous attacks by armed groups.
- Provide financial and technical resources, as well as diplomatic support, for the establishment of effective judicial mechanisms to prosecute war crimes, crimes against humanity, and other serious human rights abuses, whether it is at the international or national level.

*For more Human Rights Watch reporting on the Democratic Republic of Congo, please visit:*

<https://www.hrw.org/africa/democratic-republic-congo>



## Horn of Africa

Despite a series of reforms in 2018, Ethiopia faces significant political and human rights crises. The conflict in the Tigray region, which shows no sign of abating, adds another layer of complexity and tension to the country's already fragile transition. While the conflict has largely occurred in the dark, with communications remaining shut off in parts of the region and humanitarian access largely limited since the conflict began on November 4, 2020, hundreds of civilians have been killed by state armed forces and non-state armed groups .

In parts of Oromia, flashpoints of deadly violence along communal and ethnic lines and abuses by government security forces and armed groups continue to occur and further threaten the country's overall stability. The government made little progress in ensuring justice for past and recent abuses, despite key commitments made earlier in Prime Minister Abiy Ahmed's administration.

Given the country's significant challenges, US engagement remains essential, particularly in light of the strong bilateral relationship the two countries forged over the past few decades. The Biden administration should seek to reset and correct some of the damage in the US' past foreign policy approach to Ethiopia, particularly in the last year. US officials should develop consistent and principled approaches to re-engage with Ethiopia and remain a critical but nonetheless positive ally of Ethiopia. We welcome in this regard statements made by members of the Biden administration including by Anthony Blinken and Jake Sullivan.

Somalia's federal government received international praise for its planned economic reforms, but it has made little progress with security and judicial reforms while conflict-related abuses, insecurity, and the humanitarian crisis have taken a heavy toll on civilians.

All parties to the over two-decades-long conflict between government forces and the armed Islamist group Al-Shabab committed violations of international humanitarian law, some amounting to war crimes. Al-Shabab conducted indiscriminate and targeted attacks on civilians and forcibly recruited children. Inter-clan and intra-security force violence killed, injured and displaced civilians, as did sporadic military operations against Al-Shabab by Somali government forces, African Union Mission in Somalia (AMISOM) troops, and other foreign forces. The presence of federal forces in Gedo continued to create tensions between the government in Mogadishu and Kismayo and resulted in civilian deaths and displacement in early 2020.

Somali authorities have restricted media freedoms, raising concerns around whether the administration will further restrict free speech and association in the forthcoming electoral

process. The federal and Somaliland parliaments considered problematic sexual offenses bills. The Somali government did not hand over Al-Shabab cases from military to civilian courts. The government did not establish a National Human Rights Commission, nor did it move forward with the planned review of the outdated criminal code, pending since the previous administration.

In Somalia, despite the appointment of a US ambassador with in-depth knowledge of the country, much of the diplomatic engagement focused on seeking to mend a sharply deteriorating relationship between Somalia's central government and regional states—diverting greatly needed attention from pressing for key rights reforms. In addition, while the US military command has taken steps to investigate civilian casualties resulting from an ever-escalating air campaign, these efforts did not result in concrete amends, redress, or compensation for victims and their relatives.

US engagement in Somalia during and in the immediate aftermath of the forthcoming electoral process will be critical to ensuring that a new, or returning administration, focuses on key rights reforms from the beginning of its time in office and to preventing the federal administration from getting distracted by protracted political conflicts.

Sexual violence, including rape, remains a significant problem throughout Somalia.

In South Sudan, despite the formation of a government of national unity based on the terms of the 2018 "Revitalized Agreement," the country faces a dire human rights and humanitarian crisis. Parties have stalled on implementation of key aspects of the peace deal including security arrangements, and formation of a new parliament. This has led to defections and growing agitation by various armed and political groups, making the transitional period even more fragile. Conflict in the southern parts of the country between the unity government and non-signatory groups to the peace deal continues, with abuses against civilians including rape, forced displacement, and looting, committed by all sides. Intercommunal violence in Jonglei, Lakes, and Northern Bar El Gazal has continued to escalate throughout the year with killings, looting of civilian property, and impunity. Civic space, as also noted by the US State Department's human rights report for 2019 on South Sudan, has shrunk. There has been little progress in addressing the numerous conflict-related abuses committed over the years. Progress to develop measures to ensure transitional justice, including reparations for conflict victims, has been slow.

Past US engagement contributed to South Sudan's independence in 2011, and to the signing of peace deals in 2015 and 2018. US pressure was instrumental in the establishment of the arms embargo on South Sudan in July 2018. It is essential that this arms embargo is maintained, and

that South Sudan and regional states comply with its terms. A resupply of weapons and ammunition to government security forces or non-State armed groups during a period when the implementation of the 2018 peace agreement and the cessation of hostilities agreement have stalled would threaten the lives of civilians, risk escalation in serious violations of international humanitarian and human rights law, and have dire consequences on long term stability of South Sudan. Ongoing US pressure is needed to ensure the new unity government holds and delivers on critical institutional reforms and the human rights agenda in the peace deal.

Sudan's first year of a three-year transition to democratic rule following the dramatic ouster of President Omar al-Bashir in 2019 was marked by a failing economy, political tensions, and continuing popular protests. These challenges were further compounded by the Covid-19 pandemic. While the government introduced some reforms, it failed to move forward with most of the institutional and law reforms called for in the August 2019 constitutional charter. Security sector reform, which will be crucial for the country to move on from its abusive legacy, has yet to begin. The government formed numerous investigative committees to address past crimes. However, current cases that reached trial phase do not involve any of the serious and grave crimes committed under the former regime. Authorities did not release the results of a national investigation into the violent crackdown on protesters in Khartoum on June 3, 2019, in which Human Rights Watch found that more than 120 people were killed.

A number of officials, including the prime minister, reiterated their commitment to cooperate with the International Criminal Court, but so far, three ICC suspects, including al-Bashir, remain in the custody of the Sudanese authorities. In June, the ICC took into custody its first suspect of serious crimes committed in Darfur.

On August 31, the government and a coalition of rebel groups signed a peace deal in Juba that would end the country's internal armed conflicts and provide for cooperation with the ICC in its Darfur investigation, and establish a national special court for Darfur crimes. Nonetheless, in Darfur and eastern Sudan, intercommunal violence increased. The United Nations/African Union Darfur peacekeeping mission (UNAMID) continued to draw down, while a new nationwide political mission began to deploy, but very slowly.

As the Covid-19 pandemic hit, about six million children were forced out of school due to school closures, and human rights groups reported a surge in domestic violence.

The Sudan-US bilateral relationship entered a new phase with the lifting of the State Sponsors of Terrorism designation. The process, however, did not offer concrete benchmarks or areas of engagement around key human rights issues.

## Ethiopia

### Human Rights Watch urges the Biden administration to:

- Publicly express its strong concerns about the credible reports of violations committed by federal, regional, and foreign forces and militias in Tigray. The administration should also raise concerns about the gravity of the human rights and humanitarian crisis throughout the country and call for independent, international investigations into abuses that have occurred in the country over the past months.
- Press Ethiopian authorities to stop federal and regional security force abuses against civilians, including enforced disappearances, arbitrary arrests and detentions, and extrajudicial killings and arrests of political opponents and their real or perceived supporters.
- Communicate strong public and private messages about the need to ensure and respect the rights to freedom of expression, conscience, and peaceful assembly and ensure its consistent and coherent application in all contacts with the Ethiopian government.
- Review US support to Ethiopian government institutions, including to its judicial and security sectors, to ensure that it is accompanied by meaningful and transparent security sector reforms at the regional and federal levels, including clear mandates and oversight lines, and which ensure independence of the justice system.

*For more Human Rights Watch reporting on Ethiopia, please visit: <https://www.hrw.org/africa/ethiopia>*

## Somalia

### Human Rights Watch urges the Biden administration to:

- Support Somalia's new administration to move ahead with key legislative reforms, including by promptly finalizing a comprehensive review of the penal code and bringing it in line with international human rights law and standards; amending problematic provisions in the country's new media law; and passing legislation that prohibits all forms

of violence against women and encompasses prevention, protection, care, treatment and support, and provides remedies for survivors, as well as appropriate prosecutions of those responsible.

- Communicate strong public and private messages about the need to ensure and respect the rights to freedom of expression, conscience, and peaceful assembly; these messages should be central to the Biden administration's framing of its engagement around the forthcoming electoral process.
- Press Somalia's authorities to ensure that the national human rights commission is set up and functions in accordance with the Paris Principles on National Human Rights Institutions.
- Ensure that ongoing support towards building Somalia's capacity to try complex security offenses domestically, also contributes to building the specialized capacity, expertise and structures needed to investigate and prosecute war crimes, crimes against humanity, and other serious violations.
- Take concrete measures to improve Somali security force compliance with international law, including by supporting the establishment of civilian oversight bodies; and pressing for credible prosecutions of members of the security forces responsible for human rights violations.
- Push for an end to trials of civilians in military courts, including non-military security personnel.

**Human Rights Watch urges AFRICOM to:**

- Take all necessary measures to minimize civilian loss of life and property in military operations, and otherwise abide by the laws of armed conflict applicable in Somalia.
- Promptly and transparently investigate allegations of laws-of-war violations and publicize findings and any disciplinary actions.
- Strengthen efforts to communicate with relatives of civilians killed in military operations, including by setting up a mechanism to provide safe and accessible channels for families to report allegations of civilian harm.

- Provide prompt and adequate compensation for civilian victims of laws-of-war violations. Set up a system to provide “condolence” payments or amends for civilian casualties and property damage as has been done elsewhere. In addition to monetary payments, options could include public acknowledgement, apologies, and livelihood assistance, reflecting the circumstances, needs, and preferences of affected civilians.
- Train and support partner forces to take the same steps above.

*For more Human Rights Watch reporting on Somalia, please visit: <https://www.hrw.org/africa/somalia>*

## Sudan

### Human Rights Watch urges the Biden administration to:

- Integrate a clear human rights policy in the engagement of the US special envoy. Private and public calls to advance human rights in Sudan should be part of the dealings of the US special envoy with the ruling partners in the country.
- Support the civilian-led transition and make clear that any infringement from the military on the stability of the transition will not go unanswered.
- Support a strong human rights agenda and civilian-protection mandate and presence for UNITAMS. Despite numerous calls from local groups in Sudan and international NGOs, the UNITAMS mandate falls short of providing needed physical protection of civilians, given the continuation of violence in the Darfur region. The US should play a key role in making UNITAMS better placed to support Sudan’s transition, and ensure solid scrutiny over Sudan’s commitment to protect civilians in conflict areas.
- Provide further financial and technical support to assist or pressure Sudan to carry on key transitional tasks. This includes the formation of transitional justice processes; security sector reform; and building the capacity of the justice sector to address accountability.
- Press Sudanese national authorities to cooperate with the ICC in ensuring those accused of atrocities in Darfur face justice, including former president Omar al-Bashir and three other ICC fugitives.
- Mobilize foreign donors, including international financial institutions such as the World Bank and International Monetary Fund, to support Sudan’s economy. This can also include facilitating Sudan’s access to benefit from the World Bank’s Heavily Indebted Poor

Countries (HIPC) initiative. Ensure the funds distributed to Sudan are well-spent in a transparent manner and scrutinize illicit or opaque businesses owned by the military or figures tied to the former regime, especially related to gold mining.

*For more Human Rights Watch reporting on Sudan, please visit: <https://www.hrw.org/africa/sudan>*

## South Sudan

### Human Rights Watch calls on the Biden administration to:

- Call on South Sudanese authorities to respect international human rights and humanitarian law. Attacks against civilians and on aid should end and responsible parties, whether members of the government army, armed groups, or local youth militias, should be held to account.
- Publicly and privately press for accountability for conflict-related abuses. Pledge technical and financial support toward the formation of the accountability mechanisms envisioned in the peace deal including the hybrid court, the compensation and reparations authority, and the commission on truth, reconciliation, and healing.
- Support authorities to ensure that transitional justice processes, including truth telling, reparations, and accountability for gross human rights abuses effectively address the gendered causes and consequences of the conflict on women and girls, and actively involve them in such processes.
- Urge the African Union and South Sudan to establish the hybrid court including by setting a clear timeline for this and by signing the draft Memorandum of Understanding on it. Ensure sustained regional and international pressure towards this.
- Ensure that South Sudan makes reforms limiting the mandate of the National Security Service (NSS) to intelligence gathering and press for a halt to enforced disappearances, arbitrary and illegal detention, and torture by the NSS. Demand strong judicial responses to these abuses and call on South Sudan to close all facilities used by the NSS for detention. Press for credible investigations and prosecutions of the senior leadership of the NSS responsible for human rights violations.
- Communicate strong public and private messages about the need to ensure and respect the rights of its citizens to exercise their freedom of expression, association, and peaceful

assembly. Urge reforms to the media authority law and the NGO Act to ensure they do not restrict these fundamental rights.

*For more Human Rights Watch reporting on South Sudan, please visit:*

<https://www.hrw.org/africa/south-sudan>



## Southern Africa

Southern Africa grapples with several human rights and security challenges with the armed Islamist insurgency in northern Mozambique perhaps being the most serious, threatening to spread into a full-scale security crisis engulfing the entire sub-region. The insecurity and violence in the Cabo Delgado province has left over 250,000 people displaced as the Islamist armed group, locally known as Al-Sunna wa Jama'a, attacked villages, killed civilians, kidnapped women and children, and burned and destroyed properties.

In Zimbabwe, the administration of Emmerson Mnangagwa, in office since August 2018, has failed to fulfill promises to introduce rights reforms. Authorities have instead intensified authoritarianism and human rights abuses amid rampant corruption in a country where over half of the 8.6 million population face starvation and depend on food aid.

In South Africa, major challenges include the country's failure to end xenophobic violence and hold perpetrators accountable, and the crisis of rising levels in violence against women, particularly during the Covid-19 national lockdown period this year. Eswatini remains Africa's last absolute monarchy under King Mswati III, who has led the country since 1986. There are no legally recognized political parties in the country, due to a ban by a 1973 decree. Despite the adoption of the 2005 constitution, which guarantees basic rights and the country's international human rights commitments, the government has not reviewed the decree or changed the law to allow the formation, registration, and participation of political parties in elections. In 2020, the government proposed a new omnibus cybercrime bill which threatens freedom of speech and media freedoms.

### Human Rights Watch urges the Biden administration to:

- Task the incoming Assistant Secretary for Africa at the State Department to prioritize more active involvement by African leaders, the AU, and the Southern Africa Development Community (SADC) to encourage them to assist Mozambique to better protect civilians during counterinsurgency operations in Cabo Delgado Province.
- Press Zimbabwe to end repression and implement rights and electoral reforms.
- Press South Africa to resolve the crises of xenophobic violence and to take the lead in supporting respect for human rights on the continent, particularly in Mozambique, Zimbabwe, South Sudan, and Ethiopia.

- Take measures to end widespread violence against women and girls, including by enhancing the legal and policy framework and strengthening prevention and accountability and services for survivors.
- Press Eswatini to embark on constitutional reforms to allow for multi-party democracy and guarantee freedoms of the media and of speech.

*For more Human Rights Watch reporting on Mozambique, please visit:*

<https://www.hrw.org/africa/mozambique>

*For more Human Rights Watch reporting on South Africa, please visit:*

<https://www.hrw.org/africa/south-africa>

*For more Human Rights Watch reporting on Zimbabwe, please visit:*

<https://www.hrw.org/africa/zimbabwe>

## West Africa

Human Rights Watch has documented extremely worrying and increasing levels of violence across the Sahel region over the past six years, including in Mali, Burkina Faso, and Niger. Hundreds of civilians have been killed, by both armed Islamist groups and government security forces, who have executed those accused of having links to the armed Islamist groups, often merely based on their ethnicity. We have also increasingly documented abuses by so-called civil defense groups that are supported and organized by government forces.

Our research indicates that it is the abusive policies of states, including their executions of suspects and their use of abusive militias, that has, more than anything else, driven hundreds of young men into the ranks of armed Islamist groups. Ensuring a rights-respecting counterterrorism strategy in the region is critical; failure to do so will make the struggle to end the threat posed by armed Islamist groups much more complicated and difficult.

Several countries in West Africa currently face a decline in civic freedoms and democratic norms, some triggered by disputed parliamentary and presidential elections as well as violent crackdowns of opposition parties, civil society members, and pro-democracy groups. Guinea held presidential elections on October 18, 2020, the culmination of a year-long effort by incumbent President Alpha Condé to secure a third term in office. The pre- and post-election periods were marred by violence, mass arrests of opposition leaders, members and supporters, and others perceived to be close to the opposition.

In Côte d'Ivoire, President Alassane Ouattara was re-elected for a third term with a reported 94 percent of the controversial October 31 election, which the main opposition parties boycotted. The poll triggered confrontations between opposition and government supporters in the capital, Abidjan, and at least eight other towns, resulting in brutal street clashes fought with machetes, clubs, and hunting rifles.

In Cameroon, armed groups and government forces committed widespread human rights abuses, including extrajudicial or summary executions and mass killings across Cameroon's Anglophone regions throughout 2020. The government continued restricting freedom of expression and association and has become increasingly intolerant of political dissent. Political space was limited as authorities cracked down on opponents of President Paul Biya and his ruling party. Hundreds of opposition party members and supporters were arrested in September following demonstrations calling for a peaceful resolution to the crisis in the Anglophone regions and for a boycott of December regional elections.

The Islamist armed group Boko Haram has carried out attacks in the Far North region since January 2020, killing hundreds of civilians. The government took measures to curb the spread of the Covid-19 virus, including closing schools and banning mass gatherings at the onset of the pandemic in March. However, the pandemic was also used as a pretext to silence the opposition and quell dissent. There has been little government transparency with regards to its disbursement of funds collected to address the pandemic.

In Nigeria, despite claims by federal authorities of increased security measures, an atmosphere of insecurity persists across the country. In the northeast, Boko Haram and its splinter faction, Islamic State West Africa Province (ISWAP), continue to launch attacks against civilian, humanitarian, and military targets. The authorities have failed to take concrete steps to ensure accountability and justice for abuses by security forces including extrajudicial killings, arbitrary arrests, illegal detention, and torture.

