



**PRESIDENTIAL
ELECTION 2020 - ASIA
ISSUE BRIEFS**



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HONG KONG

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THE ISSUE:

Hong Kong, a Special Administrative Region of China, maintains separate governing and economic systems from that of mainland China under the principle of “one country, two systems”. Chinese national law does not generally apply in the region and Hong Kong is treated as a separate jurisdiction. In March 2019, Hong Kong’s government introduced plans for legislative changes that would enable criminal suspects to be extradited to mainland China. However, the bill faced widespread criticism from many sectors of society concerned that it would undermine Hong Kong’s legal freedoms and might be used to intimidate or silence dissidents.

Beginning in March, the people of Hong Kong repeatedly protested the proposed extradition bill. Over a million people flooded the main streets on June 9, June 16 and August 18. Countless protests of smaller scale took place in other parts of Hong Kong. The Hong Kong police used water cannons, tear gas and pepper spray, and, in some instances, guns firing bean bags, rubber bullets and live rounds to disperse the largely peaceful demonstrations.

On June 15, the Hong Kong government announced it would indefinitely suspend the bill. Then, on September 3, 2019, Hong Kong Chief Executive Carrie Lam announced that the controversial extradition bill would be formally withdrawn. But the protesters demands have broadened to demand the authorities conduct an independent investigation into the police use of force, withdraw the “riot” label for the anti-extradition bill protests, release any arrested anti-extradition bill protesters, and not pursue any charges against them, as well as universal suffrage for all Legislative Council members and the Chief Executive. The protests further intensified in response to police inaction as violent counter-protesters attacked by-standers and protesters in the Yuen Long area of Hong Kong.

The Hong Kong police have used violent acts by a small group as a pretext to classify the largely peaceful protests as unlawful assemblies and, specifically, “riots”. Amnesty verified numerous incidents involving the dangerous use of rubber bullets, officers beating protesters who did not resist, aggressive tactics used by police to obstruct journalists on site, and the misuse of tear gas and pepper spray. By early August, police said they have fired 1,800 rounds of tear gas, 300 rubber bullets and 170 sponge grenades. As of December 16, more than 6000 people have been arrested, while 517 people have been charged with “rioting”, which carries a maximum prison sentence of 10 years.

On October 5, the Hong Kong government invoked a colonial-era law, the Emergency Regulations Ordinance (ERO), to bypass the legislative bodies and enact the Prohibition of Face Covering Regulation (also known as the “Mask Ban”). The ban has far-reaching repercussions for the human rights to privacy, health and protection against discrimination. On Dec 10, the Hong Kong Court ruled the Mask Ban unconstitutional. The court is now pending an appeal case from the Hong Kong government.

While the formal withdrawal of the extradition bill is welcome, the withdrawal cannot change the fact that the Hong Kong authorities have chosen to suppress protests in a grossly unlawful way that has seriously damaged the people’s trust and



THE ISSUE:

China's growing economic and political influence around the world makes it one of the most consequential relationships the U.S. will have to manage. The next President should reframe the U.S.-China relationship to put human rights front and center of its policy. Whether the U.S. succeeds will have significant consequences not only for the human rights of people in China, but also for the global and international human rights agenda as China's government builds support for its efforts to reframe human rights and undermine its institutions.

In recent years, China's government has drafted and enacted a series of restrictive laws in the name of national security that present grave dangers to human rights and human rights defenders. Human rights defenders, including lawyers and activists, are increasingly subjected to monitoring, harassment, intimidation, detention and imprisonment. In Xinjiang Uyghur Autonomous Region (Xinjiang), an estimated one million predominantly Muslim people have been held in internment. Detainees have been subjected to political and cultural indoctrination, children have been separated from their parents, and there have been numerous allegations of torture and other ill-treatment in these camps.

On a broader scale, an increasingly assertive China has worrying implications for the human rights system as a whole. China's leaders are operating from within the United Nations (UN) Human Rights Council to shrink the space available for the UN and civil society to hold states accountable for their human rights records, as well as making efforts to reframe human rights as a "cause," as opposed to a state's legal obligations to its people. As China has become more powerful, it has been able to shut down human rights dialogues and intimidate those that criticize its record. In 2013, Xi Jinping launched the Belt and Road Initiative (BRI), steering much of this finance into infrastructure projects. Many of the projects that make up BRI are based in countries where there is much potential for exploitative labor practices, environmental degradation, and weak governance and accountability.