The Nigerian government continues to display intolerance of free speech and dissent by clamping down on peaceful protests, arresting and detaining activists, and repressing the media. Protesters and supporters of the EndSARS anti police brutality protests, which caught global attention this year, were harassed and attacked with excessive lethal force by security forces, leading to several deaths and severe injuries.

Nigerian authorities are struggling with a crisis of human trafficking, having one of the highest numbers in Africa. Their efforts to tackle the problem are undermined by government abuses, including detention of survivors in government-run shelters, as well as failure to provide them with much-needed support.

In Liberia, impunity for widespread atrocities committed during the country's back-to-back civil wars remains a major challenge for the country.

**Human Rights Watch urges the Biden administration to:**

- Address abusive security forces' response to armed groups in the Sahel, where grave and unpunished crimes committed by soldiers during counterterrorism operations are fueling recruitment efforts.
- Publicly denounce abuses by state security forces, including during counterterrorism operations, as well as the state's recourse to or protection of abusive self-defense civilian groups.

- Make financial support and training to governments' counterterrorism efforts conditional on progress towards respect for human rights and ensuring accountability for past security force abuses.
- Support investigations and accountability efforts for abuses committed by all sides, including through financial and technical expertise.
- Continue with the Sahel Special Envoy position, which is critical for ensuring a coordinated regional approach, conducting shuttle diplomacy, and helping to mobilize, coordinate, and lead efforts with other regional and international partners.
- Publicly denounce crackdowns on political opposition and members of civic groups across the region, including in Côte d'Ivoire, Guinea, and Nigeria.
- Press governments to hold to account those responsible for violations of the rights to assembly, to liberty, and to freedom from inhuman and degrading treatment. Make clear to senior officials and security forces implicated in serious human rights violations that they could face targeted sanctions, including travel bans and asset freezes.
- Support accountability efforts, including commencement of Guinea's trial of crimes committed during Guinea's 2009 stadium massacre and establishment of a war crimes court in Liberia, and urge the governments of Guinea and Côte d'Ivoire to bring the perpetrators of election-related violence and abuse to account.
- Press the Cameroonian government to ensure accountability for widespread abuses by the military and local separatist armed groups committed since late 2016 across the Anglophone regions. Urge unhindered access to the country, including the Anglophone regions, to national and international human rights monitors, including Human Rights Watch, and media.
- Press the Nigerian government to urgently improve implementation of its anti-trafficking laws and policies across the board, placing a high priority on improving assistance and services for survivors.

*For more Human Rights Watch reporting on Burkina Faso, please visit:*

<https://www.hrw.org/africa/burkina-faso>

*For more Human Rights Watch reporting on Cameroon, please visit:*

*<https://www.hrw.org/africa/cameroon>*

*For more Human Rights Watch reporting on Côte d'Ivoire, please visit:*

*<https://www.hrw.org/africa/cote-divoire>*

*For more Human Rights Watch reporting on Guinea, please visit: <https://www.hrw.org/africa/guinea>*

*For more Human Rights Watch reporting on Liberia, please visit: <https://www.hrw.org/africa/liberia>*

*For more Human Rights Watch reporting on Mali, please visit: <https://www.hrw.org/africa/mali>*

*For more Human Rights Watch reporting on Niger, please visit: <https://www.hrw.org/africa/niger>*

*For more Human Rights Watch reporting on Nigeria, please visit: <https://www.hrw.org/africa/nigeria>*

## Equatorial Guinea

The president of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, has been in power for 42 years, making him the world's longest serving president. His eldest son, Teodoro Nguema Obiang Mangue (known as Teodorin), is the country's vice president and vying to succeed his elderly father.

Human Rights Watch has documented the staggering human rights costs that Equatorial Guineans pay for the ruling family's systemic corruption. The country's vast oil reserves and small population make Equatorial Guinea one of the richest countries per capita in Africa, yet its health and education outcomes are among the worst in the world. The United States has been at the forefront of working to hold the ruling family accountable for corruption; a Senate investigation in 2004 led to the US Department of Justice seizing assets, including a Malibu mansion and private jet, belonging to Teodorin. In 2014, the Justice Department reached a settlement that resulted in the confiscation of \$30 million that would be returned for the benefit of the people of Equatorial Guinea. However, the Justice Department has yet to return this money.

The US investigation also set off several other international corruption investigations into Teodorin, including in France, where a court of appeals last year upheld a conviction finding him guilty of embezzling and laundering more than €110 million. A Swiss investigation ended in February 2019 with a settlement that included the confiscation of more than two dozen of his luxury vehicles that authorities auctioned for \$27 million, which will be returned for the benefit of Equatorial Guineans.

**Human Rights Watch urges the Biden administration to:**

- Promptly make a plan to return the \$30 million for the benefit of Equatorial Guinean in a way that will meaningfully provide redress for the harm caused by corruption, and ensure that the money is not re-looted. To achieve this, engage extensively with relevant civil society organizations, which have drafted detailed principles to guide this process, and proposed specific projects worthy of investment. Consider coordinating the return of assets with France and Switzerland.
- Sanction Teodoro Nguema Obiang Mangue under the Global Magnitsky Act. *(In January 2020, Human Rights Watch and other organizations submitted a request to sanction Teodorin for corruption under the Global Magnitsky Act.)*

*For more Human Rights Watch reporting on Equatorial Guinea, please visit:*

<https://www.hrw.org/africa/equatorial-guinea>

## AMERICAS

### Brazil

Brazil has often prioritized politics over science in responding to the Covid-19 pandemic. President Jair Bolsonaro has downplayed the pandemic and disseminated misleading information. He fired his health minister for defending World Health Organization recommendations, and the replacement health minister quit in opposition to the president's advocacy of an unproven drug to treat Covid-19. The supreme court, Congress, and governors upheld policies to protect Brazilians from the disease.

Police violence and severe prison overcrowding remain chronic human rights problems. Police killed 6,357 people in 2019, one of the highest rates of police killings in the world. Most victims were Black. Some police killings are in self-defense, but many others result from excessive use of force and fuel a cycle of violence that undermines public security and endangers the lives of civilians and police officers alike. Brazilian prisons held 70 percent more detainees than they were built for, as of December 2019.

Deforestation in the Amazon rainforest increased dramatically in 2019 and continued apace in 2020. The current administration has weakened environmental law enforcement, effectively giving a green light to criminal networks that engage in illegal deforestation and use intimidation and violence against forest defenders. Brazil has failed to bring to justice killings in the context of conflicts over the use of land and resources in the Amazon. President Bolsonaro has made unsubstantiated accusations against Indigenous peoples and non-governmental organizations (NGOs). The accelerated destruction of the Amazon largely drove a 10 percent increase in Brazil's greenhouse gas emissions during Bolsonaro's first year in office.

Violation of women's rights is another major human rights concern. The adoption of the 2001 "Maria da Penha" law was an important step in fighting domestic violence, but implementation has lagged. Brazil's restrictive abortion laws are detrimental to public health and the Bolsonaro administration has erected new obstacles to safe abortion access. In 2020, Brazil pressed for exclusion of references to "sexual and reproductive health" in UN resolutions.

At home, President Bolsonaro has also attacked gender and sexual and reproductive health and rights. Accusing advocates of encouraging teens to have sex at a young age, Bolsonaro is opposed to and has condemned comprehensive sexuality education. His minister of women, family and human rights has promoted student programs developed by anti-reproductive rights groups, while



his minister of education has publicly attributed homosexuality to dysfunctional families and negative upbringing.

Finally, since taking office, President Bolsonaro and government officials have lashed out at reporters more than 400 times, according to Article 19. The government asked the federal police to investigate alleged defamation by two journalists and a cartoonist who criticized the president. In addition, the justice ministry prepared confidential reports on almost 600 police officers and three academics it identified as “antifascists.”

**Human Rights Watch urges the Biden administration to:**

- Publicly support the Brazilian Supreme Court’s efforts to act as a check on the executive branch and protect fundamental rights.
- Press Brazilian authorities to adopt and implement human rights promoting policies in the following priority areas: police violence; prison conditions and excessive pretrial detention; freedom of expression; violence against women; and sexual and reproductive rights.
- Support multilateral efforts to press Brazil to demonstrate substantial progress in ending impunity for violence against forest defenders and in achieving a reduction in deforestation rates that is sufficient to put the country back on track to meet its own targets under the Paris Agreement on climate change.

*For more Human Rights Watch reporting on Brazil, please visit: <https://www.hrw.org/americas/brazil>*

## Colombia

The peace accord in 2016 between the Revolutionary Armed Forces of Colombia (FARC) and the government ended a 52-year armed conflict and brought an initial decline in violence. But conflict-related violence has since taken new forms, and serious abuses continue.

Civilians in various parts of the country suffer serious abuses at the hands of National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, Indigenous and Afro-Colombian leaders, and other community activists face pervasive death threats and violence. Over 400 have been killed since 2016. The government has taken insufficient steps to protect them.

At the same time, the rule of law in Colombia is currently facing a critical test. In August 2020, the Supreme Court ordered the house arrest of former president Alvaro Uribe as part of an investigation into alleged witness tampering. Uribe is a mentor of current President Iván Duque and the leader of the ruling party, Democratic Center. In reaction to the court's decision, members of the Democratic Center made statements that appeared designed to smear or intimidate the court. They proposed overhauling the entire court system and unifying the high courts into a single court—a move that could seriously undermine judicial independence in the country. Uribe was released in October, but he is currently proposing a referendum to overhaul the judiciary.

Impunity for past abuses, barriers to land restitution for displaced people, police violence, limits on reproductive rights, and the extreme poverty and isolation of Indigenous communities remain important human rights concerns in Colombia.

### Human Rights Watch urges the Biden administration to:

- Press Colombian authorities to strengthen or overhaul existing mechanisms to protect human rights defenders in the country, including by conditioning security assistance on reforms that ensure that these mechanisms are meaningfully implemented, have substantial impact on the ground, and meet the specific needs of human rights defenders at risk.
- Condition security assistance to Colombia on verifiable and concrete improvements in the rule of law and human rights in the country, particularly on killings of human rights defenders and respect for judicial independence.
- Assess US drug and security policies and programs in Colombia to ensure that they help to address the root causes of killings of human rights defenders by strengthening the

presence of civilian state institutions—not only security forces—in remote regions of the country and exploring new avenues to reduce the power and corrupt influence of armed groups.

- Oppose efforts by the Democratic Center to undermine judicial independence in the country.
- Press the Duque administration to take meaningful action to protect human rights defenders and other community leaders, including by ramping up efforts to implement collective protection programs and ensuring that intellectual authors responsible for the murder of human rights defenders are held to account.
- Work with Colombian authorities to pursue police reform, including by transferring the police from the Defense to the Interior Ministry and ensuring that the military justice system does not try cases of police abuse.
- Press the Duque administration to ramp up efforts to establish a meaningful state presence in remote areas of the country, including by increasing the presence of prosecutors and judges, as well as speeding the implementation of the so-called Territorial Development Programs (*Programas de Desarrollo con Enfoque Territorial*, PDET) established under the 2016 peace accord.
- Work with Colombian authorities to conduct drug policy reforms, including by fully implementing plans to replace coca crops with food and halting plans to reinstate aerial fumigation of coca crops.

*For more Human Rights Watch reporting on Colombia, please visit:*

<https://www.hrw.org/americas/colombia>

## Cuba

The Cuban government represses and punishes dissent and public criticism. Tactics used against critics include beatings, public shaming, travel restrictions, short-term detention, fines, online harassment, surveillance, and termination of employment.

In October 2019, Miguel Díaz-Canel was confirmed as president of Cuba, with nearly 97 percent of the votes of National Assembly members. His presidency has seen little change in the government's human rights policy. Arbitrary detention and harassment of critics continue. Under his government, Cuba has used Decree-Law 370/2018, which came into effect in July 2019, to severely limit free speech, and to detain, fine, and harass critics.

For more than half a century, the US embargo on Cuba has imposed indiscriminate hardship on the Cuban population as a whole. It has also provided the Cuban government with an excuse for its problems, a pretext for its abuses, and a way to garner sympathy abroad with governments that might otherwise have been willing to condemn the country's repressive practices.

### Human Rights Watch urges the Biden administration to:

- Support multilateral efforts to press Cuban authorities to dismantle the repressive system currently in place in Cuba, working closely with European and Latin American governments to ensure that the government unblocks websites, ends arbitrary detention, and allows visits by international human rights monitors.
- End the embargo, as well as travel and other commerce restrictions, on Cuba.

*For more Human Rights Watch reporting on Cuba, please visit: <https://www.hrw.org/americas/cuba>*

## El Salvador

Since he took office, President Nayib Bukele has undermined basic democratic checks and balances. In February, he entered the Legislative Assembly with armed soldiers in an apparent effort to intimidate legislators into approving a loan for security forces.

He has repeatedly defied rulings by the Constitutional Chamber of the Supreme Court in handling the Covid-19 pandemic and lashed out against independent press, including by announcing a criminal investigation against a well-known digital outlet, El Faro.

Under Bukele's administration the rule of law and transparency have suffered an enormous setback. The government has restricted access to public information, particularly related to information on public spending to fight the Covid-19 health crisis, amid grave allegations of improper use of funds and corruption. The government has backslid on efforts to address violence and discrimination against LGBT people, including by members of the security forces.

Gang violence is widespread throughout the country. Gangs forcibly recruit children and sexually assault women, girls, and LGBTI people. Gangs kill, disappear, rape, or displace those who resist.

### Human Rights Watch urges the Biden administration to:

- Publicly support the Supreme Court's efforts to act as a check on the executive branch and protect fundamental rights, as well as efforts to strengthen judicial independence.
- Condition the delivery of security assistance to the country on meeting robust, clear benchmarks on respect for human rights and the rule of law, transparency, and ensuring accountability for abuses.
- Terminate the Asylum Cooperative Agreement signed with El Salvador, especially since this country is unable to provide effective legal or physical protection to asylum seekers.
- Support multilateral efforts to combat widespread corruption, including by strengthening the role of the International Commission Against Impunity in El Salvador (CICIES).
- Provide financial and technical support to LGBT-led organizations in all aspects of their work, including those related to documentation of human rights violations, advocacy, economic empowerment, and service provision.

*For more Human Rights Watch reporting on El Salvador, please visit:*

<https://www.hrw.org/americas/el-salvador>

## Guatemala

Since former President Jimmy Morales declined to extend the mandate of the United Nations-backed International Commission against Impunity in Guatemala (CICIG) in 2018, investigations have slowed down, limiting accountability for large-scale government corruption and abuses of power. Current President Alejandro Giammattei, who took office in January 2020, supported ending the mandate.

There are significant delays in the appointment of judges and high court justices. The judicial appointments process conducted by Congress has been marred by allegations of corruption. Congress has flouted Constitutional Court rulings to ensure suitable candidates are appointed, instead ordering prosecutors to pursue criminal charges against Constitutional Court magistrates for ruling on the matter.

President Giammattei and his government have shown a hostile attitude toward the press and have been accused of hiding information regarding Covid-19 cases. Attacks on human rights defenders and social leaders increased in early 2020.

The Human Rights Ombudsperson faces a congressional effort to remove him and a possible criminal investigation for promoting LGBT and sexual and reproductive rights. Guatemala has failed to effectively address violence and entrenched discrimination against LGBT people, leading many to seek asylum in the United States.

### Human Rights Watch urges the Biden administration to:

- Publicly support the Constitutional Court's efforts to act as a check on the executive and legislative branches and protect fundamental rights, as well as efforts to strengthen judicial independence.
- Condition the delivery of security assistance to the country on meeting robust, clear benchmarks on respect for human rights and the rule of law, transparency, judicial independence, and ensuring accountability for abuses.
- Support and promote accountability and investigation of corruption and human rights violations by strengthening the role of the Prosecutor's Office against Impunity (FEI).
- Support the work of human rights defenders and national human rights institutions, in particular those fighting for environmental and Indigenous peoples' rights.

- Defund and terminate the US-Guatemala Asylum Cooperative Agreement (ACA) and stop any plans of transferring non-Guatemalan asylum seekers to Guatemala. Disclose the number of individuals subjected to the Guatemala ACA.
- Provide financial and technical support to LGBT-led organizations in all aspects of their work, including those related to documentation of human rights violations, advocacy, economic empowerment, and service provision.

*For more Human Rights Watch reporting on Guatemala, please visit:*

<https://www.hrw.org/americas/guatemala>

## Honduras

Violent organized crime continues to disrupt Honduran society and push many people to leave the country. Journalists, environmental activists, lesbian, gay, bisexual, and transgender (LGBT) individuals, and people with disabilities are among the groups targeted for violence.

The government relies heavily on the military for public security and efforts to reform public-security institutions have stalled. Marred by corruption and abuse, the judiciary and police remain largely ineffective.

In June, a new criminal code came into effect. It included provisions that appeared aimed at reducing penalties for politicians linked to organized crime, by lowering sentences for corruption and related offenses.

### Human Rights Watch urges the Biden administration to:

- Terminate the Asylum Cooperative Agreement signed with Honduras, especially since this country is unable to provide effective legal or physical protection to asylum seekers.
- Condition the delivery of security assistance to the country on meeting robust, clear benchmarks on respect for human rights and the rule of law, transparency, and ensuring accountability for abuses.
- Support multilateral efforts to combat corruption, including by pressing for the renewal of the mandate of the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) through the Organization of American States.
- Provide financial and technical support to LGBT-led organizations in all aspects of their work, including those related to documentation of human rights violations, advocacy, economic empowerment, and service provision.

*For more Human Rights Watch reporting on Honduras, please visit:*

<https://www.hrw.org/americas/honduras>



## Mexico

Mexico faces a human rights crisis. Violent crime is skyrocketing. In 2019, homicide numbers set a new record for the third year in a row. Police and the military continue to commit torture, enforced disappearances, and extrajudicial killings. Authorities estimate at least 75,000 people have gone missing—the vast majority in the past 15 years since the government launched its ‘war on cartels’ strategy deploying the military to fight organized crime. Journalists and human rights defenders are killed at a staggering rate—on par with war zones like Syria and Afghanistan—and impunity reigns. Fewer than 2 percent of crimes are ever solved.

President Andrés Manuel López Obrador, who took office in December 2018, is doing little to address these problems. He has doubled down on the disastrous strategy of his two predecessors, deploying the military—with its appalling human rights record—not just to fight cartels, but to replace police in fighting everyday crime and to detain migrants travelling northwards. In the 15 years since it was first implemented, this military-led public security strategy has failed to reduce violence and led to massive human rights abuses. Additionally, López Obrador has shown no interest in taking steps to reduce impunity. His handpicked attorney general has proposed measures to legalize torture and arbitrary detention. He has weakened the program to protect journalists and human rights defenders under threat. And, although his government has shown a commitment to finding the bodies of missing people, it has shown no interest in determining who killed them and how.

In 2019, the Trump administration threatened Mexico with crippling tariffs to force it to participate in a new harsher immigration cooperation policy that violates basic principles of the internationally recognized right to seek asylum. The US has sent around 70,000 non-Mexican asylum seekers to Mexico under the Remain in Mexico program. Many live in precarious, unsanitary, and dangerous conditions without access to basic services or adequate support from the Mexican government. They face extortion and kidnapping by organized crime groups and government agents.

Much of US-Mexican cooperation is centered around the Merida Initiative—signed by presidents Bush and Calderón in 2007—through which the US has provided more than US\$3.1 billion in aid. The money has been used to purchase military equipment intended to combat organized crime, implement judicial reforms intended to reduce impunity, strengthen immigration enforcement at Mexico’s southern border, and implement “culture of lawfulness programs” in secondary schools. The Merida Initiative has failed, in practice, to reduce violence, corruption, and impunity.

**Human Rights Watch urges the Biden administration to:**

- End the Remain in Mexico program and allow those currently under the program to enter the United States to await the outcome of their asylum claims. End pressure on Mexico to use its military to prevent migrants from reaching the United States and stop supporting the militarization of Mexican immigration enforcement.
- Reorient the Merida Initiative away from enforcement-based solutions and toward addressing corruption, impunity, and the root causes of crime and migration.
- Encourage the Mexican government to do more to implement the 2016 and 2018 judicial reforms aimed at reducing impunity.
- Continue supporting efforts to find the bodies of missing people, while encouraging the Mexican government to do more to determine who killed them and how.
- Continue supporting efforts to protect press freedom in Mexico while encouraging the Mexican government to ensure that its protection program for journalists and human rights defenders is properly funded and staffed.

*For more Human Rights Watch reporting on Mexico, please visit: <https://www.hrw.org/americas/mexico>*

## Nicaragua

Since 2007, Nicaragua has been facing a political crisis marked by the consolidation of President Daniel Ortega's power and that of his party over all branches of government, including the Supreme Electoral Council, which in the past barred opposition candidates from running for office. In December 2020, the legislature passed a law that creates new risks that opposition candidates will be barred from running for office, as it prohibits so-called "traitors"—defined in sweeping terms—from running for office. Conditions have not been met for free and fair elections.

In April 2018, a brutal crackdown by the National Police and armed pro-government groups left over 300 dead and 2,000 injured in 2018, and resulted in hundreds of arbitrary arrests and prosecutions. Impunity for human rights abuses by the police remains the norm.

The crisis continues into 2020, as the Ortega government has targeted critics, including the media and human rights organizations, through criminal prosecution, harassment, and surveillance. According to Nicaraguan rights groups, 108 people perceived as critics remained arbitrarily imprisoned as of November 2020.

In October 2020, Congress passed the "Foreign Agents" and "Cyber Crimes" laws, as well as the first reading of a constitutional reform to allow life sentences for "hate crimes," proposed by President Ortega. All of these legal changes pose serious threats to freedom of association and free speech.

More than 103,000 citizens, including journalists, have fled Nicaragua since the crackdown began.

### Human Rights Watch urges the Biden administration to:

- Expand and maintain targeted sanctions against government officials in Nicaragua responsible for serious human rights abuses, including President Daniel Ortega.
- Support multilateral efforts to press Nicaraguan authorities to end its violent repression on critics and opponents, including through reporting by the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights, and to ensure Nicaraguans' right to free and fair elections during the upcoming 2021 presidential election.

*For more Human Rights Watch reporting on Nicaragua, please visit:*

<https://www.hrw.org/americas/nicaragua>

## Venezuela

Venezuela is facing a severe humanitarian emergency, with millions unable to access basic healthcare and adequate nutrition. Limited access to safe water in homes and healthcare centers has likely contributed to the spread of Covid-19.

In September, a factfinding mission established by the United Nations Human Rights Council (HRC) found high-level authorities responsible for atrocities that they believed amounted to crimes against humanity. The government of Nicolás Maduro and its security forces are responsible for extrajudicial executions and short-term forced disappearances and have jailed opponents, prosecuted civilians in military courts, tortured detainees, and cracked down on protesters. They used a state of emergency implemented in response to Covid-19 as an excuse to punish dissent and intensify their control over the population.

Venezuela remains at a political impasse since Juan Guaidó, the National Assembly president, claimed he was taking power as interim president of Venezuela in January 2019. Guaidó has the support of more than 50 governments globally, but Maduro still controls all institutions except for the legislative branch. In July 2020, ahead of parliamentary elections scheduled for December 2020, the Supreme Court ordered the takeover of three leading political parties by Maduro government supporters, and appointed government supporters to head the National Electoral Council (CNE). Conditions have not been met for free and fair elections.

The exodus of Venezuelans fleeing repression and shortages of food, medicine, and medical supplies represents the largest migration crisis in recent Latin American history. Difficulty accessing legal status in other countries and economic hardship as a result of measures to curb the spread of Covid-19 have led approximately 130,000 to return since March 2020. Returnees are subject to abuse upon arrival.

Persistent concerns include brutal policing practices, poor prison conditions, impunity for human rights violations, lack of judicial independence, and harassment of human rights defenders and independent media.

### Human Rights Watch urges the Biden administration to:

- Support a large scale UN-led humanitarian response that provides sufficient and apolitical humanitarian aid to Venezuelans inside Venezuela, including efforts to send medicines, food, and medical supplies, and establish systems to ensure water provisions in Venezuelan hospitals and homes.

- Work with other international actors, including the European Union and the Lima Group, to press Venezuelan authorities to allow the World Food Program full access so it can operate in Venezuela.
- Support multilateral efforts to press Venezuelan authorities to end the crackdown on critics and opponents, working closely with European governments and the Lima Group to impose and maintain targeted sanctions against key military and civilian officials implicated in human rights abuses and to push for accountability for human rights abuses abroad, including investigations by the United Nations-appointed Fact-Finding Mission on Venezuela, reporting by the UN High Commissioner for Human Rights, and the ongoing preliminary examination by the International Criminal Court's Office of the Prosecutor.
- Grant Temporary Protected Status to Venezuelans in the US and ensure all Venezuelans subject to the MPP program are able to request asylum.

*For more Human Rights Watch reporting on Venezuela, please visit:*

<https://www.hrw.org/americas/venezuela>

## ASIA

Several country-specific recommendations are below. Regionally, we offer the following broad policy recommendations for promoting human rights and democracy in Asia:

**Utilize trade negotiations and discussions about business and economic agreements to promote labor rights and other human rights protections.**

- In bilateral or multilateral negotiations and discussions involving the USTR and State Department in Asia, officials should insist on strong, detailed, and enforceable labor rights protections, particularly with respect to countries with poor labor rights records. Trade and other economic agreements should contain labor provisions that obligate governments to reform or create domestic mechanisms to allow enforcement of international labor standards. Agreements should also be crafted to incentivize reforms by phasing in benefits (e.g., tariff reductions) in increments tied to specific reforms. Among other key provisions, labor rights provisions should create or provide for multi-party tribunals to arbitrate disputes, with representatives from independent trade unions or other labor rights organizations. Outside of formal negotiations, the administration should consistently press governments to repeal problematic laws or regulations, allow independent unions to form and operate, and release and drop arbitrary criminal charges against labor activists, among other steps. When engaging with labor issues, US officials should consistently recognize that many labor forces in the region, such as the garment and agriculture industries, employ large numbers of women who may face gendered forms of discrimination and abuse in the workplace and barriers to leadership roles in labor organizations.
- Intellectual property provisions in agreements should contain provisions that prevent governments from engaging in abusive control of social media platforms (e.g., rules mandating local servers and domestic jurisdiction over international content). Separately, to protect the right to health and especially in the context of the Covid-19 crisis, the administration should oppose efforts to enhance pharmaceutical patent protections at the expense of affordable medicines (e.g., extending length of patent protections, “evergreening” provisions), as the US has insisted in previous negotiations.
- If agreements are negotiated to include investor/stakeholder/state dispute mechanisms, relevant provisions should allow civil society groups and labor federations—not just

investors—to bring complaints against states for violations of agreements, whether on labor rights or otherwise. Failing that, at the least economic agreements should spell out effective and clear processes in which countries can bring state-to-state complaints. At the same time, the administration should formulate an effective set of US policies and regulations that will allow civil society and labor groups to petition for the US to bring such cases.

- On a larger level, the administration should promote and encourage US businesses—many of which have enormous operations or investments in Asia—to use their leverage to confront rights-abusing regimes in Asia. The administration should also subject US businesses operating in Asia to greater scrutiny to ensure they are not creating, contributing to, or being complicit in human rights violations.

**Incorporate human rights reforms into negotiations and discussions about security assistance, intelligence collaboration, government-to-government military sales, and approvals of private arms sales.**

- The Biden administration should focus on countries' records on human rights and democracy when setting policy on security assistance, intelligence cooperation, and arms sales.
- Pentagon and State Department officials should more publicly and forcefully communicate to countries that are receiving new or continued assistance that such actions will be contingent on their rights records. The administration should communicate to governments with problematic records that any increases in sales or assistance will be linked to reforms. Officials in the US intelligence community should echo these messages to their counterparts.
- Greater attention should be paid to the optics of meetings with senior military officials of abusive militaries. In successive administrations senior officials implicated in human rights violations have held publicized meetings with US officials that were used to bolster and launder their reputations in their countries, undermining other efforts to challenge their actions and stigmatize them. Meetings with such officials, when necessary, should be conditioned on them being private and without photo-ops, press releases, or social media posts by all parties.

**Coordinate better with relevant members and committees of the US Congress to maximize effectiveness.**

- The Biden administration should work strategically with Congress to press governments in Asia on human rights and work harder to fulfill existing commitments under US law. Given the historically bipartisan concerns in Congress on human rights issues in Asia, US officials should be clear with governments about the political and legal reality that Congress will impose restraints on closer economic and military ties where human rights improvements are needed and that US law contains numerous provisions that restrict US government discretion, assistance, or closer ties unless rights benchmarks are met. Congress has exercised a great deal of oversight and law-making that drives US foreign policy in Asia—from measures in appropriations bills to pending or current legislation on China, Myanmar, Vietnam, and North Korea. US law requires, for instance, that the US government impose sanctions on persons implicated in gross human rights violations; demands that economic partners reform labor law; and that exporters to the US not engage in forced labor or child labor. There are many other country-specific provisions as well, as entries below make clear.
- Where they are not already doing so, members of Congress should be encouraged to deliver tough human rights messages to abusive governments, which can be used by the administration to bolster its own pressure. The Biden administration should encourage congressional communications or co-dels. Any given human rights message from the administration to an abusive government will be made stronger if echoed by members of Congress.

**Avoid relegating rights issues to Human Rights Dialogues.**

- The administration should integrate human rights provisions into all its negotiations and not separate them off into side discussions or restrict them to human rights dialogues. The administration should clearly articulate to governments that human rights dialogues, where they occur, are meant to complement other diplomatic negotiations. Under no circumstances should the administration allow situations in which all or most discussions of human rights are pushed into human rights dialogues, preventing such discussions from occurring at other times.



## Afghanistan

The most enduring problem with US policy in Afghanistan in the last two decades has been the continuing discordance between efforts to strengthen the Afghan state and efforts to engage in counterinsurgency and counterterrorism activities using tactics and strategies that have violated human rights, undermined rule of law, and fuelled general impunity.

US support of nation-building—particularly financial support for women’s education, legal reform, and independent media—has helped lay the groundwork for a more open society in which dissent is generally tolerated and progress on women’s rights, including a greater role for women in public life, has been possible—although these gains have been limited largely to urban areas. But the US military and intelligence community’s support and utilization of regional strongmen, warlords, and abusive militias has led to widespread abuses, undermined reform, and helped drive support for insurgents, including the Taliban and ISIS. Over the years, the US has consistently failed to condition military or International Coalition assistance on genuine accountability and respect for rights of Afghan government forces and allowed local and regional security forces to undermine credible government institutions, including the police and judiciary. Widespread Afghan government corruption—and corruption by foreign actors—has also eroded progress in many areas, including accountability in the security sector.

Currently, with planned full US force withdrawal and intra-Afghan negotiations underway between the Islamic Republic of Afghanistan and the Taliban, the continuing power struggle among actors on all sides could derail a settlement and lead to escalating violence and possible all-out civil war that would drive many Afghans to seek refuge outside the country. A rushed process could create a political structure that would be too weak to maintain the fragile gains achieved on human rights, resulting in human rights compromises, in particular, further closing of freedom of civil society and the media, and deterioration in the rights of women and girls.

### **Human Rights Watch urges the Biden administration to:**

- Support the talks but seek to extend the timeframe for a troop withdrawal so that the US and other concerned countries retain sufficient leverage to press the parties to address human rights issues—including attacks on civilians, women’s rights, and press freedom -- before US troops are fully withdrawn.
- Throughout the negotiations, continue funding and supporting programs and initiatives that have made fundamental rights accessible to more Afghans.

- Support (both politically and financially) the full participation of women in all aspects of the peace process as required by UN Security Council Resolution 1325, and the participation of rights activists and victims' groups in intra-Afghan negotiations, including in thematic working groups and other consultative mechanisms. Press representatives of the Taliban and the Islamic Republic of Afghanistan to meet with such groups.
- Press for domestic accountability, tying the issue to continued funding, particularly within the police and the National Directorate of Security (NDS), which remain abusive and corrupt.
- Press the Afghan government to ensure that its war crimes investigation office has the authority and jurisdiction to investigate and prosecute members of the police and military forces and provide financial and technical support to that end. Investigate war crimes allegations against US forces in Afghanistan. At the same time, the US should cease its disruptive approach towards the International Criminal Court (ICC).
- Continue funding education, with particular attention to expanding and sustaining community-based education that has allowed many girls, children with disabilities, children in remote areas, and those whose families have been displaced to have access to education, including in Taliban-controlled areas. These programs have been among the most effective education programs and USAID has played a crucial role in establishing and sustaining them. The US government should work with the Afghan government to ensure that these classes are fully integrated into the national government's education system and budget.
- Continue and expand funding shelters for women and girls fleeing forced marriage, domestic abuse, and other violence.
- Continue support for legal aid programs, legal education, and other access to justice programs that have targeted women, the poor, and others who would otherwise lack access to legal services. While corruption and abuse in the justice sector remains a serious problem, these programs continue to bear fruit in providing Afghanistan with female prosecutors, lawyers, and judges and protecting women's legal rights.
- Support, both politically and financially, efforts to improve implementation of the 2009 Law on the Elimination of Violence Against Women.

- Continue funding the independent Afghan media, with emphasis on local media working in provincial centers. Nothing better represents the positive transformation in Afghanistan after 2001 than the proliferation of media outlets, many of which provide critical reporting and air debates on important policy issues.
- Work toward new security force support policies that involve disbanding US-backed paramilitary strike forces and militias that operate outside normal Afghan National Defense and Security Forces chain of command.
- Support the Afghanistan Independent Human Rights Commission and UNAMA's human rights work in Afghanistan.
- Urge the government to decriminalize consensual sex between adults, including same-sex conduct.

*For more Human Rights Watch reporting on Afghanistan, please visit:*

<https://www.hrw.org/asia/afghanistan>

## Bangladesh

Ongoing human rights problems in Bangladesh were exacerbated in 2020 as the ruling Awami League government capitalized on the Covid-19 pandemic to further crack down on critics and opposition. Security forces continue to perpetrate enforced disappearances of dissidents, journalists, and opposition leaders, with impunity. Violence against women is pervasive and almost always committed with impunity. During 2018 “elections,” the Awami League-led coalition secured 96 percent of seats in parliament, but the process was neither free nor fair: the campaign period was marked by largescale arrests of opposition party members and widespread threats and intimidation, and the voting process was marked by reports of serious irregularities, including ballot stuffing. The EU, UK, UN, and US all raised serious concerns over reports of irregularities. US engagement extended to the president, with a letter from President Trump to Prime Minister Shaikh Hasina urging her to address allegations and allow investigations into abuses.

A recent US Senate bipartisan initiative calling for sanctions on top Rapid Action Battalion officials offers the Biden administration a new strategy for addressing impunity and other ongoing abuses. Human Rights Watch believes that the threat of sanctions could serve to stem ongoing abuses and spur accountability, while preventing future abuses.

The government is susceptible to pressure. When police in 2020 shot and killed retired military officer Maj. Sinha Rashed Khan, widespread outrage appears to have shown the government that they had overstepped the bounds of their impunity: authorities were forced to take rare action and investigate, and within weeks, “crossfires”—a euphemism for extrajudicial killings in Bangladesh—dropped precipitously, proving that authorities can bring these killings to an end whenever they choose. The US can also use its potential security sector assistance for leverage. The US government is arguably Bangladesh’s most influential ally in security sector reform and should use this leverage to pressure Bangladesh to disband the Rapid Action Battalion.