In July 2015, an unprecedented government crackdown on human rights lawyers and other activists began during which nearly 250 targeted individuals were questioned or detained by state security agents. Many other lawyers have been disbarred and thus are no longer able to use their legal expertise to seek justice for victims of human rights abuses. The effects of this crackdown are being felt throughout Chinese society.

The internment of predominantly Muslim ethnic groups in Xinjiang has intensified since March 2017, when a "Regulation on De-extremification" was adopted in the region. Open or even private displays of religious and cultural affiliation, including growing an "abnormal" beard, wearing a veil or headscarf, regular prayer can be considered "extremist" under the regulation. Since then there has been a growing government campaign of mass internment, intrusive surveillance, political indoctrination and forced cultural assimilation against Uyghurs, Kazakhs and others in Xinjiang. It is estimated that up to one million people have been held in internment camps.

TALKING POINTS:

- The deterioration of civil society and rule of law in China appears to signal a systematic effort by the Chinese government to tighten its controls on free expression and undermine the will of its own people, including the rights of its ethnic minorities, such as Uyghurs and Tibetans, guaranteed under China's own Constitution.
- As President, I plan to work with allies and partners to use all diplomatic and economic tools to push back on China's systematic attack on international human rights norms, whether they be inside China, globally or at the United Nations.
- Our values need to be front-and-center as we manage our relationship with China. A rights-respecting China is a U.S. national security imperative and would help the U.S. achieve our other political, economic, and security goals.

RECOMMENDATIONS:

- The U.S. should robustly fund and support human rights non-governmental organizations that support human rights defenders (HRDs) including by prison visits, legal representations, consultations with HRDs, provisions of visas, and trial monitoring in China.
- The U.S. should make the human rights crisis in Xinjiang a national security priority by calling for and supporting a U.N. Fact Finding Mission to Xinjiang, holding accountable the Chinese government officials who are responsible for abuses, providing protection opportunities to Uyghurs and other ethnic Muslims to ensure humanitarian pathways to the U.S., and banning surveillance exports that pose a substantial risk of violating human rights in their destination.
- The U.S. should aggressively push for international human rights norms vis-à-vis China in bilateral, regional, and multilateral forums through positive and negative diplomatic and economic incentives and disincentives.

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CHINA & COVID-19

THE ISSUE:

The Chinese government has engaged in wide-ranging efforts to suppress information about COVID-19 and the dangers it poses to public health. In late December 2019, doctors in Wuhan [shared with colleagues](#) their fears about patients with symptoms similar to the severe acute respiratory syndrome (SARS) outbreak that began in southern China in 2002. They were [immediately silenced](#) and punished by the local authorities for “[spreading rumors](#).”

In February 2020, Li Wenliang, a doctor who was accused of “spreading rumors” and silenced after sounding the alarm over the coronavirus outbreak in Wuhan, died as a result of contracting the very virus he was trying to stop. News of Li’s death sparked anger across China, with people mobilizing online to oppose censorship of news about the outbreak. Ai Fen, a doctor at Wuhan Central Hospital, went missing for two weeks after criticizing the government for censoring information during the pandemic.

Legitimate information about the virus has been suppressed through government control over the news and efforts to silence negative coverage. Numerous articles have been censored since the beginning of the crisis, including those by mainstream media organizations such as a subsidiary of [Beijing Youth Daily](#) and [Caijing](#). People attempting to share information about COVID-19 on social media have also been targeted. For example, outspoken lawyer [Chen Qiushi reported being harassed](#) by the authorities after posting footage from hospitals in Wuhan. Wuhan resident [Fang Bin was also briefly taken away](#) by authorities after posting a video purporting to show the bodies of people who died as a result of contracting COVID-19.

In addition, people from Wuhan – even those without symptoms – have been rejected from hotels, [barricaded in their own flats](#), and had their personal information [leaked online](#) in China, according to media reports. Fear of foreign nationals carrying COVID-19 is fueling xenophobia, leading to African migrants being evicted from homes in southern China.

There have also been widespread reports of anti-Asian [xenophobia](#) in other countries, including President Trump repeatedly calling COVID-19 a “Chinese virus.” Some restaurants in South Korea, Japan and Viet Nam have refused to accept Chinese customers, while Chinese guests were told by a group of protesters to leave a hotel in Indonesia. French and Australian newspapers have also been accused of racism in their reporting of the crisis.