Bangladesh is understandably burdened by hosting nearly one million Rohingya refugees and frustrated that Myanmar continues to refuse to ensure conditions to allow their safe return. But it has settled on a process of making refugees feel unwelcome—presumably to lead them to return to Myanmar “voluntarily.” Abuses by security forces in camps have increased, with reports of extrajudicial executions of refugees in the camps in Cox’s Bazar and Navy officials torturing and beating Rohingya refugees detained on the isolated silt island of Bhasan Char.

This is a critical moment for the US government to take a strong stand to preserve and rebuild democracy in Bangladesh.

### Human Rights Watch urges the Biden administration to:

- Continue to criticize the government for its crackdown on critics and members of the political opposition.
- Impose sanctions for human rights abuses against top officials of the Rapid Action Battalion and other top officials with documented histories of responsibility for ongoing human rights abuses, and call for the disbanding of RAB.
- Specifically pursue accountability against IGP Benazir Ahmed for alleged abuses committed during his tenure as Director General of RAB, particularly overseeing the bloody 2018 “war on drugs.”
- Address the institutionalized system of rewarding individuals for their willingness to commit politically motivated abuses as well as the increasing and dangerous overlap between the paramilitary Rapid Action Battalion and the Bangladesh Police.
- Urge the government to take immediate steps to increase access to services for people experiencing gender-based violence, and to reform justice system responses to gender-based violence to ensure accountability.
- Press the government to release disappeared persons, reveal the fates of those no longer in secret custody and presumably killed, and launch investigations into the circumstances of past disappearances.
- Block export of all surveillance technology to Bangladesh, in particular to the RAB and the National Telecommunication Monitoring Centre. The US government should ensure that US-manufactured surveillance technology is not used and abused by Bangladesh to surveil and persecute political opponents, journalists, or others, under the country’s vague and overbroad laws. *(Note: The NTMC is headed by Brigadier General Ziaul Ahsan, a former director general of RAB who has been implicated in serious human rights abuses including torture and enforced disappearances.)*
- Require that no aid will go towards any developments on the island of Bhasan Char until the government has allowed UN experts to conduct an independent technical assessment of the habitability of the island. The US government has contributed in particular to the funding of the pilot program to provide education under the Myanmar curriculum for 10,000 Rohingya refugee students. The US should ensure that this program is

implemented, as promised, as soon as it is safe for schools to reopen and that it be scaled up to reach the other 390,000 Rohingya children in the refugee camps in Cox's Bazar.

*For more Human Rights Watch reporting on Bangladesh, please visit:*

<https://www.hrw.org/asia/bangladesh>

## Cambodia

Prime Minister Hun Sen, whose 35-year rule makes him one of the world's longest serving leaders, has been using the Covid-19 pandemic as a pretext to further tighten his grip on power. He previously gained more power in the wake of sham elections in 2018. The arbitrary dissolution by a politicized Supreme Court of the main opposition Cambodian National Rescue Party (CNRP) rendered Cambodia into a de facto one-party authoritarian state. Many CNRP members were prosecuted on fabricated charges. Cambodia is currently detaining over 60 political prisoners, and numbers have been rapidly rising.

Hun Sen's increasingly brazen actions on human rights need a more aggressive US response. The Biden administration should adopt a markedly tougher diplomatic approach, while working with allies to impose more serious geopolitical consequences on Hun Sen and other senior officials and articulating clearer benchmarks for the government to meet.

### Human Rights Watch urges the Biden administration to:

- Use the Global Magnitsky Human Rights Accountability Act to expand and enhance targeted sanctions and entry bans on high-ranking Cambodian government and military officials implicated in gross human rights abuses and corruption, as well as companies linked to or operated by them or relatives implicated in abuses or being used to evade sanctions. *(The administration should also encourage the EU and other jurisdictions to do the same, and pressure all jurisdictions with reported offshore Cambodian wealth, including Singapore and Australia, to use any other legal means, including anti-corruption or money laundering laws, to seize such officials' assets, prevent their use of the international banking system, and block their travel.)*
- Direct the US Trade Representative to undertake an immediate review of Cambodia's tariff privileges in light of the worsening environment for labor leaders and unions, and coordinate with the EU on communicating to the government the steps they need to take to avoid losing trade privileges.
- Encourage US-based tech and social media companies to actively, publicly, and when appropriate collectively, counter Cambodia's efforts to increase its communications surveillance, including the proposed cybercrime law and the national internet gateway.
- Issue official public statements—when possible together with like-minded governments—in response to rights abuses committed by the Cambodian government.

- Ensure that all diplomatic representations by embassy staff or visiting US officials put human rights concerns at the forefront of dialogue.
- Block any and all visits to US territory by senior officials in the security services, including during multilateral events (e.g., in Hawaii), and refrain from inviting such officials to US-funded multilateral events in other locations (or compel other hosts to refrain from inviting such officials).
- Direct the Department of State and Department of Defense, and all federal departments who may send staff or officials to Cambodia for postings or visits, to decline to participate in publicity or social media photos (photo-ops) at both bilateral and multilateral meetings, with Prime Minister Hun Sen and other abusive senior government officials or those in the security services.
- Communicate to Cambodian officials about the specific steps they need to take to obtain sanctions relief (e.g., releases of political prisoners, dropping of criminal cases against opposition leaders, and repeal of problematic laws or regulations) and outline what further benefits will be provided to the government if reforms are sustainable.

*For more Human Rights Watch reporting on Cambodia, please visit:*

<https://www.hrw.org/asia/cambodia>



## China

The Chinese government under President Xi Jinping has become exponentially more repressive. Authorities have effectively eradicated independent civil society, dramatically expanded surveillance capacities with a view towards creating a dissent-free society, and imposed draconian policies in Hong Kong, Tibet, and Xinjiang. The government and Chinese Communist Party have tightened their already-firm grip on academia, civil servants, the judiciary, and the media, and rolled back virtually all modest progress in legal reform.

These pathologies are no longer confined within China's borders. Beijing poses a threat to human rights worldwide, including inside the United States. It threatens free expression worldwide, censoring the speech of those in the business community, the diaspora, and academia. It abducts foreign nationals from abroad, pressures other governments to forcibly return asylum seekers, and holds others in China hostage. Its violations of reproductive rights, including through the "One-Child Policy" and "Two-Child Policy" have led to "bride trafficking" of women to China from across the region. It threatens privacy and free speech rights of US citizens as their data is collected by China-based tech companies that are beholden to Beijing. Chinese authorities are no longer content to simply object to the mandate of international human rights law and institutions: they seek to remake both in ways that erase the idea of state accountability for serious violations and leave no room for independent civil society.

The United States should not fail to confront these threats and reverse these trends. There is a growing and increasingly diverse group of governments willing to take positions more critical of Beijing, to challenge predatory development, and to protect international institutions—to puncture Beijing's sense of impunity.

### **Human Rights Watch urges the Biden administration to:**

- Publicly acknowledge and articulate your approach to a significantly more repressive Chinese government, explaining how the administration plans to respond to mass arbitrary detention of Turkic Muslims, encroachment on freedoms in Hong Kong, Beijing's violations of bilateral and international human rights law, and its threats to human rights in the United States, and mapping out a strategy commensurate to Chinese government violations. Maintain targeted sanctions, including Entity List and Global Magnitsky designations, imposed by previous administrations on human rights grounds.

- Move swiftly to support the establishment of an ongoing mandate to monitor and regularly report on Beijing's human rights violations to the United Nations Human Rights Council, as urged in June 2020 by an unprecedented group of UN human rights experts.
- Move quickly to support an independent international investigation regarding Xinjiang and the Uyghurs as called for by UN High Commissioner for Human Rights Michelle Bachelet in March 2019. The Biden campaign's use of the term "genocide" to describe the situation in Xinjiang has raised expectations considerably among various communities.
- Prioritize the appointment of a Special Coordinator on Tibet, and use that position and the December 2020 Tibet Policy and Support Act as the basis to reestablish and expand coalitions of governments concerned about Tibetans and freedom of religion in Tibet.
- Commit to giving significant official attention to independent voices in and from China, including in policy assessments and decisions, and be prepared to help those people and organizations when Chinese authorities persecute them. Support independent Chinese-language media in the United States.
- Take principled global leadership on technology as a way of challenging the Chinese government's rights-free approach to surveillance. Work with allies to engage in setting standards on digital infrastructure globally to push for rights-respecting outcomes. Help provide affordable and quality digital infrastructure globally that is free from censorship and surveillance, including ongoing technical support, as an alternative to China's Digital Silk Road initiative. The US should also first secure its citizens' digital life by protecting their privacy, and tighten regulation of US government surveillance.
- Publicly denounce anti-Chinese racism and protect people of Chinese descent, but also carefully examine the human rights dimensions of Chinese government and Chinese Communist Party influence in the US and in other parts of the world. Commit to developing appropriate steps to combat those forces' diaspora harassment, threats to academic freedom, and other efforts to silence criticism.

*For more Human Rights Watch reporting on China, please visit: <https://www.hrw.org/asia/china-and-tibet>*

## India

Under the Hindu nationalist Bharatiya Janata Party (BJP)-led government, India's democratic institutions and secular constitution are under threat. Muslims and other minorities in India have been increasingly at risk as BJP leaders have repeatedly made Hindu nationalist and anti-Muslim remarks, encouraging and even inciting violent attacks. The government has also increasingly cracked down on critics in recent years, including those that defend the rights of Muslims and other vulnerable groups like Dalits and tribal communities. This has come as attacks on vulnerable communities have increased and India's formerly independent institutions are increasingly demonstrating bias. Women and girls continue to face high rates of gender-based violence with perpetrators often enjoying impunity, including for workplace abuses.

The government is also increasing its crackdowns on civil society using foreign funding laws such as the Foreign Contribution Regulation Act (FCRA) while bringing an increasing number of politically motivated cases against activists, journalists, academics, students, and others critical of the government or its policies, citing broadly-worded laws on terrorism, sedition, and national security.

In a few instances in the past, international pressure, including from the Obama administration, led Prime Minister Narendra Modi to make statements against attacks on minorities and restrain some of the more militant members of his party. However, the Trump administration expressed little concern about India's deteriorating human rights atmosphere, and President Trump's racist and anti-Muslim rhetoric and policies likely encouraged BJP party leaders. The Modi administration's oppressive actions in Jammu and Kashmir in August 2019 after winning a second term in May—revoking the state's constitutional autonomy, deploying thousands of troops, detaining thousands of people, and cutting off communications—were emboldened by weak international responses. The government's actions in Kashmir were then followed by a harsh crackdown on protests against a proposed discriminatory citizenship process.

Notwithstanding numerous claims to the contrary, today the government continues to impose harsh and discriminatory restrictions on Muslim-majority areas in Jammu and Kashmir and by throttling mobile service to only 2G service, has impaired access to information, healthcare facilities, education, and justice, with even more serious consequences during the pandemic.

The United States will need to reprioritize human rights issues in India—in particular religious freedom issues—in its dealing with the Modi administration going forward.

**Human Rights Watch urges the Biden administration to:**

- Instruct all US officials to raise human rights concerns with Indian government counterparts, both privately and publicly. Also encourage members of Congress to voice their concerns and communicate to the government that their approval of close ties and cooperation may be impacted if India's rights situation continues to worsen.
- Speak out about the rise in threats and violent attacks by Hindu nationalists on Muslims and other minorities and urge the Modi administration to take appropriate action against BJP officials who publicly promote violence and hate speech.
- Raise concerns over the Indian government's citizenship policies and urge the Modi administration to discard any plan for a nationwide citizenship verification project until public consultations are held to establish standardized procedures and due process protections ensuring the process is not discriminatory and does not impose undue hardship on poor, minority communities, and women.
- Publicly urge the Indian government to release all human rights defenders, journalists, and other critics arrested on politically motivated charges.
- Instruct embassy staff to independently monitor trials of human rights defenders and other politically motivated cases, including bail hearings.
- Publicly call on the Indian government to repeal the sedition law and amend the counterterrorism law Unlawful Activities (Prevention) Act to bring it in line with international human rights standards. Meanwhile, urge the Indian government to stop using these laws against critics and to protect freedom of expression and assembly.
- Raise concerns over FCRA consistently and publicly, especially the harm caused to smaller Indian rights groups, and urge Prime Minister Modi to end government harassment of NGOs and human rights defenders. Officials should emphasize the reciprocity among two democracies (the US does not restrict Indian entities from operating in the US) and the discrepancy between the Indian government's efforts to deregulate foreign investment versus the government's actions on FCRA.
- Raise concerns over ongoing abuses in Kashmir. Urge the Indian authorities to release all those arbitrarily detained in Kashmir, conduct an impartial and independent investigation into killings of human rights defenders, fully restore the internet and all communications,

and protect people's right to peaceful protests. The Departments of State and Commerce should also encourage and coordinate US tech and social media companies to use their influence more effectively.

- The administration should urge the Modi government to redouble efforts to improve the rights of Dalits and other minorities and tribal groups and urge the US private sector operating in India not to discriminate on the basis of caste in their investment, sourcing, or hiring decisions, including of management positions. The administration should also highlight any appropriate US state or federal responses to reported discrimination against Dalits within the US, e.g., in companies in Silicon Valley and elsewhere.
- To address impunity, the Biden administration, including relevant Department of Defense officials and senior officers who interact with the Indian military, should urge the government of India to repeal the Armed Forces (Special Powers) Act and remove provisions of immunity granted to security forces under the Criminal Procedure Code. US officials should point out that improving US military-to-military ties, and possible future military sales, will be complicated if the AFSPA remains in force. Congressional oversight can be cited in this context effectively.

*For more Human Rights Watch reporting on India, please visit: <https://www.hrw.org/asia/india>*

## Indonesia

In recent years, President Jokowi Widodo has engaged in political concessions and acts of appeasement towards Islamist extremists. In his first term, Jokowi partnered with Jusuf Kalla, an Islamist politician who allowed local governments to introduce Sharia ordinances impacting religious minorities, women, and LGBT people. Kalla worked to ban international donors from helping LGBT organizations working in Indonesia. In his second term, Jokowi chose as his vice president conservative Muslim cleric Ma'ruf Amin, who has advocated for the expansion of the country's blasphemy law and in 2006 wrote a so-called religious harmony regulation that restricts non-Muslim minorities in Indonesia. These appointments have come as Indonesia's many local and regional governments have increasingly advanced into law hundreds of new regulations proscribing social life and imposing restrictions on dress and activities, including onerous rules for women and girls such as curfews, mandatory hijab, and rules against riding or straddling motorcycles, as well as discriminatory provisions targeting LGBT people.

The customary rights to land of Indigenous peoples are lost in a maze of laws that make it almost impossible to obtain official recognition as Indigenous, or government-issued certificates asserting collective rights over customary land and forests. Without legal recognition, groups that self-identify as Indigenous cannot register collective rights to land. The government has allocated swaths of land to business for plantation agriculture, land that overlaps or completely incorporates Indigenous peoples' land and customary forests, resulting in forced evictions, loss of land, food insecurity, and violent land disputes.

Most worrying of all, Jokowi has recently appointed a convicted human rights violator, Prabowo Subianto, as defense minister. Prabowo is a former commander of the notorious Kopassus special forces unit that committed serious human rights abuses in Indonesia and East Timor. Previously, Prabowo was barred from entry into the US, but during the Trump administration he was invited to Washington and met with the secretary of defense. He is now the frontrunner in the next presidential election, raising grave concerns that he would put Indonesia's democratic and rights gains of recent years at risk. All of this comes as Indonesia has seen a rise in discrimination, intimidation and violence against religious minorities, women and LGBT individuals.

### Human Rights Watch urges the Biden administration to:

- Express strong concerns to the Indonesian government about the increasing number of national and local regulations discriminating against women and girls and LGBT people,

and encourage national authorities to undertake reviews of local and national laws that violate Indonesia's constitutional protections, national legislation, or international law.

- Press the government and parliament to ensure that provisions of the draft Criminal Code, now being deliberated in parliament, do not criminalize sexual activity outside of marriage or same-sex sexual relations.
- Encourage the US private sector working or investing in Indonesia to express the same concerns, including by articulating to the Indonesian government the negative effects that enforcing restrictive laws will have on investment and business activity in Indonesia.
- Urge the Indonesian government to amend the abusive blasphemy law to bring it into conformity with international law.
- Urge the Indonesian government to review the so-called religious harmony regulation on building houses of worship, which is used to discriminate against religious minorities, and to abolish the Religious Harmony Forum, which is increasingly used against religious minorities.
- Utilize the US voice and vote at the World Bank and other US-funded banks to ensure that financing or grants for projects in Indonesia are fully consistent with bank rules protecting the environment and Indigenous peoples' rights. Encourage and coordinate with the Australian Department of Foreign Affairs and Trade and EU financial institutions.
- Urge the government to harmonize the laws recognizing Indigenous peoples and legal control over their land, and to urgently set up a land dispute resolution commission to investigate and decide on land-related disputes between Indigenous peoples, government, or business interests.
- Undertake a broad review to identify all foreign commercial entities engaged in ongoing corruption and human rights abuses in Indonesia, especially in the mining sector, for the purpose of considering whether they merit sanctions under the Global Magnitsky Human Rights Accountability Act.
- Press the Indonesian government to fulfill President Jokowi's 2018 promise to invite UN human rights monitors to visit West Papua and Papua provinces and to let foreign journalists have full access to the two provinces as they do in the rest of the country.

- Redouble efforts to robustly enforce the Leahy Laws and enhance vetting of Indonesian military units and officers invited for US training or to visit the US, and refrain from allowing US training of any personnel or units who are under the command of a person prohibited under the Leahy Law from receiving training (i.e., block training to units, even if their members are “clean,” if the unit is under the command of someone who is not).
- Do not allow US officials or uniformed personnel to meet with Indonesian Defense Minister Prabowo Subianto, citing US law and policy, and articulate to President Jokowi that his posting as defense minister has imperiled US-Indonesia ties.

*For more Human Rights Watch reporting on Indonesia, please visit:*

<https://www.hrw.org/asia/indonesia>



## North Korea

US policy should re-prioritize human rights in North Korea. For several years after the groundbreaking 2014 UN Commission of Inquiry report on human rights in North Korea, there was increased attention on North Korea's human rights record at the UN level, including several debates in the UN Security Council, signaling that the issue could be considered a threat to international peace and security, properly under the agenda of the council. During those debates, some member states even raised the idea of a formal Security Council resolution referring the situation in North Korea to the International Criminal Court. Despite the obvious political roadblocks to such a resolution, the debates at the Security Council (and ongoing attention at the UN Human Rights Council) clearly impacted Kim Jong Un and his government based on the strength and vociferousness of their responses.

International pressure at this level can have several important impacts. First, it keeps the idea of accountability alive in the face of current political realities that make justice difficult. The UN high commissioner for human rights currently has set up an office to continue to gather information for use in future prosecutions; when the time comes when prosecutions become possible, it is important that both the architecture and idea of justice are both fresh and alive, so that accountability is prioritized and ensured. Second, and more importantly, it can lead to change in policies, as leaders individually or collectively are compelled to reconsider carrying out atrocities, whether currently or during some future moment of instability.

The Trump administration, in the context of the summits with Kim Jong Un, drastically reversed course on pressuring human rights issues with North Korea. In 2018, they failed to press for a UN Security Council debate on North Korea, and in 2019 blocked one. At the same time, they pursued negotiations with North Korea that were singularly focused on weapons proliferation issues, without attention to issues of larger cooperation with the UN, human rights issues, or anything else.

The Biden administration should chart a new course. Most North Korea experts, including some who have participated in previous talks, now acknowledge that pressing human rights issues at the UN and raising human rights in negotiations are not just the right thing to do, they are crucial for any successful negotiations with Kim Jong Un.

Any successful and durable verification of counter-proliferation processes will require the government of North Korea to restore access to the International Atomic Energy Agency and

improve its cooperation with the UN system in general. Verifying counter-proliferation agreements is hard enough in authoritarian countries. It is much harder yet in totalitarian ones.

Diplomatic negotiations are more likely to succeed when they are comprehensive—focusing not merely on a narrow issue but putting multiple topics on the table—especially if they are interlinked. This is doubly true in North Korea, since human rights issues are inextricably linked with the weapons proliferation program: the military widely uses forced labor to build infrastructure and support its operations, as US officials have previously noted.

In any case, human rights should be part of diplomatic negotiations, since one of the key points of leverage in negotiation—broad relief from US sanctions—cannot occur without North Korea making progress on human rights. The Biden administration should also raise human rights under a 2016 law by which a significant part of the broader-based sanctions imposed on North Korea's government are specifically related to human rights issues. Under US law, these broader sanctions cannot be lifted, or even waived, unless North Korea takes steps to improve its human rights record.

**Human Rights Watch urges the Biden administration to:**

- Re-establish at the UN Security Council regular discussions of North Korea's human rights record—this could begin as soon as March, when the US holds the council presidency. Encourage discussion by member states of consideration of formal referral of the situation in North Korea to the International Criminal Court.
- Engage with UN Human Rights Council member states to extend the mandate of the extra staff focused on accountability at the OHCHR, which ends in March 2021, and expand its mandate to be aligned with the other international mechanisms, to collect and preserve evidence of international crimes.
- Press South Korea and Japan to have a stronger stance on North Korean human rights, including at the Human Rights Council and UN General Assembly.
- US negotiators meeting with North Korean diplomats should call on the North Korean government to begin broader cooperation with the UN system, as a trust-building exercise and path toward other international visits. Similarly, the United States should press North Korea to join the International Labour Organization and end its endemic use of forced labor. Cooperation with these requests can demonstrate a willingness to reform. They may

also serve as confidence-building measures in the context of eventual weapons agreement monitoring and verification.

*For more Human Rights Watch reporting on North Korea, please visit: <https://www.hrw.org/asia/north-korea>*

## Pakistan

US policy on Pakistan has never prioritized the promotion of human rights or democracy. Since taking office in August 2018, the Imran Khan government has intensified an ongoing crackdown on freedom of expression, association, and religion. The government increasingly uses broad and draconian anti-terrorism and anti-corruption laws to target critics, media, and the political opposition. There is mounting, credible evidence of the use of government's anti-corruption watchdog, the National Accountability Bureau (NAB), to intimidate, harass and persecute political opponents. Nongovernmental organizations and civil society groups are labeled "anti-national," threatened, and intimidated. Dozens of international NGOs have been kicked out of the country and local NGOs are being intimidated and harassed daily. Violent attacks on religious minorities have surged in the tenure of this government and the use of blasphemy accusations, often coming from the government or the ruling party, has incited and enabled this. Pakistan's "blasphemy law," as section 295-C of the penal code is known, makes the death penalty mandatory for blasphemy. The Pakistani government failed to amend or repeal blasphemy law provisions that provide a pretext for violence against religious minorities, as well as arbitrary arrests and prosecution.

Members of the Ahmaddiya religious community continue to be a major target for blasphemy prosecutions and are subjected to specific anti-Ahmadi laws across Pakistan. They face increasing social discrimination from militant groups and extremists who use provisions of the law to prevent Ahmadis from "posing as Muslims." Shia Muslims are also facing blasphemy prosecutions and threats with a greater frequency.

Media censorship is at an unprecedented level in Pakistan's recent history. Media channels have been taken off air for giving coverage to opposition politicians. Many journalists have reported threats, some have faced physical attacks and criminal prosecutions, and many claim to have been fired for their criticism of the government.

Women and girls face high rates of violence, including so-called "honor violence" and widespread child marriage, and survivors of violence face barriers to justice including abusive behavior by law enforcement officials. Over 20 million children are out of school, the majority of them girls. Pakistan spends far less of its national budget and GDP on education than is recommended by UN guidance.

The democratic backsliding and authoritarianism in Pakistan are getting insufficient global attention, in part because US policy on Pakistan has failed to prioritize human rights. The

engagement with Pakistan almost exclusively from a geo-strategic and security lens has meant that the Pakistan government has often been exempted from legitimate criticism of its egregious human rights record.

The US government, working with key allies, should signal to the Pakistani authorities that the world is not only watching but the present situation in Pakistan is fundamentally incompatible with a rights-respecting democracy.

**Human Rights Watch urges the Biden administration to:**

- Urge the Pakistani government to amend and repeal discriminatory blasphemy laws. Make this recommendation an integral part of bilateral conversations.
- Urge the Pakistani government to lift restrictions on the right to free expression and publicly comment on the concerns regarding media expression and censorship in Pakistan.
- Urge the Pakistani government to withdraw restrictions on the functioning of NGOs and consider introducing human rights safeguards, including stronger protection of women's rights, in conversations and agreements on bilateral aid.
- Emphasize that the persecution and denial of fair trial and due process rights to political opponents is a human rights concern and not a "domestic matter" as the Pakistani government claims.
- Engage with civilian government authorities as the primary interlocutor to express the US' commitment to democracy.
- The US embassy and consulates in Pakistan should increase their engagement with civil society, media, women's rights groups, and political parties in Pakistan.

*For more Human Rights Watch reporting on Pakistan, please visit: <https://www.hrw.org/asia/pakistan>*

## Sri Lanka

The government of President Gotabaya Rajapaksa is engaged in a host of human rights abuses that calls for a robust US response. Rajapaksa, when defense secretary, was implicated in war crimes and serious human rights abuses. Other senior members of his administration, including the defense secretary Kamal Gunaratne, and chief of defense staff Shavendra Silva, have also been linked to war crimes during the conflict with the Liberation Tigers of Tamil Eelam, which ended in 2009. Some are also alleged to have been involved in public corruption and fraudulent transnational business practices. Crucially, the Sri Lankan government has renounced its commitments to accountability and justice under UN Human Rights Council resolution 30/1, which was passed by consensus with US leadership in 2015.

The Rajapaksa administration has been openly hostile to vulnerable minorities, and has suppressed perceived opponents including lawyers, journalists, human rights activists, and the victims of past abuses. Sri Lankans' democratic rights are also under severe assault: the passage of the 20<sup>th</sup> amendment to the constitution removes several important democratic safeguards.

Since Rajapaksa's election in 2019, the posture of the US government and its democratic allies has been "light touch" on human rights issues, presumably as part of diplomatic efforts against Chinese influence in the region. This approach, however, has not prevented the Sri Lankan administration from cultivating a deepening alliance with China.

A better course of action would be to acknowledge that the Sri Lankan government cannot afford to flaunt its UN obligations and simply cozy up diplomatically to China. The country's excessive levels of sovereign debt in general (to all creditors, not just China), and its reliance on trading partnerships with the United States, UK, and EU, mean that allies and democratic governments acting together could exercise extensive leverage over Sri Lanka if they chose—and certainly more than they currently exercise. That leverage is needed to be used to protect minorities, to protect civil space, and to push for accountability for grave violations that have been committed with impunity for decades, but particularly in the waning days of the civil war in 2009.

A major test for the Biden administration will come almost immediately, when the UN Human Rights Council considers a new resolution on Sri Lanka during the next session in Geneva. In February 2020 the Rajapaksa government renounced Sri Lanka's commitments to truth, justice and reconciliation under resolution 30/1. To deter the growing risk of renewed abuses, it is vital that a new resolution mandates continued reporting on Sri Lanka by the UN high commissioner for

human rights, as well as the collection, preservation, and analysis of evidence of international crimes, and the preparation of a report on avenues to future accountability.

**Human Rights Watch urges the Biden administration to:**

- Immediately reengage with the UN Human Rights Council and actively support the adoption of a new resolution on Sri Lanka at the council's February-March 2021 session, as specified above. As a former member of the council's Core Group on Sri Lanka, along with the UK, Germany and Canada, the United States can signal its return by playing a key leadership role, building international support to uphold the rule of law in a fragile region.
- Expand the imposition of targeted sanctions against individuals credibly accused of serious violations. The US sanctioning of Gen. Shavendra Silva in 2020 sent an important message, but was communicated inadequately, and needs to be amplified.
- Investigate allegations that officials accused of human rights abuses are also involved in transnational corruption and financial crimes and utilize Global Magnitsky sanctions where appropriate.
- Ensure that any new lending by the IMF, World Bank Group, and the Asian Development Bank goes to helping the most vulnerable instead of benefiting the government. Require audits of those projects and transparent reporting to the public on the use of funds.
- Communicate to Sri Lankan leadership that tougher measures will be rescinded when the government begins meaningfully cooperating with international efforts to address past and present human rights abuses—and that further measures will be adopted if these issues are not adequately addressed.
- Press Sri Lanka to decriminalize consensual same-sex relations and end the use of forced anal examinations.

*For more Human Rights Watch reporting on Sri Lanka, please visit: <https://www.hrw.org/asia/sri-lanka>*

## EUROPE AND CENTRAL ASIA

### Stop the Rule of Law Backslide in EU Countries

Over the past four years, there has been a worrying backsliding in several European Union countries, in particular in Hungary and Poland, with respect to the rule of law and respect for democratic institutions, media freedom, and space for civil society space, along with attacks on the rights of women, LGBT people, and ethnic and religious minorities. It is regrettable that the previous US administration failed to address those concerns with these governments despite the US having close ties.

#### Human Rights Watch urges the Biden administration to:

- Strongly counter efforts by some European Union governments, in particular in Hungary and Poland, to undermine democratic and institutional checks-and-balances and to erode the independence of courts, the pluralism of the media, and respect for freedom of association and of peaceful assembly.
- Actively support the protection and promotion of the rights of LGBT people and the rights of women, including their access to the highest standard of sexual and reproductive health and rights as well as protection from domestic and other gender-based violence and accountability for perpetrators.
- Support the actions taken by EU institutions in response to the erosion of the rule of law and of the respect for human rights for all.
- Strengthen institutional, political and financial support to pro-democracy actors in European countries, including independent media and civil society groups.

### Show Leadership in Global Displacement Crisis

Since the peak of the 2015-2016 political crisis around migration in the Mediterranean and the Balkans, European Union governments and institutions largely failed to develop an effective and rights-based policy response, causing real suffering and questioning its role as one of the global leaders on refugee protection. In September 2020, the EU released a new Pact on Migration and Asylum that, instead of representing a “fresh start,” confirmed the existing focus on sealing borders and boosting returns, included proposals that could undermine safeguards and increase detention, and failed to present innovative proposals for rights-respecting migration management.



At a time of continued global displacement crisis, we encourage your administration, in parallel to undoing programs and policies that dismantled the US asylum system over the past four years, to engage with the European Union and its member states in order to rebuild global leadership for humane and dignified migration policies that:

- Prioritize saving lives of people in distress, in particular at sea, and to preventing policies that rely on the use of detention, refoulement, and violence against migrants and asylum seekers.
- Increase safe and legal channels to reduce demand for smuggling and dangerous journeys.
- Commit to greater accountability and transparency in the context of migration policies with the view to end abusive policies, hold those responsible to account, and secure redress for those harmed.

## **Reinvest in Human Rights in Eastern Europe, Central Asia, and Turkey**

The Trump administration privileged siding with repressive leaders rather than tackling worsening human rights records. In the meantime, countries in central Eurasia have faced an entrenched political and human rights crisis. In Ukraine, the armed conflict in the east continued to take a high toll on civilians and the authorities struggle to protect discriminated communities and to uphold media freedom and civil society's space. In Belarus, protests against the results of a flawed presidential election were responded to with fierce repression. In Russia, constitutional reforms and abusive legislation cemented a repressive turn that culminated with the poisoning of opposition leader Alexey Navalny.

Turkey experienced a deepening human rights crisis over the past four years with a dramatic erosion of its rule of law and democracy framework, leading to the detention of thousands of perceived government critics, including journalists, opposition politicians, activists, and human rights defenders. In Central Asia, brutally repressive governments in Tajikistan and Turkmenistan continue to detain hundreds of critics on politically motivated grounds, while promises for reforms are slow to produce results.

The November 9 truce ending six weeks of armed conflict over Nagorno Karabakh profoundly changed the political landscape in the South Caucasus. The truce does not address protection of civilians who return to the territory. In Armenia, it prompted a sharp backlash against political

reformers, human rights ideas, and organizations, and a crisis in values and orientation. The void left by this crisis could easily be filled with Russian influences that are hostile to human rights. In Azerbaijan, although national solidarity during the war served to suspend the conflict between the government and the political opposition, the outcome also consolidated and solidified President Ilham Aliyev's authoritarian rule. Azerbaijan remains hostile to dissenting voices and the authorities have used the restrictions imposed to slow the spread of Covid-19 to target critics. Meanwhile, restrictive laws prevent nongovernmental groups from operating independently.

As Russia and China have strongly influenced political dynamics in the region, the United States should resume an active and ambitious human rights policy, engage its partners to prioritize respect for the rule of law, and support civil society and independent media.

In particular, your administration should urgently call on the Belarusian authorities to implement recommendations in the November 2020 "Moscow Mechanism" report, prepared under the aegis of the OSCE. These include ceasing all violence, in particular torture and ill-treatment against peaceful protesters, and releasing prisoners held for political reasons, including protesters, leaders of political opposition, journalists, media workers and, bloggers. Your administration should also support the establishment of an independent international body for the in-depth investigation of human rights violations in the context of the August 2020 election.

**The Biden administration should press the authorities of Ukraine to:**

- Prevent threats and attacks against activists and human rights defenders.
- Adopt a zero-tolerance stance towards violence and intimidation by radical nationalist groups that promote hate and discrimination against LGBT people and ethnic minorities, and ensure that all perpetrators of such violence are held accountable.
- Address the plight of civilians on both side of the line of contact in Eastern Ukraine and secure the payment of social benefits and pensions to all pensioners, irrespective of their place of residence.

**On Russia, we encourage the Biden administration to:**

- Systematically raise its concerns regarding the crackdown on human rights defenders and civil society and restrictions on the rights to freedom of peaceful assembly, association, and expression. Call on the authorities to repeal the 2012 'foreign agents law,' the 2015

'undesirable organization law,' the 2013 "gay propaganda law," and other restrictive laws, including recently adopted laws that seek to eviscerate Russia's vibrant civil society.

- Reinforce concrete actions to strengthen the US support to civil society and human rights defenders, including by enhancing flexible funding and capacity building initiatives tailored to the needs of civil society groups, improving the observation of trials against government critics, undertaking high level meetings with Russian human rights defenders, and publicly calling on the Russian authorities to resolve cases involving human rights defenders, activists, journalists, or critics.
- Reopen visa services in Russia and, once Covid conditions allow, increase scholarship, fellowship, and internship opportunities in the US for civil society activists.

We encourage the Biden administration to reaffirm with the authorities of Turkey that respect for human rights, the rule of law, democratic safeguards, a free media, and a thriving, independent civil society are essential to US-Turkey relations.

**In particular, the Biden administration should press Turkey to:**

- End arbitrary and prolonged detention and conviction on bogus terrorism and other charges of people targeted without evidence of material connection to violent acts of terrorism or credible evidence of criminal activities—among them activists, opposition politicians, human rights defenders, journalists, and writers.
- Take bold steps to ensure an impartial judiciary, removing political pressure on judges and prosecutors, and implementing European Court of Human Rights' rulings that Osman Kavala and Selahattin Demirtaş should be immediately released from their prolonged and arbitrary detention.
- End the arbitrary and disproportionate restrictions on the right to peaceful expression, assembly, and association, and review all articles of the Turkish Penal Code, the Anti-Terror Law, the Law on Meetings and Demonstrations and other laws that are used to restrict those rights.
- Reverse restrictive new amendments to its social media law passed in July 2020 and, in line with the judgements of the European Court of Human Rights, end restrictions on online content that violate the right to freedom of expression;

- Investigate abuses in areas under its effective control in Syria and ensure that its armed forces and the non-state actors it controls do not commit human rights abuses.
- Take concrete measures to counter femicide and implement the Istanbul Convention, including by ensuring protection from and accountability for domestic and other gender-based violence.