Finally, China is a growing influential global player and its crucial role with respect to supplying medical support and protective gear during the COVID-19 response demands global cooperation between the U.S. and China. In 2019, [China Customs data](#) showed it exported \$9.8 billion in medical supplies and \$7.4 billion in organic chemicals to the United States. In addition, its experience in being the first country forced to tackle the virus means its medical personnel can share their clinical experience in treating it.

TALKING POINTS:

- There is no reason to question the country of origin of the virus and there will be a time and place to better understand what went wrong and how we can prevent it in the future. However, right now a global crisis demands a global response – the U.S. and China, as the world’s largest economies, need to work together to stop the pandemic.

- One lesson we have learned about the virus is that it does not discriminate based on whom has contracted it. It has, however, led to an uptick in discrimination against minority groups as well as further entrenched the racial disparities in our healthcare system.
- As the U.S. further pursues its policy towards China, we need to convey that our criticism and concerns are for the Chinese government and not the Chinese people. We must also commit to being more vigilant about our rhetoric and be on guard against xenophobia creeping into our policies and combat the increasing number of hate crimes and violence against Asian-Americans and Asian diaspora communities.

RECOMMENDATIONS:

- To address these challenges, the White House should immediately:
 - ◊ Forge some form of cooperation with the Chinese government to lead a broader global effort to prevent, treat and control COVID-19 abroad, particularly in lower income countries in Africa, Latin America and other parts of Asia that could be hit the hardest by the virus.
 - ◊ Cease using the phrase “Chinese virus” or “Wuhan virus” and help push for global norms and standards on combatting discrimination stemming from fears of COVID-19.
- After the pandemic has subsided, the White House should:
 - ◊ Call for an independent, impartial, and effective investigation into human rights violations that occurred in China during the outset of the crisis.

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sense of legitimacy of the government.

TALKING POINTS:

- The United States has an obligation to stand with the people of Hong Kong in their yearning for freedom and a government that respects international human rights.
- As President, I will ensure that Hong Kong remains a priority in our dialogues with China and call on them to fully conduct an independent investigation into unnecessary or excessive use of force, de-escalate the situation, and respect the rights of protestors.

RECOMMENDATIONS:

- The United States should, with allies and partners, use diplomatic and economic tools to urge the Chinese government and Hong Kong authorities to allow an independent investigation into unnecessary or excessive use of force by police at protests and to withdraw the present mask ban and bring the ERO in line with Article 4 of the International Covenant on Civil and Political Rights.
- The Executive Branch should fully implement the Hong Kong PROTECT Act, which prohibits the issuance of licenses to export covered munition items such as tear gas, rubber bullets, water cannons and other items to the Hong Kong Police Force.
- The United States should support the human rights of the people of Hong Kong in its bilateral and multilateral dialogues with China both publicly and privately.

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INDIA

THE ISSUE:

India currently faces a human rights crisis on multiple fronts. The government has fostered a climate of fear and discrimination that threatens the largest, and one of the most vibrant, democracies in the world. This may strain U.S.-India relations, which officials from both countries have long claimed are built on a foundation of shared democratic and rights-respecting values.

After securing an increased majority in the 2019 general elections and appointing Amit Shah as the Home Minister, the Government of India made a surprise announcement of an end to Jammu and Kashmir's special status, as well as splitting it into two Union Territories. Since the announcement on August 5, 2019, India has launched a wide-ranging crackdown on civil society and dissidents, with thousands of arrests under laws permitting detention for months or years; three former Chief Ministers have been held without charge and the entire Kashmir Valley, which has suffered from decades of human rights violations, has been under a partial communications blockade.

In August 2019, the Government of Assam published the final draft of the National Register of Citizens (NRC), which excluded almost two million people. For the last 15 years, the quasi-judicial Foreigners Tribunals have wreaked havoc in Assam by arbitrarily denying people their citizenship. The Foreigners Tribunals have declared Indian citizens to be foreigners for minor spelling mistakes in their names or for their inability to provide detailed documents or recall minute ancestral details dating back 50 years or more.

Related to the NRC is the Citizenship Amendment Act (CAA) and its explicitly discriminatory application only to non-Muslims. When coupled with the NRC, the CAA has the potential to render Muslims stateless and cause one of the world's largest statelessness crises. The Indian Home Minister, Amit Shah, said as much: "We will selectively throw out all infiltrators and this task [NRC] will be undertaken by the BJP before 2024."