In Central Asia, we call on the Biden administration to:

- Ensure that its strategy supports strong, democratic institutions, rule of law, and respect for human rights, and aims at securing a Central Asia that is free from political detention of critics, from torture, and from undue restrictions to media freedom, freedom of association, and freedom of peaceful assembly.
- Strengthen its support to civil society actors and independent media and urge governments to refrain from interfering in or limiting their operations and activities.
- Press Central Asian governments to address the problem of institutionalization and lack of inclusive education for children with disabilities, and widespread impunity for domestic and gender-based violence.
- Urge the government of Kazakhstan to allow peaceful protests without fear of arrest or police harassment and interference and to refrain from harassing or persecuting on political grounds civil society groups, opposition groups, activists, or human rights defenders.
- Urge the government of Kyrgyzstan to uphold human rights and the rule of law in the resolution to the current political crisis and to carry an independent inquiry into the conditions leading to the death in detention of leading human rights defender Azimjon Askarov.
- Urge the government of Tajikistan to end the widespread practice of arbitrary detention, urgently release political critics, lawyers, and others detained in such circumstances and end the practice of harassment of exiled activists or their families in Tajikistan.
- Urge the government of Turkmenistan to end the practices of enforced disappearance and provide information, to families and international organizations, about the fate and whereabouts of the disappeared.

- Urge the government of *Uzbekistan* to release those convicted on politically-motivated charges, rid the country's criminal code of abusive provisions, bring the definition of torture, its NGO code, and its law on peaceful assemblies in line with international standards, and fully abolish the practice of all forced labor in its cotton fields.

In the *South Caucasus*, we call on the Biden administration to:

- In *Nagorno-Karabakh*, following the November 9 truce ending hostilities, insist, vis-a-vis all parties to the truce, on access to Nagorno Karabakh for UN protection and humanitarian agencies, and on their ability to carry out their work in line with their terms of reference; press Armenian and Azerbaijani authorities on the need to hold accountable their respective forces for violations of international humanitarian law.
- In *Armenia*, increase financial and moral support for pro-democracy and human rights groups, and speak out strongly against attacks on media and independent groups.
- In *Azerbaijan*, call for the release of all wrongfully imprisoned political activists, including leaders and members of the opposition Azerbaijan Popular Front Party, and insist on amendments to the NGO legislation to allow for an enabling environment for civil society groups.
- In *Georgia*, support local civil society's efforts to prevent democratic backsliding, and assist in further judicial reforms to ensure its independence from political influences.

*For more Human Rights Watch reporting on Europe and Central Asia, please visit:*

<https://www.hrw.org/europe/central-asia>

## MIDDLE EAST AND NORTH AFRICA

Over the past four years, the Trump administration has energetically protected and supported its authoritarian allies across the region, from governments headed by “favorite dictator” Egyptian President Abdel Fattah al-Sisi to Saudi Crown Prince Muhammad bin Salman (MBS). This support included efforts to protect such governments from Congressional scrutiny and considering legal immunity for MBS (for his alleged role in the murder of journalist Jamal Khashoggi). The US continued to sell and transfer billions of dollars of arms sales to these governments despite their repression of peaceful dissent and civil society, and these arms transfers have also raised the likelihood of US complicity in unlawful attacks, including likely war crimes, in Yemen. There is also the possibility that US equipment has been used unlawfully in other conflict zones, as well as the fact that the United Arab Emirates (UAE) has transferred US equipment to abusive militia groups in violation of their agreements with the US. The Trump administration’s rhetorical championing of human rights in the region was almost exclusively deployed to justify the “maximum pressure” campaign against Iran. The comprehensive nature of US sanctions harmed ordinary Iranians’ right to health by limiting access to vital medicines and medical equipment.

Conflicts across the region have resulted in 12 million people being internally displaced. Likewise, several economic crises, including what the World Bank termed a “deliberate depression” in Lebanon as a result of the corruption and incompetence of its political leaders, have led to increasing unemployment, food insecurity, and greater instability in parts of the region.

This is the bleak situation that the Biden administration confronts in the Middle East and North Africa, along with a painful reality that US arms and other support have invited legal risks to US officials for complicity in contributing to the world’s largest humanitarian crisis in Yemen. Yet it also means that the new administration can dramatically improve US policy regarding human rights in the region, as laid out in the detailed country policy recommendations below.

In addition, there are three points that should be adopted as part of a broader re-assessment of US policy in the Middle East and North Africa:

- **Adopt A Consistent Regional Human Rights Approach:** The Trump administration’s flagrant support for abusive allies, while simultaneously weaponizing human rights rhetoric and baseless charges of anti-Semitism against human rights groups to silence their criticism of Israeli authorities’ rights abuses, has further sunk US credibility regarding human rights in the Middle East. More consistent US public messaging and criticism of

human rights abuses in the region—whether the perpetrator is Iran, Israel, the UAE, or Saudi Arabia—will be fundamental in addressing this credibility gap. Likewise, the consistent implementation, where appropriate, of human rights-related policy tools, including the Leahy Laws and Global Magnitsky sanctions, to allies and adversaries alike, will ensure that these policy decisions are seen as representing US values rather than as nakedly political maneuvers.

- **Moratorium on Arms Sales and Transfers:** Human Rights Watch has extensively documented the use of US weapons sold or transferred to Middle East governments in unlawful attacks. Given the level of abuse by their armed forces, the Biden administration should declare a moratorium on arms sales and transfers to Saudi Arabia, UAE, and Egypt, until robust safeguards are put in place to ensure this equipment is not used in abuses. This is especially critical when large-scale arms purchasers like the UAE and Saudi Arabia have a recent record of serious abuses without accountability. The US should also restrict export licenses of surveillance technologies to abusive states that spy on and entrap peaceful government critics and dissidents.
- **Peace Deals and Political Agreements Should Strengthen, Not Undermine Rights Obligations:** Whether it is the UAE/Bahrain-Israel Accords or a US return to the JCPOA nuclear deal with Iran, these agreements should strengthen human rights protections and accountability for serious crimes, and not be used as a justification to neglect or deprioritize human rights issues on these countries or to approve arms sales that should be blocked on human rights grounds.

## Bahrain

The human rights situation in Bahrain remains dire. There are at least 27 individuals currently on death row, of whom 25 are at imminent risk of execution. Many of those on death row were sentenced following trials marred by allegations of torture and due process violations. The government has put six people to death since it ended a moratorium on executions in 2017.

Authorities continue to arrest, prosecute, and harass human rights defenders, journalists, opposition leaders, and defense lawyers, including for their social media activity. All independent Bahraini media has been banned since 2017 from operating in the country and all opposition groups are dissolved.

Thirteen prominent dissidents have been serving lengthy prison terms since their arrest in 2011 for their roles in pro-democracy demonstrations. They include Abdulhadi al-Khawaja, a founder of the Bahrain Center for Human Rights, as well as Abduljalil al-Singace, a leader in the unrecognized opposition group Al Haq, both serving life terms. Nabeel Rajab, one of Bahrain's most prominent human rights defenders, was released from prison on June 9, 2020 to serve the rest of his 5-year sentence under house arrest.

Health and hygiene conditions in Bahrain's overcrowded prisons remain extremely worrying. Although Bahrain released 1,486 prisoners in March due to the health risk posed by Covid-19, the releases have excluded opposition leaders, activists, journalists, and human rights defenders—many of whom are older and/or suffer from underlying medical conditions.

Authorities have failed to hold officials accountable for torture and ill-treatment. Oversight mechanisms are not independent of the government. Bahrain continues to deny access to independent rights monitors and the UN special procedures, including the Special Rapporteur on Torture.

### **Human Rights Watch urges the Biden administration to:**

- Refrain from approving future arms sales until there are concrete improvements to human rights and Bahrain's record concerning unlawful attacks in Yemen, including the release of all human rights defenders and dissidents serving long jail terms for peaceful expression and accountability for officials and security officers who participated in or ordered the widespread torture during interrogations since 2011.



- Raise human rights concerns publicly and privately in all meetings with Bahraini officials. Include mention of human rights concerns in all meeting readouts. Release public statements condemning human rights abuses when they occur.
- Urge Bahraini authorities to commute all outstanding death sentences to terms of imprisonment, and conduct a comprehensive review of Bahrain's death row, with a view to ensuring that victims of human rights abuses unlawfully sentenced to death receive redress.
- Urge Bahraini authorities to reinstate a moratorium on executions with a view to abolishing the death penalty.
- Urge Bahraini authorities to immediately release all opposition members, journalists, and other individuals arrested solely for exercising their right to free speech, peaceful assembly, or political or religious association.
- Urge Bahraini authorities to allow independent political societies and independent media to operate in Bahrain.
- Urge Bahraini authorities to hold accountable officials and security officers who participated in or ordered the widespread torture during interrogations since 2011.
- Urge Bahraini authorities to accept the visits of the Special Rapporteurs on Freedom of Expression and Freedom of Assembly.

*For more Human Rights Watch reporting on Bahrain, please visit: <https://www.hrw.org/middle-east/n-africa/bahrain>*

## Egypt

President Abdel Fattah al-Sisi's government is presiding over Egypt's worst human rights situation in recent years. Egypt's security agencies and parliament have virtually obliterated any room for peaceful assembly, association, or expression. This is perhaps most evident by the November arrest of three senior staff of the Egyptian Initiative for Personal Rights (EIPR), Egypt's leading human rights organization. While the EIPR staff were released in early December following widespread global outcry, they are still subject to an ongoing media campaign in state-affiliated media, and have had their personal assets frozen. The situation poses an existential threat to the few remaining independent civil society, human rights groups, and brave activists on the ground.

Egyptian officials have committed wideranging violations of human rights. Tens of thousands are imprisoned on politically motivated charges, pre-trial detention is extended and arbitrary, and Egypt routinely charges peaceful dissenters, including activists and human rights defenders, with vague and overbroad terrorism charges. Conditions in detention are deplorable and medical care is negligent, including for children and US citizens, and have only worsened with the outbreak of Covid-19. Lesbian, gay, bisexual and transgender (LGBT) people are arbitrarily arrested, detained in inhumane conditions, and systematically subjected to ill-treatment including torture, severe and repeated beatings, and sexual violence in police custody, often under the guise of forced anal exams or "virginity tests."

Since April 2020, the authorities have carried out an extensive campaign of arrests and prosecutions against women social media influencers, in violation of their rights to privacy and freedom of expression, and non-discrimination. In North Sinai, the Egyptian military has failed to uproot a local Islamist insurgency while alienating local communities through human rights violations and war crimes that include destroying homes, farms, and the livelihoods of tens of thousands, and carrying out enforced disappearances and extrajudicial executions.

The Egyptian government relies on US security and other assistance. The United States should use its leverage to demand improvements to human rights. Even if the Egyptian government does not immediately respond to such pressure, a more consistently rights-focused approach to the US-Egyptian relationship will be a welcome show of support to Egypt's civil society, especially following President Trump's embrace of President al-Sisi as his "favorite dictator."

**Human Rights Watch urges the Biden administration to:**

- Utilize trade negotiations and discussions about business and economic agreements to promote labor rights and other human rights protections.
- Raise human rights concerns publicly and privately in all meetings with Egyptian officials. Include human rights concerns in all meeting readouts. Release public statements condemning human rights abuses when they occur.
- Halt all security assistance to and cooperation with Egypt, including pending arms sales, and condition resumption on concrete improvement on human rights. Markers of such an improvement should include an independent investigation into and prosecutions of perpetrators of serious violations of international law, including war crimes, in North Sinai, full access to investigate whether US-supplied arms have been used in such violations, release of all political prisoners, an end to arrests and prosecutions for consensual same-sex conduct, or based on gender expression, an end to the intimidation and harassment against civil society and human rights defenders, an end to the use of torture and other mistreatment in detention, including by banning the use of “virginity tests” and forced anal exams, and revision of the draconian 2019 NGO law, among others.
- If security assistance continues or is reinstated:
  - Do not invoke national security waivers to release assistance if congressionally-required human rights conditions are not met;
  - Require Egypt to provide recipient unit information for any transfer of a defense article, service, or crime control equipment, and apply Leahy law vetting to any such transfer;
  - Conduct a comprehensive, interagency review to determine whether Egypt’s abusive behavior constitutes a “consistent pattern of gross violations of internationally recognized human rights,” inconsistent with the provision of US arms pursuant to Section 502B of the Foreign Assistance Act (22 U.S.C. 2304(a)(1));
  - Demand regular, independent access to northern Sinai for Pentagon and State Department officials as well as for independent observers and journalists to monitor the use of US-supplied weapons in counterterrorism operations; and
  - Conduct a comprehensive, interagency review to determine whether state-sanctioned intimidation and harassment by the Egyptian government against

American citizens and their families constitutes a “pattern of acts of intimidation or harassment” sufficient to trigger a suspension of security assistance under section 6 of the Arms Export Control Act.

- Suspend the Bright Star joint military exercises, and any other military activities or security trainings, until there are concrete improvements on human rights.
- Task the US Embassy Cairo team to conduct regular consultations with local Egyptian NGOs and human rights defenders and activists. Ensure that their perspectives are incorporated into the State Department’s annual reports on human rights.
- Demand the immediate release of all detained US citizens and human rights defenders or other wrongfully detained individuals in Egypt. Task the US ambassador and US embassy country team to request regular diplomatic visitation of detained American citizens in the interim.
- Urge Egyptian officials to stop arrests, drop prosecutions, and quash convictions based on arbitrarily vague laws that interfere with freedom of expression and privacy, including against women who reported sexual violence or harassment online.
- Impose visa bans and asset freezes pursuant to the Global Magnitsky Accountability Act of 2016 and other sanctions authorities on all Egyptian security officials found responsible for human rights violations.
- Support efforts at the UN Human Rights Council to pass a resolution to monitor and report on the human rights situation in Egypt. Urge Egyptian officials to cooperate fully with all OHCHR investigations and requests by Special Rapporteurs.
- Use US leverage at the International Monetary Fund to ensure adequate social protection for the Egyptians living in poverty and to promote meaningful governance reforms, including transparency and accountability over the military’s vast network of businesses.

*For more Human Rights Watch reporting on Egypt, please visit: <https://www.hrw.org/middle-east/n-africa/egypt>*

## Iran

Economic sanctions imposed by the United States after withdrawing from the Joint Comprehensive Plan of Action (JCPOA) have had a devastating impact on the Iranian economy and the livelihood of millions of people who live in the country. In 2019, Human Rights Watch documented how despite the existing humanitarian exemptions, sanctions are harming Iranians right to health and their access to essential medicine and medical care. A high inflation rate, shrinking economy, rising cost of living, especially housing in the capital, as well as growing wealth inequality are contributing to rising poverty and urban marginalization. Newly built towns in the outskirts of big cities and smaller towns that suffer from a lack of economic and development opportunities and environmental degradation have been some of the hotspots during the widespread protests of the past three years.

Non-elected governing bodies in Iran, particularly abusive security and intelligence agencies, have persistently undermined the power of elected representatives and civil society through rampant repression and a bevy of arbitrary and unlawful restrictions, while concurrently expanding their political and economic power. President Rouhani's administration and those who advocated for engagement with the West, in particular, have lost power and political will to these abusive agencies in the wake of the US withdrawal in 2018 from the nuclear agreement. The increasingly unequal power balance in the favor of hardline forces has made seeking accountability for human rights violations even more arduous. Even before the increasing tensions with the US, neither President Rouhani nor parliament prioritized human rights reforms and completely failed to curb brutal political oppression (and at times were complicit). Parliament is now controlled by mainly young conservative and hardline factions following the February 2020 elections.

The judiciary remains a cornerstone of repression, prosecuting activists, journalists, and human rights defenders for peaceful dissent, and the judiciary head (and former presidential candidate), Ebrahim Raeesi, is implicated in mass executions of political prisoners during the 1980s. However, even Raeesi has faced domestic pressure, and since taking office in March 2019, he has "intervened" to reduce the prison sentences against a number of activists, especially labor and student activists.

Public perception of corruption among government officials has also increased across the board. Several conservative political factions, including Ayatollah Khamenei and Raeesi, have declared combating corruption a priority. Over the past decade, several high-profile cases including those connected to the country's effort to circumvent sanctions have appeared before the court but to a

large extent, the anti-corruption efforts remain opaque and politicized. The fight against corruption, however, is emerging as the next domestic battle that could define the framework of domestic reform.

Human rights activism has faced large-scale repression, with intelligence and judicial authorities often prosecuting activists for alleged foreign contacts. Authorities have also increased the use of charges, such as “cooperation with the hostile state of the US” against foreign-based researchers, as well as activists who have worked on projects connected to the US government and other US-based foundations. While prospects of a peaceful political opening remain grim, Iranian societal norms continue to rapidly progress as women push back against Iran’s discriminatory and abusive laws and social restrictions.

#### **Human Rights Watch urges the Biden administration to:**

- Ensure public messaging about support for human rights in Iran is part of a regional approach that also references rights abuses by US allies in the region.
- Use US influence in multilateral institutions to pursue accountability and pressure on Iranian authorities, including through UN human rights mechanisms.
- Review and consider removing sanctions and related restrictions that harm Iranians right to health and their ability to access to medicine and medical equipment as well as those harming the broader civil society and academia’s access to the outside work, including popular technology tools (e.g., Github) and online educational platforms.
- Review and adjust policies that directly or indirectly harm US academic institutions’ ability to conduct exchange programs with Iran and encourage regional or global initiatives including people to people diplomacy with a goal to break the isolation of Iranian civil society inside the country.
- Support establishment of a Track-2 human rights dialogue at the regional level.
- Establish accountability mechanisms among US government grantees working on civil society empowerment initiatives in Iran to strictly enforce a no-harm principle. If grantees repeatedly launch initiatives without proper risk assessment that leads to the arrest of in-country activists, accountability measures should be enacted.

- Work with other international partners and the private sector to diversify support for human rights and civil society empowerment (the US is currently by far the biggest donor to the Iranian human rights community).
- Support good governance and anti-corruption initiatives as the broader framework of engagement with the country.

*For more Human Rights Watch reporting on Iran, please visit: <https://www.hrw.org/middle-east/north-africa/iran>*

## Iraq

In a wave of protests that began in October 2019 and continued into late 2020, clashes with security forces, including the Popular Mobilization Forces (PMF or Hashad, nominally under the control of the prime minister), left at least 560 protesters and security forces dead in Baghdad and Iraq's southern cities.

Iraqi judges routinely prosecute ISIS suspects solely on the overbroad charge of ISIS affiliation, rather than for the specific violent crimes they may have committed. Trials are generally rushed, based on a defendant's confession, extracted often by torture, and do not involve victim participation. Authorities systematically violate the due process rights of suspects, such as guarantees in Iraqi law that detainees see a judge within 24 hours and have access to a lawyer throughout interrogations, and that their families are notified and able to communicate with them during detention.

Thousands of mostly female-headed families who have a relative, usually a father, husband, or son, who is thought to have joined ISIS, are suffering from a range of collective punishment measures. Among them, security forces deny these families security clearance, which is required in order to obtain identity cards and other essential civil documentation, as well as access to welfare and other social benefits.

International aid organizations are currently the main source of assistance for these families, especially the remaining camp populations who are unable or unwilling to go home. However, ahead of June 2021 parliamentary elections, authorities have been forcing the closure and consolidation of camps housing these families and have forced thousands of people to prematurely return to their homes, even if doing so is unsafe and strips them of access to basic assistance. Iraqi authorities have put in place significant movement restrictions for both national and international organizations throughout the country, which are preventing organizations' abilities to provide aid to communities in need, destabilizing an already fragile Iraq.

As a result of harmful narratives and clauses within funding contracts between the United States government and international aid organizations, it is becoming increasingly difficult for international aid organizations to ensure principled humanitarian assistance to these families and to plan for the potential return of Iraqi families living in Al Hol camp in northeast Syria.



**Human Rights Watch urges the Biden administration to:**

- Press for accountability for the killing of protesters in 2019/2020 to remain at the top of the agenda, despite a new Iraqi government taking office. Without real accountability, killings of protesters will occur again and again without consequence.
- Monitor and press for improvement in trial proceedings, as well as for the prosecutions of alleged ISIS members to be part of a national transitional justice process that prioritizes the prosecution of those alleged ISIS members implicated in serious crimes by bringing charges for the full range of crimes committed, and with a clear role for victim engagement. For those suspected only of membership in ISIS without evidence of any other serious crime, and especially for children, the authorities should consider alternatives to criminal prosecution, including truth-telling mechanisms and reparation schemes
- Urge Iraqi intelligence authorities to drop security clearance as a requirement for Iraqis to access their most basic rights, like civil documentation. Iraqi authorities currently require—and then rarely grant— security clearance, depriving families use of their rights. This could also represent a national security risk in the long-term with these families at risk of being targeted for further extremist group recruitment.
- Advocate against camp closures that are triggering forced returns, and remind Iraq of its obligation to ensure voluntary, safe returns. Forced returns also have the potential to undermine national security.
- Continue to advocate with authorities for guaranteed consistent, unimpeded access for all national and international organizations to beneficiary communities.
- Ensure that US assistance determinations do not presume that individuals with a relative who joined ISIS are themselves ISIS-supporters. Categorizing women and children as terrorist-affiliated and undeserving of assistance represents not only a mischaracterization of these families, but also means that they will continue to suffer from a system that is discriminating against them, not on the basis of anything they did themselves. The US government should increase its funding to programming focused on reintegration and peacebuilding across Iraq.

*For more Human Rights Watch reporting on Iraq, please visit: <https://www.hrw.org/middle-east/n-africa/iraq>*

## Israel/Palestine

In October 2016, the State Department, reacting to plans for new Israeli settlement construction in the occupied West Bank, said that the move marked “another step toward cementing a one-state reality of perpetual occupation that is fundamentally inconsistent with Israel’s future as a Jewish and democratic state.”

Over the last four years, the Israeli government has advanced plans for 26,331 housing units in West Bank settlements, excluding those in East Jerusalem, 2.5 times more than in the preceding four years. Settlements in occupied territory are unlawful under international humanitarian law—a violation of the prohibition in Article 49 of the Fourth Geneva Convention against transferring the population of an occupying power to occupied territory. As the Covid-19 pandemic spread between March and August, Israel demolished Palestinian homes in the West Bank, including East Jerusalem, at its highest average monthly rate in years. While Israeli authorities have yet to bring annexation of additional parts of the West Bank for governmental ratification, as provided for in the coalition agreement that led to the formation of the Israeli government in May 2020, they have further entrenched their discriminatory rule over Palestinians on the ground.

Meanwhile, the Palestinian Authority (PA) and Hamas authorities in Gaza have continued their systematic practice of arbitrarily arresting and torturing opponents and critics.

In Gaza, Israeli authorities continue for a thirteenth consecutive year to enforce a generalized ban on travel, a policy not based on an individualized assessment of security risk, robbing—with rare exceptions—the two million Palestinians living there of their right to freedom of movement within the Occupied Palestinian Territory (OPT) and abroad. They also sharply restrict the entry and exit of goods, including electricity, which has devastated the economy. Eighty percent of Gaza’s population depends on humanitarian aid. Even the former official in charge of Israeli general army’s policies towards the OPT called for easing the closure while in power, noting that the dire humanitarian situation jeopardizes Israeli security.

The Trump administration failed to press the Israeli government to end these serious abuses, and at times signaled support for many of these policies. In November 2019, it announced that it no longer considers Israeli settlements to violate international humanitarian law “per se,” putting the US outside the international consensus on this issue. The “peace” plan it proposed in January 2020 purports to offer a two-state solution but envisions permanent Israeli domination over and annexation of large swaths of the West Bank while setting conditions that would make the realization of a Palestinian state nearly impossible.

Merely undoing aspects of the Trump administration's policies on Israel and Palestine and reverting to longstanding US policy on Israel and Palestine won't suffice to reverse the "one-state reality of perpetual occupation" and unequal rights. This approach, based on the long-stalled "peace process," minimizes systematic and serious human rights abuses by treating them as temporary problems that the "peace process" will soon cure rather than the product of a 53-year reality that shows no sign of ending.

**Human Rights Watch urges the Biden administration to:**

- Declare a new whole-of-government approach to US relations with Israel and Palestine that centers on opposing the long-standing reality of institutional discrimination and systematic repression of Palestinians and the protection of the human rights of all people under Israeli rule; maintain this approach consistently without regard to whether there is or is not an active peace process.
- Call on Israeli authorities to provide Palestinians in the OPT with full protection of their human rights regardless of the political arrangement now or in the future, using as a benchmark the rights it grants its own citizens, in addition to the protections afforded by international humanitarian law to residents in occupied territory.
- Urge Israeli authorities to provide Covid-19 vaccines to Palestinians living in the occupied West Bank and Gaza Strip, on par with what it provides its own citizens, in line with Israel's responsibilities under international humanitarian and human rights law.
- Urge Israeli authorities, both publicly and privately, to permit freer movement of people and goods into and out of Gaza, subject to, at most, individual security screenings.
- Reinstate the 1979 State Department legal opinion finding settlements "inconsistent with international law" and the Fourth Geneva Convention, undoing the Trump administration's effort to rewrite international law and aligning the US legal position with the near-universal consensus in the international community.
- Ensure that no US funding contributes to Israeli settlement activity or demolitions of Palestinian homes in the West Bank in violation of international humanitarian law, including the use of equipment funded in whole or in part using US assistance, to demolish Palestinian homes or villages, or to Israeli or Palestinian security forces involved in widespread arbitrary arrests and torture.

- Conduct an assessment and release a public report on the use of US-origin weapons and/or equipment, or Israeli weapons and/or equipment purchased with US funds, to facilitate violations of international human rights or humanitarian law.
- Temporarily suspend military and security assistance to Israel and the PA where there is a significant risk it would be used in grave rights abuses.
- If security assistance continues or is reinstated, ensure that all Israeli and PA security force individuals and units who are recipients of US arms and assistance undergo robust human rights review and appropriately designate Leahy-ineligible units who are complicit in gross violations of human rights in compliance with 620M of the Foreign Assistance Act of 1961, 22 U.S.C. 2378d and Section 362 of Title 10 of the U.S. Code, otherwise known as the Leahy Laws.
- Impose visa bans and asset freezes pursuant to the Global Magnitsky Human Rights Accountability Act of 2016 and Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2019, on all Israeli and Palestinian officials found to be responsible for or complicit in gross human rights violations.
- Reject the State Department's November 2020 guidance that the boycott, divestment, and sanctions (BDS) campaign, and all proponents of it, are antisemitic. Discourage federal and local legislative efforts to sanction support for BDS.
- Revise the State Department's human rights reports guidance in order to once more publish chapters on "Israel" and on "The Occupied Territories." Ensure that such reports include human rights abuses stemming from the Israeli occupation of the West Bank, including East Jerusalem, the Gaza Strip and the Golan Heights.
- Restore funding to the United Nations Relief and Works Agency (UNRWA).
- Restore US guidelines that require differentiating between goods produced in Israel and those produced in Israeli settlements in the West Bank and the Golan Heights.
- Provide guidance on implementing the UN Guiding Principles on Business and Human Rights to companies operating in conflict-affected areas, including in the context of military occupations such as the OPT and Golan Heights. Encourage U.S. companies to

cease all activities inside settlements to avoid complicity in these violations of international humanitarian law.

*For more Human Rights Watch reporting on Israel/Palestine, please visit: <https://www.hrw.org/middle-east/north-africa/israel/palestine>*

## Jordan

Jordanian authorities in recent years have increasingly curtailed the right to free expression and stepped-up arrests of activists, dissidents, and journalists, sometimes under broad and vague provisions of the country's counterterrorism law or electronic crimes law.

Though Jordanians no longer require government approval to hold public meetings or demonstrations, Jordanian authorities continued to arbitrarily block public events without explanation or written order. Jordanian authorities continue to hamper the work of local and international nongovernmental organizations by implementing blanket pre-approval requirements for receiving foreign funding for their work.

Jordan discriminates against women by not allowing them to pass Jordanian citizenship on to their children. Despite government promises to grant these individuals key economic and social rights, non-citizen children of Jordanian women continue to face legal restrictions that trap many of them at the margins of Jordanian society.

Jordan hosted over 650,000 Syrian refugees and over 90,000 refugees of other nationalities in 2020, but authorities have not allowed Syrians to enter Jordan to seek asylum since mid-2016, and took steps to prevent others from seeking asylum in 2019.

### **Human Rights Watch urges the Biden administration to:**

- Continue funding for Jordan's refugee response but press Jordanian authorities to annul the January 2019 de facto ban on UNHCR registrations of new asylum seekers.
- Restore funding to the United Nations Relief and Works Agency (UNRWA).
- Press the Jordanian government to allow humanitarian aid deliveries to Syrians stranded in the border area near Rukban.
- Include critical human rights reforms such as the "conditions precedent" in the US's cash transfer program to the Government of Jordan. Examples of such reforms could include:
  - Allowing non-citizen children of Jordanian women to work in all "closed" employment sectors without exception.
  - Eliminating vague provisions in the country's penal code, counterterrorism law, and electronic crimes law that are used to curtail the right to free expression.

- Halt the practice of debt imprisonment.

*For more Human Rights Watch reporting on Jordan, please visit: <https://www.hrw.org/middle-east/n-africa/jordan>*

## Lebanon

In 2020, Lebanon endured multiple crises, including a massive explosion in Beirut's port, an economic collapse, rising political instability, and the Covid-19 global pandemic, all of which endangered residents' basic rights. The Lebanese political class failed to adequately address any of these crises, some of which were of their own making.

The August 4, 2020 blast in Beirut's seaport devastated the city, killing almost 200 people, injuring more than 6,000, and leaving 300,000 without shelter. Although the Lebanese president Michael Aoun promised accountability, Human Rights Watch has serious concerns about the independence and credibility of the domestic investigation and assesses that an international investigation is critical to achieving justice.

Lebanese security forces, including army personnel, internal security forces, and the parliament police, have used excessive—and at times lethal—force on several occasions against demonstrators, especially following the country's October 17, 2019 uprising, often with impunity. Lebanese authorities also continued to investigate and prosecute individuals for peaceful speech and refer civilians to military courts.

Women and children still face discrimination under the religion-based personal status laws, and child marriage and marital rape remain legal. Same-sex relations remain criminalized, and transgender women face systemic discrimination.

There are approximately 1.5 million Syrian refugees in Lebanon, and almost 88 percent are living in extreme poverty. The situation of migrant domestic workers—who are subject to the restrictive *kafala* (sponsorship) system and are excluded from labor law protections—has worsened amid the economic crisis and Covid-19 pandemic, and many are trapped in forced labor or trafficking situations.

### Human Rights Watch urges the Biden administration to:

- Review security assistance to Lebanon to ensure it is not providing support to units involved in serious abuses against protesters. The US should also use its leverage to press for credible investigations into the abuses and for those responsible to be held to account.
- Press Lebanese authorities to amend the labor law to include migrant domestic workers and to implement reforms that ensure migrant workers are protected from abuse, forced labor, and human trafficking.



- Press Lebanese authorities to invite an international, independent investigation into the August 4, 2020, Beirut blast to determine the causes and responsibility for the explosion.
- Press the Lebanese authorities to quickly implement the political, social, and economic reforms outlined by the International Monetary Fund and the CEDRE donors in order to unlock billions of dollars in aid and improve the living standards of Lebanon's residents.
- Apply sanctions pursuant to Global Magnitsky or other authorities on Lebanese officials across the political spectrum who are credibly implicated in ongoing significant serious human rights abuses after thoroughly reviewing evidence, and make the evidence public to the greatest extent possible.

*For more Human Rights Watch reporting on Lebanon, please visit: <https://www.hrw.org/middle-east/n-africa/lebanon>*

## Libya

Conflict parties on October 23, 2020 signed a permanent and country-wide ceasefire brokered by the United Nations, ending a one-and-a-half-year conflict in Tripoli and surroundings that started in April 2019 between militias that support the UN-recognized Tripoli-based Government of National Accord (GNA) and the armed group Libyan Arab Armed Forces (LAAF) under the command of Khalifa Hiftar. Armed groups on all sides unlawfully shelled civilian neighborhoods indiscriminately, killing civilians and destroying vital infrastructure. They also used internationally prohibited cluster bombs and laid landmines and booby traps. Turkey and Qatar are the main supporters of the GNA. The United Arab Emirates, Egypt, and Russia support the LAAF. In both cases they provide weapons, ammunition, and foreign fighters in violation of the UN Security Council arms embargo. In November, the UN brokered political talks between 75 participants it had hand-picked as well as military talks on a 5+5 basis between the conflict parties.

Migrants, asylum seekers, and refugees in Libya—including thousands intercepted at sea while trying to reach Europe and returned by the EU-supported Libyan Coast Guard—face arbitrary detention. While in detention, they experience ill-treatment, sexual assault, forced labor, and extortion by GNA Interior Ministry-affiliated groups but also while held with smugglers, and traffickers.

### **Human Rights Watch urges the Biden administration to:**

- Reassess US policy towards Libya to include support to local interim authorities to restore the rule of law, including by building up currently decimated justice and law enforcement sectors and facilitating the conduct of elections and a referendum on the 2017 draft constitution.
- At the UN Security Council, ensure that strict vetting procedures are at the top of the agenda of UN-brokered talks, to ensure that no one credibly found responsible for serious crimes will be integrated into existing or future security forces.
- Press for accountability, within the framework of the Libya political dialogue, to ensure Libyan authorities hold officials, fighters, and commanders accountable for war crimes and crimes against humanity regardless of their rank or title; condition US support on the readiness of Tripoli-based authorities and authorities in the east to hold perpetrators to account.

- Press Libyan authorities to arrest and surrender to the court suspects linked to its Libya investigation, including at the next briefing of the Security Council by the ICC prosecutor.
- Consider listing senior commanders and officials for individual targeted US sanctions or propose sanctions under the UN Security Council-mandated Libya sanctions program, with a view of deterring violations.

*For more Human Rights Watch reporting on Libya, please visit: <https://www.hrw.org/middle-east/n-africa/libya>*

## Morocco/Western Sahara

Morocco has cracked down hard on critics of the monarchy and its policies in recent years. Dozens of peaceful protest leaders, as well as critical social media commentators, artists, and journalists, have been sentenced to prison terms as long as 20 years. Most speech-related convictions were based on charges such as “offending State institutions” and “lacking due respect to the king.” Several high-profile cases involving independent journalists involved dubious criminal charges that seemed designed to discredit the journalists and disguise the motive for punishing them. Recent years also witnessed the rise of “slander media,” a group of news websites known for close ties with security services that specialize in maligning critics. These websites published private information on targeted individuals, such as sex tapes secretly filmed in private settings, screenshots of private digital conversations, and property and banking records.

Morocco nevertheless enjoys a positive human rights reputation in US foreign policy circles, perhaps based on favorable comparison with neighboring countries where repression is more brutal and widespread. In fact, Morocco’s human rights environment in 2020 is comparable to that of Tunisia before the fall of President Ben Ali, putting in question its stability, which Washington considers its major asset in a restive region.

In Western Sahara, Morocco systematically obstructs the work of local media and civil society groups that support self-determination for that territory. The decades-old conflict between Morocco and the Polisario Front has been stalled for years. After skirmishes at a border crossing in November 2020, the Polisario declared the 1991 UN-brokered ceasefire broken and proclaimed it would resume armed conflict. That announcement has not translated into a significant armed confrontation at the time of writing but Morocco has repressed peaceful supporters of self-determination in the parts of Western Sahara that it controls.

Morocco hosts a large population of migrants, including asylum-seekers, most of them from West Africa. Though authorities granted access to public education and health services to the 7,561 refugees on its soil recognized by the UN High Commissioner for Refugees (UNHCR,) only half of them have regular residency permits and work authorizations. A draft of Morocco’s first law on the right to asylum, introduced in 2013, is yet to be approved.

### **Human Rights Watch urges the Biden administration to:**

- Raise human rights concerns publicly and privately in all meetings with Moroccan officials, with a special focus on freedom of speech and harassment of peaceful critics.