Large protests broke out across India in reaction to the CAA. Many of these demonstrations have been brutally suppressed by the police. Police often imposed Section 144 of the Code of Criminal Procedure, a British colonial era law, to ban almost all protests in the states of Karnataka and Uttar Pradesh. This brutal crackdown was especially evident in Uttar Pradesh, where at least 20 people were killed. About 25 people, including an eight-year-old in the Prime Minister's constituency of Varanasi, have been killed in anti-CAA demonstrations. More recently, police have failed to protect students and faculty from a masked mob armed with iron rods and sledgehammers at a peace march in Jawaharlal Nehru University.

India's civil society has experienced significant challenges even prior to these events. On October 25, 2018, Amnesty India endured a ten-hour-long raid conducted by a group of officers from a financial investigation agency under the Ministry of Finance. Similar action was undertaken against Greenpeace India in early October of last year, and other human rights NGOs have faced similar actions.

One of the repressive foreign funding laws that is often used by government authorities to obstruct the work of NGOs is the Foreign Contribution Regulation Act (FCRA). Authorities have cited financial 'irregularities' and activities that are against 'public interest' and 'national interest' to cancel numerous NGOs' foreign funding licenses under the FCRA. Successive governments have used the FCRA to harass groups holding dissenting opinions. Organizations targeted under this law include Lawyers Collective, People's Watch, Sabrang Trust, and Navsarjan Trust.

TALKING POINTS:

- The United States-India relationship is founded on shared democratic and rights-respecting values. It is incumbent on both of us to uphold international human rights norms, which are at the core of those values. A healthy civil society is in the interest of a prosperous India and should be encouraged, not stifled.
- We worry about regional security if India goes ahead with a National Registration of Citizens under the new Citizenship Amendment Act because the potential to leave millions stateless is high, causing unimaginable human suffering and security risks.

RECOMMENDATIONS:

- The United States should use all diplomatic and economic tools to call for a human rights dialogue with India where issues such as Kashmir, civil society crackdown, religious freedom, and refugees are raised.
- The United States should, through global funds and unilaterally, fund civil society and human rights groups to operate in India to monitor human rights and push back on closing space for civil society.
- The United States should push the United Nations for an independent and impartial fact-finding mission in Kashmir.

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MYANMAR

THE ISSUE:

In August 2017, an armed group known as the Arakan Rohingya Salvation Army (ARSA) launched coordinated attacks on security force posts in northern Rakhine State, Myanmar. In response, the Myanmar security forces, led by the Myanmar Army (“Tatmadaw”), attacked the entire Rohingya population in villages across northern Rakhine State. In the ten months after August, the Tatmadaw drove more than 700,000 women, men, and children—more than 54 per cent of the Rohingya who lived in northern Rakhine State at the outset of this crisis in 2017—into neighboring Bangladesh.

An overwhelming population of the affected communities in Bangladesh, including about 500,000 Rohingya, are school-aged children who have no access to accredited education and are vulnerable to forced recruitment into armed groups, child labor, sexual exploitation, and child marriage.

The Myanmar Security Forces carried out a relentless and systematic campaign in which they unlawfully killed thousands of Rohingya, including young children; raped and committed other sexual violence against hundreds of Rohingya women and girls; tortured Rohingya men and boys in detention sites; pushed Rohingya communities toward starvation by burning markets and blocking access to farmland; and burned hundreds of villages in a targeted and deliberate manner.

Crimes against humanity continue against the estimated 600,000 Rohingya who are still living in Rakhine State. Their rights to equality, a nationality, freedom of movement, and access to adequate healthcare, education, and work opportunities are routinely violated. Seven years after they were forced from their homes, some 128,000 people remain confined to squalid detention camps within Rakhine State, reliant on humanitarian assistance for their survival. The Rohingya have long faced systematic persecution; for example, the 1982 Citizenship Law stripped many of their Myanmar citizenship and deprived them of their right to a nationality.

The Myanmar Military and the Arakan Army (AA), an ethnic Rakhine armed group, have clashed on and off for years—though the last year marked a clear escalation in the violence, with nearly 45,000 people displaced in Rakhine and Chin states as of December 2019. Amnesty has documented serious human rights violations against civilians committed by the military, including unlawful attacks, arbitrary arrests, torture and other ill-treatment, enforced disappearances, extrajudicial executions, and forced labor. Many of these constitute war crimes.

Shan State in northern Myanmar has also seen decades of conflict and violence. In 2011, conflict renewed in northern Myanmar between the military and ethnic armed organizations (EAOs). Despite efforts to end the fighting—including through a national peace process—conflict has continued, with civilians often bearing the brunt. Amnesty has documented war crimes and other serious violations by the Myanmar military in the ongoing conflict, including arbitrary arrests, detention on military bases, torture and other ill-treatment, and unlawful attacks.

TALKING POINTS:

- We say “never-again,” yet the international community continues to watch and fail to put an end to the systematic and widespread persecution of the Rohingya population, which has resulted in war crimes and crimes against humanity.

- As President, I would seek to bring justice to the millions of Rohingya and other ethnic minorities in Myanmar who have been displaced at the hands of the Myanmar military. Whether through supporting international accountability mechanisms or through multilateral sanctions, I will make sure that we protect the most vulnerable and support our values through our engagements.
- More than half a million Rohingya children have yet to see the inside of a classroom since they arrived in the refugee camps of Bangladesh more than two years ago. That's almost an entirely lost generation in a volatile region where extremist groups are operating. We should support, sustain, and increase humanitarian assistance—including access to education—to help give the Rohingya and other refugees in the region a better future.

RECOMMENDATIONS:

- The United States should use all of its diplomatic and political levers to push for a United Nations Security Council referral of the situation in Myanmar to the International Criminal Court to bring those most responsible for atrocity crimes to justice.
- The United States should create a global coalition to respond to the Myanmar human rights crisis, calling for multilateral targeted sanctions against senior military officials responsible for atrocities.
- The United States should increase and sustain its support for humanitarian assistance—including access to education—for refugees in Bangladesh and in Myanmar.

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NEPAL

THE ISSUE:

Impunity for the thousands of cases of enforced disappearance, unlawful killing, torture, and other grave human rights abuses committed during Nepal's Civil War (1996-2006) continues to be a major challenge. The Comprehensive Peace Agreement of 2006 included guarantees of a transitional justice process to address the human rights violations committed during the conflict. Although a Truth and Reconciliation Commission and a Commission on Investigation of Disappeared Persons were formed in 2015, these bodies have failed to address the many thousands of complaints brought to them by victims and their families. Not a single case has been successfully prosecuted. Impunity and denial of access to justice to victims and their families therefore remain a serious issue.

Recently, a committee was formed by the Nepalese Government to recommend a new Truth and Reconciliation Commission. Concerns have been raised by victims' groups that the government will re-appoint old commissioners, and that the new process will again not be adequately consultative and impartial. Amnesty International is calling on the Government of Nepal to ensure laws are reformed so that a new Commission is chosen in an impartial and transparent manner meeting international human rights standards. Fourteen years after the conflict ended in 2006, the victims of the conflict and their families finally deserve justice.

Due to limited economic opportunities at home, every year, hundreds of thousands of Nepalis migrate abroad for employment, primarily to the Gulf States or Malaysia. Their remittances are important for the economy of Nepal. However, human rights abuses suffered by migrant workers are rampant and have been well-documented by Amnesty and other human rights groups. Workers are recruited by employment agencies in Nepal who charge them exorbitant fees, resulting in crippling debt. When they arrive at the destination country, they often find that the job is not what they were promised and the pay is much less. Their passports are often taken away so that they are unable to leave. Many end up working in dangerous conditions, and there have been substantial numbers of deaths and serious injuries.

The Government of Nepal needs to do more to regulate unscrupulous recruitment agencies in Nepal who routinely overcharge and deceive potential workers. Governments in the Gulf States and Malaysia need to enact and enforce laws to protect foreign workers from exploitation and other abuses. For example, the Qatar Government has promised labor law reforms in advance of the 2022 World Cup; however, many abuses are still reported.

Economic, social, and cultural rights guaranteed under Nepal's 2015 Constitution—such as the rights to food, housing, land, and health—remain unrealized. Amnesty has provided suggestions on how to strengthen legislation and implementation mechanisms of these important Constitutional provisions. Hunger and food insecurity, poverty, homelessness, land issues, and caste discrimination remain significant problems. Many people affected by the 2015 earthquakes remain homeless or in unsafe housing. Violence against women and trafficking are also serious problems.