- Publicly and privately urge Moroccan authorities to drop unfounded charges and ensure fair judicial proceedings in cases involving journalists and critics, including against journalist Omar Radi and academic Maati Monjib.
- Urge Morocco to scrupulously respect the right to freedom of speech and association for proponents of Western Sahara self-determination.
- Respect international legality by refraining from endorsing the Trump administration's recognition of Moroccan sovereignty over the Western Sahara. Support the extension of the mandate of MINURSO to include human rights monitoring.
- Urge Morocco to pass the asylum law first introduced in 2013, or a comparable law to protect the rights of asylum-seekers on Moroccan territory.

*For more Human Rights Watch reporting on Morocco/Western Sahara, please visit:*

<https://www.hrw.org/middle-east/n-africa/morocco/western-sahara>

## Qatar

Spurred in large part by the ongoing Gulf diplomatic crisis and the international scrutiny that accompanies hosting the world's biggest sporting event, the FIFA World Cup 2022, Qatar made some important progress on human rights over the past few years but failed to deliver on several key promised reforms.

In November 2019, Qatar entered the third and last year of its technical cooperation program with the International Labour Organization (ILO) aimed at extensively reforming migrant workers' conditions, including by replacing the *kafala* (sponsorship) system, which gives employers extensive powers over migrant workers, with a new contractual system.

In September 2020, Qatar introduced significant labor reforms allowing migrant workers to change jobs without employer permission and setting a higher and non-discriminatory minimum wage. Earlier, in January, Qatar extended the right to leave the country without employer permission to workers not covered by the labor law. However, certain elements of the *kafala* (sponsorship) system remain in place, facilitating abuse and exploitation of the country's large migrant workforce, and Qatari authorities' efforts to protect migrant workers' right to accurate and timely wages have largely proven unsuccessful. The Covid-19 pandemic has further exposed and amplified the ways in which migrant workers' rights are violated.

Entire families remain stateless and deprived of key human rights 20 years after the government arbitrarily stripped them of their citizenship. Qatari laws and policies discriminate against women and LGBT people. Women must obtain permission from their male guardians—who may be fathers, brothers, uncles, grandfathers, and, when married, their husbands—to exercise many of their basic rights, including to marry, travel abroad, obtain a government scholarship to pursue higher education, work in many government jobs, and obtain some reproductive health care. For instance, unmarried women under 25 years of age must obtain their guardian's permission to travel outside Qatar. While married women can travel, their husbands can go to courts to ban their travel. Women also cannot act as guardians to make choices about their children's lives. The diplomatic crisis between Qatar on one side and Saudi Arabia, Bahrain, Egypt, and the United Arab Emirates (UAE) on the other, impacted the rights of Qataris and other Gulf and Egyptian nationals too.

**Human Rights Watch urges the Biden administration to:**

- Use its influence to push Qatar to live up to its stated commitments including:
  - Abolish the *kafala* system in full, including by ensuring workers' entry, residence and work visas are not tied to employers, and that workers are not ever required to obtain employer permission to change employers or leave the country.
  - Amend the Labor Law to extend to all workers, include domestic workers and government employees, and to guarantee workers' right to strike, free association and collective bargaining.
  - Amend the law to ensure that women can pass nationality to their children on an equal basis with men.
  - Reform the Personal Status Law to provide women with equal rights in entering marriage, during marriage, and at its dissolution, including in all issues concerning children, inheritance, and property rights.
  - Eliminate discriminatory male guardianship rules and practices and other discriminatory rules against women including the requirement that women under 25 need male guardian permission to travel abroad and the right of men to apply to courts to prohibit their wives from travelling abroad.
  - Enact laws to make all forms of violence against women and girls, including domestic violence, a criminal offense. Explicitly criminalize marital rape. Ensure that legislative reform on domestic violence includes provisions for victim assistance such as protection orders, and appropriate protocols and guidelines for all government officials responding to violence against women.
  - Restore Qatari nationality to all persons who were arbitrarily deprived thereof, based on the findings of the independent commission. Each person deprived of their nationality should be entitled to a fair hearing, with the right of appeal to the courts if their nationality remains revoked.
  - Amend the 2005 nationality law to prevent arbitrary deprivation of nationality and to ensure redress and the right of appeal for all persons who have been deprived of their nationality. In particular, prohibit the deprivation of nationality that results in

statelessness. Likewise, review and revise provision that impose unfair socio-economic measures on those regaining nationality.

*For more Human Rights Watch reporting on Qatar, please visit: <https://www.hrw.org/middle-east/n-africa/qatar>*



## Saudi Arabia

Saudi Arabia continues to target human rights defenders and dissidents, including women's rights activists and others it has arbitrarily detained and prosecuted. Since Saudi agents' brutal murder of journalist Jamal Khashoggi in October 2018, there has been no accountability for top-level officials implicated in the murder. In recent years Saudi Arabia has spent billions of dollars hosting major entertainment, cultural, and sporting events as a deliberate strategy to deflect from the country's image as a pervasive human rights violator. On the positive side, Saudi authorities in recent years have announced landmark reforms for Saudi women and migrant workers that, if fully implemented, represent a significant step forward, including by allowing Saudi women over 21 years old to obtain passports and travel abroad without male guardian permission for the first time. However, women's rights activists still remain in prison or on trial for their activism and women continue to face discrimination in law and in practice. Through 2020, the Saudi- and UAE-led coalition continued a military campaign against the Houthi rebel group in Yemen that has included scores of unlawful airstrikes, including likely war crimes, that have killed and wounded thousands of civilians with little to no accountability.

### Human Rights Watch urges the Biden administration to:

- Halt arms sales to Saudi Arabia until the Saudi- and UAE-led coalition not only curtails its unlawful airstrikes in Yemen but also credibly investigates past alleged violations.
- Investigate whether Department of State officials adequately assessed the risks and legal concerns associated previous weapons sales to Saudi Arabia and the United Arab Emirates.
- Press Saudi Arabia to immediately release detained women's rights activists and others detained merely for their peaceful human rights advocacy or public criticism of Saudi authorities, and quash any convictions against them and lift travel bans.
- Reassess the US-Saudi Arabia relationship in light of its government's unrelenting domestic repression, abusive military campaign in Yemen, and likely complicity in ordering the murder of Jamal Khashoggi. Include prioritizing human rights in Saudi Arabia as part of this reassessment.

*For more Human Rights Watch reporting on Saudi Arabia, please visit:*

<https://www.hrw.org/middle-east/n-africa/saudi-arabia>

## Syria

In 2020, civilians in Syria faced another year of stark challenges and abuses, first and foremost at the hands of the Syrian government and other authorities, despite a discernible decrease in violent conflict. Human rights abuses in government-held territory continued unabated.

Authorities brutally suppressed every sign of re-emerging dissent, including through arbitrary arrests and torture. Authorities also continued to unlawfully confiscate property and restrict access to areas of origin for returning Syrians.

The decade-long war has decimated the country's economy and healthcare system, significantly complicating efforts to respond to and mitigate the Covid-19 outbreak, even in areas where active fighting has receded. The pandemic also exposed existing fissures in the country, including the discriminatory distribution of essential medical supplies.

Until March 2020, when a ceasefire was put in place, the Syrian-Russian military alliance continued its offensive on Idlib governorate, the last anti-government foothold in Syria. Since 2019, the alliance has targeted civilians and civilian infrastructure in the northwest in indiscriminate attacks, resulting in thousands of deaths, and at least one million newly displaced people. With over 50 percent of the health infrastructure destroyed, and hundreds of thousands without shelter and unable to practice social distancing, the region is increasingly at risk of a devastating outbreak.

The UN Security Council's closure of the sole authorized border crossing from Iraq to northeast Syria (al-Yarubiyah crossing) in January 2020, due to a veto threat from Russia to include it in a cross-border resolution, and restrictions applied from government-held areas on the delivery of humanitarian aid, resulted in severe shortages of medical supplies and a dwindling number of hospitals capable of responding to the coronavirus pandemic in the region. The difficulties with cross-border aid grew in July 2020 when the Council closed one of two authorized crossings for UN aid deliveries from Turkey into northwest Syria. Now there is only one authorized crossing, resulting in a deterioration in the humanitarian situation. There were originally four UN-authorized border crossings in a 2014 resolution, which allowed the UN and other aid agencies to deliver aid to northeast Syria through Iraq, to northwest Syria through Turkey, and to southern Syria through Jordan.

While the Kurdish-led Syrian Democratic Council (SDC) announced the creation of a civilian working group to trace and locate those who have been disappeared by ISIS, no significant

progress has been made, and the US-led Global Coalition to Defeat ISIS remains largely absent on this issue.

The US maintains its support for the anti-ISIS coalition operating in Syria and provides financial and logistical support to the Syrian Democratic Forces, as well as stabilization aid in the region. The US-led global military coalition against ISIS has still not thoroughly investigated attacks by its members that killed civilians or created a program for compensation or other assistance for civilians harmed by coalition operations in Syria, despite the US Congress authorizing the Defense Department in the annual National Defense Authorization Act (NDAA) to make condolence payments to civilians in Syria since December 2016.

On June 17, 2020, the US Caesar Syria Civilian Protection Act came into force. While the stated purpose of the sanctions includes pursuing accountability for human rights violations, the Act also allows US authorities to unilaterally impose sanctions – such as travel restrictions and asset freezing – on individuals, businesses, industries, and entities that provide material assistance to the Syrian government, its allies operating in Syria, and its paramilitary forces. Thus far, the full impact of these sanctions has yet to be assessed.

In the UN Security Council, the US has led in pushing for the reinstatement of the humanitarian cross-border mechanism and the operationalization of the UN Principles and Parameters for Assistance in Syria – a framework for providing humanitarian assistance, recovery, and reconstruction assistance in Syria.

**Human Rights Watch urges the Biden administration to:**

- Prioritize the renewal of the humanitarian cross-border mechanism at the UN Security Council if the Security Council proves unable to reauthorize cross-border deliveries due to the threat of a veto by Russia.
- In the event of a failure to renew authorization at the UN Security Council, support efforts at the General Assembly to pass a resolution to support the UN continuing cross-border deliveries to areas not under the Syrian government's control.
- Continually revise the sanctions imposed under the Caesar Act and Executive Orders to ensure that they do not disproportionately impact civilians or result in civilian harm, by consulting with independent civil society and closely monitoring the impacts of rollout. Ensure that humanitarian exemptions are clear and processed in a timely manner.

- Continue to ensure that the Syrian government is held accountable for its violations of human rights and humanitarian law, and work with allies to ensure the same. Allocate funding and staffing to learn the fate of those missing, and encourage the UN and other international actors to provide training and funding for this goal. Continue to provide urgent financial support to Syrian civil society to uncover and protect mass graves, including by providing capacity-building grants for local teams and supporting the provision of supplies to help excavate mass graves.
- Cooperate with and provide funding when needed to the International, Impartial, and Independent Mechanism for Syria.
- Ensure that uncovering the fate of those missing under ISIS is a core component of US policy on Syria and provide for the appointment of a coordinator responsible for uncovering the fate of those kidnapped by ISIS. Such an individual should be authorized to liaise with the State Department, the Department of Defense, and the Global Coalition to identify information about those kidnapped by ISIS and communicate that information to families and others seeking that information.
- Develop a standardized “condolence” payment process for US-led coalition operations in Syria and ensure that the congressionally-designated funding for such payments is used without delay, including by identifying recipients, tracking payments and progress, monitoring of the system for coherence and completeness, training on the process for commanders, and conducting outreach with affected communities to explain and publicize the process.
- Increase pressure on countries with the rule of law to promptly repatriate their nationals held as Islamic State (ISIS) suspects or family members in northeast Syria for rehabilitation, reintegration, and, as appropriate, prosecution in proceedings that meet international fair trial standards, particularly for war crimes, crimes against humanity, and genocide. No local trials are underway for foreigners held as ISIS suspects and the detainees have not been brought before a judge to determine the necessity or legality of their detention. They and their family members, most of them young children who never chose to live under ISIS, are indefinitely detained in deeply degrading and often inhuman and life-threatening conditions. Countries should not repatriate children without their mothers or other adult guardians, in keeping with the principle of family unity that is a

cornerstone of international children's rights, absent clear evidence that doing so would run counter to the child's best interest.

- Continue to provide political, technical, and financial support to independent accountability mechanisms and Syrian civil society that seek to promote justice and human rights in and for Syria.
- Continue to prioritize the release of the unjustly detained and the provision of information regarding the whereabouts of the disappeared as part of any political transition in Syria.
- Consider imposing targeted sanctions, including asset freezes, on those civilian and military commanders credibly implicated in ongoing war crimes, crimes against humanity, and other serious violations committed in northwest Syria, including as a matter of command responsibility.

*For more Human Rights Watch reporting on Syria, please visit: <https://www.hrw.org/middle-east/n-africa/syria>*

## United Arab Emirates

United Arab Emirates (UAE) authorities continue to invest in a “soft power” strategy aimed at painting the country as a progressive, tolerant, and rights-respecting nation. Yet the UAE does not tolerate dissent, arbitrarily detaining and unjustly imprisoning individuals for peaceful dissent. Human rights activists like Ahmed Mansoor and academics such as Nasser bin Ghaith remain in prison, and Mansoor has been held in prolonged solitary confinement. Families of activists suffer unrelenting harassment at the hands of the state security apparatus. Prisoners, including those with HIV, are often denied critical healthcare. Emirati laws discriminate against migrants, women, and LGBT people.

UAE’s foreign policy includes training and supporting abusive actors. In Libya, the UAE provides weapons and conducts air and drone strikes to support the Libyan Arab Armed Forces (LAAF) armed group, some of which have killed and wounded civilians. While it announced the withdrawal of most of its ground troops from Saudi-led military operations in Yemen, UAE-backed Yemeni troops and armed groups continue to commit abuses there, including transferring US weapons in Yemen to al-Qaeda-affiliated groups.

The UAE denies UN experts and representatives of international human rights organizations access, blocking them from conducting in-country research and visiting prisons and detention facilities.

### Human Rights Watch urges the Biden administration to:

- Suspend arms sales to the UAE until it ends unlawful attacks and credibly investigates those that have already occurred, and cease the supply of any weapons, munitions, and related military equipment to UAE or other parties to the conflicts in Yemen and Libya where there is a substantial risk of these arms being used to commit or facilitate serious violations of international humanitarian law or international human rights law.
- *Call on the UAE government to:*
  - Release Ahmed Mansoor as well as all human rights defenders and political activists imprisoned solely for exercising their right to free speech, association, or peaceful assembly.

- Allow UN experts and international NGOs to enter the country and conduct independent research as well as regularly monitor prison conditions and conduct private visits with prisoners.
- Repeal the counterterrorism law and bring the cybercrime law into line with international and regional standards on free speech by repealing articles 28, 29, 30, 32, and 38.
- Immediately clarify whether those held beyond their original sentences face active charges for recognizable criminal activity. If so, they should be brought to trial promptly. If not, authorities should release them immediately.
- Take urgent measures to remedy due process and fair trial violations; such measures may include the revision of judgements and sentences, and release of detainees.
- Comply with international rules regarding prisoner treatment and provide necessary and timely medical care to detainees.
- Abolish the *kafala* system in full, including by ensuring migrant workers' entry, residence, and work visas are not tied to employers, and that workers are not required to obtain employer permission to change employers. Amend the labor law to extend to all workers, including domestic workers and government employees, and to guarantee workers' right to strike, free association, and collective bargaining.
- End discriminatory rules against women including male guardianship policies that restrict or deny women's rights.

*For more Human Rights Watch reporting on the United Arab Emirates, please visit:*

<https://www.hrw.org/middle-east/n-africa/united-arab-emirates>

## Yemen

Since March 2015, the United States has directly supported the Saudi- and Emirati-led coalition in military operations in Yemen. US foreign policy in Yemen has been tied to its counterterrorism strategy in the region and political interests of its Gulf state allies, without sufficient regard for the destructive impact of these policies on Yemeni civilians.

Around 24 million people in Yemen face a massive humanitarian crisis that continues to worsen, exacerbated by the spread of Covid-19. Ground fighting, shelling, and airstrikes have forced nearly four million people to flee their homes. Over 18,400 civilians have been killed due to the armed conflict, most from coalition airstrikes. Human Rights Watch has documented at least 90 apparently unlawful airstrikes by coalition forces.

The parties to the conflict have committed serious violations of the laws of war, many of which may amount to war crimes. The US has continued to approve arms sales to Saudi Arabia and the UAE despite their committing systematic and widespread abuses. Human Rights Watch has also documented serious laws of war violations by the Houthis, including aid obstruction during the Covid-19 pandemic.

### Human Rights Watch urges the Biden administration to:

- Suspend all weapons transfers to Saudi Arabia and the United Arab Emirates until the coalition curtails unlawful airstrikes in Yemen and credibly investigates past alleged violations.
- Investigate US officials for potential complicity in war crimes in Yemen and make public further details of an inspector general report on the State Department's "Role in Arms Transfers to the Kingdom of Saudi Arabia and the United Arab Emirates."
- Ensure that the UAE does not deport former US-held detainees at Guantanamo Bay back to Yemen, where they face the risk of torture and persecution.
- Ensure that all targeted killings—including US drone strikes—conducted during armed conflict situations, accord with the laws of war, including by taking all feasible precautions to minimize harm to civilians. Outside of armed conflict situations, use lethal force only when absolutely necessary to protect human life in accordance with international human rights law. Implement a system of prompt and meaningful compensation for civilian loss of life, injury, and property damaged from unlawful attacks.



- Urgently increase support to UN agencies and other humanitarian organizations in Yemen that can reach and provide impartial assistance to people in need, focusing on health care, food security, water and sanitation, and livelihoods, among other humanitarian assistance.
- Urge the UN Security Council to impose a targeted asset freeze and travel ban sanctions on senior Houthi and Yemeni government officials responsible for obstructing the delivery of humanitarian assistance under UN Security Council Resolution 2140 (2014).

*For more Human Rights Watch reporting on Yemen, please visit: <https://www.hrw.org/middle-east/n-africa/yemen>*