TALKING POINTS:

- The United States has considerable influence in Nepal, and it is incumbent upon us to use that influence to help Nepal turn a new chapter in its history, helping it to press for an end to impunity for the grave human rights violations committed during the Nepal civil war.

- For the country to move forward, there needs to be justice for the victims, and the perpetrators need to be held to account. We stand ready to make that possible.

RECOMMENDATIONS:

- The United States should build an international coalition that seeks to press for an end to impunity for the grave human rights violations committed during the Nepalese civil war and advance justice for the victims.
- The United States should push for accountability through all diplomatic and economic means for those responsible for human rights violations.
- The United States should increase foreign assistance to facilitate the realization of economic, social and cultural rights, particularly focusing on exploitative migrant labor issues, housing rights, women's rights, and the rights of Dalits and other socially marginalized groups.

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NORTH KOREA

THE ISSUE:

Whoever wins the presidency in 2020 will face two primary concerns regarding North Korea. The first is the need to relieve the suffering of the nearly 27 million North Korean people brought about by their government's violations of the full range of their human rights. The second is the threat of mass killing as the result of the use of nuclear weapons. The two concerns are inextricably bound: they arose together, they persist together, and they can only be addressed together.

The U.N. has found that several of the North Korean government's violations rise to the level of 'crimes against humanity.' The facts of the North Korean government's abuses of its people's human rights are long-established, well-known, and no longer in doubt. Hundreds of thousands of women, men and children are held in a gulag of political prison-labor camps as a result of some supposed disloyalty. For many, this is a death sentence. Torture is used, permitted, and encouraged in jails, camps, and prisons. Whole families are 'disappeared' into a system that does not recognize the necessity of charge, defense, or trial. Executions are routine and often public, held before the eyes of schoolchildren.

The government's resource decisions ensure that all but the elite are hungry, malnourished, or starved. Access to fundamental rights such as education, housing, and health care is distributed in a discriminatory fashion as punishment and reward. The system of state surveillance is so pervasive that North Koreans dare not speak, gather together, read, worship, or travel. Any attempt to leave the country is defined as treason and punishable by death.

There is a distinct and fundamental connection between the human rights violations committed by the North Korean government and its willingness to develop, deploy, and export weapons of mass destruction. We must consider the possibility that a government that is willing to sacrifice the wellbeing and the very lives of its people in order to maintain power would also be willing to accept levels of war casualties on a massive scale.

The North Korean government's willingness to sacrifice the wellbeing of its people directly and tangibly enhances its ability to develop and deploy nuclear weapons. All of the resources that should be prioritized to ensure that North Koreans' rights to food, shelter, employment, medical care, and education are met are instead spent on military programs, including the development of WMDs.

TALKING POINTS:

- The plight of the North Korean people for the last 50 years has been horrific. Hundreds of thousands of women, men, and children are languishing in gulags, and the world has heard repeated accounts of torture or executions for disloyalty. We cannot continue to sideline human rights while we seek progress on de-nuclearization.
- When it comes to North Korea, the issues of why and how a regime decides to seek nuclear weapons and starve its own people are intrinsically linked and cannot be separated.
- The United States and the international community have a special responsibility to address the concerns raised by North Korea's repressive government because there is such a small possibility for the voice of a domestic North Korean opposition to be heard. We must amplify the few voices of those who have escaped and be a champion on human rights once more.

RECOMMENDATIONS:

- The United States should work through the United Nations, regional forums, and like-minded allies to address

human rights violations in North Korea. The initial demand should be for an end to the practice of incarcerating families and for expedited reunions of families separated by the Korean Demilitarized Zone. This includes pushing for a United Nations Security Council meeting on human rights in North Korea, as well as urging China and Japan to be more assertive in challenging the North Korean government's human rights record.

- The United States should appoint a Special Envoy on Human Rights in North Korea and adequately fund this position and office that will focus on galvanizing the international community, holding senior North Korean officials accountable, and coordinating and pushing for access to information in North Korea.
- The United States should provide necessary humanitarian aid and urge the North Korean government to accept international humanitarian aid, with proper monitoring consistent with international standards of transparency and accountability.

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SOUTH ASIA & COVID-19

THE ISSUE:

The COVID-19 pandemic is poised to break into thousands of cases in South Asia as governments across the region impose strict lockdowns and curfews amid fears the virus will strike densely populated areas, overwhelming woefully inadequate healthcare facilities and devastating livelihoods across a region where more than 600 million people already live in poverty.

The COVID-19 crisis in South Asia has been exacerbated by a failure of the authorities in South Asia to provide accessible, accurate and evidence-based information about the virus, how people can protect themselves, and what the government is doing to help them. Some senior government officials in different countries in the region have either played down the crisis, suppressed information about its true scale, or, in the most damaging cases, provided false information about the effect it has – undermining the effectiveness of any public health response and potentially their right to health.

The vast majority of workers in South Asia earn their living in the informal economy, often depending on daily wages. According to the International Labor Organization, the informal sector “accounts for 80% of total employment” in South Asia. They include street vendors, sanitation workers, drivers, construction workers, cleaners, tea plantation workers, fisherfolk, porters, cooks, and domestic workers, many of whom are internal migrant workers and live far away from their families. As lockdowns come into force, they will overwhelmingly be denied their means of earning a livelihood. In an economically low-income region with limited social security systems in place, they do not have an adequate – or, in many cases, any – social safety net to fall back on.

Some countries in South Asia, including India and Sri Lanka, announced economic stimulus packages, but these have been chiefly targeted at industries. There is a need for specific measures aimed at people working in the informal sector in line with the right to social security so that they can realize their right to an adequate standard of living.

Every one of South Asia’s eight countries has one of the lowest numbers of physicians per capita, according to the World Bank. It ranges from 0.3 physicians per 1,000 people (Afghanistan) to just one physician per 1,000 people (Maldives, Pakistan and Sri Lanka). At the best of times, there are too few healthcare workers with too few resources. Health workers in Bangladesh, India, Nepal and Pakistan are already raising concerns about the lack of personal protective equipment available to them as they treat patients who have contracted COVID-19.

South Asia’s prisons are notoriously overcrowded. In Bangladesh, there are more than twice as many prisoners as there is capacity. More than 70% of the country’s prison population is still awaiting trial. In Nepal, the occupancy rate is more than 150%, with more than three times as many prisoners as there is capacity in some prisons. Prisoners are also often subject to inhumane conditions, including poor ventilation and sanitation, that put health at risk. In Sri Lanka, two prisoners were killed, and others injured, by prison guards when protests related to COVID-19.

TALKING POINTS:

- Even as we confront our domestic challenges, we must also turn our attention to helping other countries. Especially in South Asia – where densely populated areas, inadequate healthcare capacity and more than 600 million people who live in abject poverty. The consequences could be devastating for the region and the world– and remember if we don't address the pandemic everywhere it will come back to us.
- Our response plan in South Asia will be focused on helping those most vulnerable and most at-risk such as informal workers, internally displaced, migrant workers, refugees and prison populations. We can only do this if the governments in those countries are prioritizing that part of the response as well.

RECOMMENDATIONS:

- To address these challenges, the White House should:
 - ◇ Provide public health assistance for South Asia – that helps South Asian countries combat the virus and includes special emphasis on at-risk groups and puts protection of health-care workers at its core.
 - ◇ Use its voting power at international financial institutions to ensure that as the economies of these countries recover – it focuses on marginalized and vulnerable groups at higher risk, including daily wage earners, people displaced by conflict, health workers and prisoners and takes into account the views of labor and civil society.
 - ◇ Highlight human rights cases and emphasize to countries that as the international community supports their recoveries it expects their governments will not shirk away from international human rights responsibility.

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SOUTHEAST ASIA & COVID-19

THE ISSUE:

COVID-19 has led to governments in Southeast Asia enacting new emergency powers and policies that could have disastrous consequences for rights in the region. In Cambodia, dozens of government critics and opposition activists have been arrested under the pretext of COVID-19 and a State of Emergency Law came into force which gives Prime Minister Hun Sen wide-reaching powers to undermine freedoms with zero accountability for future “emergencies”. In the Philippines, President Duterte has extended a “shoot them dead” order, a devastating hallmark of his presidency, to law enforcement agencies against those who may violate community quarantine guidelines. Law enforcement in the country, acting with impunity, has resulted in cruel, inhuman and degrading treatment and punishment against individuals, such as putting them in dog cages or public humiliation of LGBTI individuals.

In some cases, governments have used COVID-19 as a pre-text for further clampdown of free expression both offline and online. In Thailand, Prime Minister Prayut Chan-O-Cha warned of prosecutions for “abuse of social media”, deepening concerns that authorities may file lawsuits against individuals for criticizing the Thai government’s response to the virus. New restrictions are in place at a time when authorities continue to penalize social media users who criticize the government and monarchy with a chilling effect on freedom of expression, which is being exacerbated by new COVID-19 restrictions. In Viet Nam, authorities have a long track record of characterizing legitimate criticism as “anti-state” and persecuting human rights defenders. Authorities have been actively suppressing online speech amid the COVID-19 pandemic and have brought serious criminal charges against multiple internet users for their critical comments since the pandemic reached Viet Nam.

Overcrowded and squalid prisons and detention centers risk becoming detonators for a major COVID-19 outbreak in Cambodia, Philippines, and other countries in the region that will make the pandemic much harder to control. For example, Cambodia’s national prison population has skyrocketed by approximately 78% as a result of the government’s punitive and abusive anti-drugs campaign, now in its fourth year. In the Philippines, overcrowding in detention facilities has worsened in the last four years under President Duterte’s so-called “war on drugs”, with prison overcrowding considered among the worst in the world. Enforcement of prison sentences is likely to only worsen public health problems stemming from the COVID-19 pandemic.

Issues of refugee resettlement, asylum and migration have also been exasperated by COVID-19 due to new emergency restrictions in regional borders in response to COVID-19. Malaysia and Thailand have been policing the movements of boats carrying Rohingya people off their coasts. In a repeat of the humanitarian crisis the region saw five years ago, Malaysia has actively turned desperate Rohingya people away, while Thailand has not said whether it has intercepted any ships travelling off its coast. While in Myanmar and Bangladesh, Rohingya and other internally displaced ethnic populations and Rohingya refugees remain at risk living in squalid conditions where social distancing and other preventative measures are near impossible and with restricted internet to allow them to receive adequate information. In Singapore, migrant workers living in crowded quarters, without opportunities to self-isolate and protect themselves, are at increased risk of exposure to the virus and now make up over 80% of cases of COVID-19 in the country.

TALKING POINTS:

- COVID-19 does not discriminate, because everyone is at risk, and it does not recognize national boundaries – however, certain conditions put people at higher risk of contracting it, so we need to double our efforts to help countries tackle those vulnerabilities. We have a moral obligation to protect vulnerable populations and help secure their right to health and all other human rights.
- Let's take COVID-19 as an opportunity to rebuild rights-respecting societies here at home and in South East Asia that center the discussion on the rights of everyone – including the right to free expression – and in preventing governments from using the pandemic as an excuse to abrogate fundamental human rights.

RECOMMENDATIONS:

- To address these challenges, the White House should:
 - ◇ Substantially increase support for public health assistance, civil society, good governance, and human rights programming that focus on combatting human rights abuses in light of COVID-19 – in particular it should focus on organizations that support at-risk populations such as prison populations, older persons, women, LGBTI people, refugees and migrants, and internally displaced persons.
 - ◇ Urge ASEAN and Bangladesh to have a regional dialogue that addresses violations of the principle of non-refoulement and protect the rights of the Rohingya and other migrants in the time of COVID-19.

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SRI LANKA

THE ISSUE:

Sri Lanka suffers from impunity, recent and longstanding, for human rights abuses against minorities and other vulnerable groups. After the 2019 Easter Sunday bombings, Sinhalese mobs attacked members of the Muslim minority and damaged Muslim homes and businesses. None of the Sinhalese attackers has been publicly prosecuted. The Sri Lankan government responded to the bombings with new emergency regulations allowing for detention without trial and with inadequate safeguards against torture. Sri Lanka's existing laws, prior to enactment of the new emergency regulations, provide ample powers to the security forces and law enforcement agencies to investigate the bombings and secure the country. Mobs have also forced more than 1,100 refugees and asylum-seekers in Sri Lanka (mostly from Afghanistan and Pakistan) from their homes; they were living under dire conditions, and some are still at risk of deportation back to their home countries, where they could face human rights violations.

Longstanding impunity exists for human rights violations in connection with the 26-year civil war against Tamil separatists, which ended in 2009 under President Mahinda Rajapaksa's administration with a government military victory. The U.N. has documented the war crimes and crimes against humanity committed by both sides during the conflict. In the vast majority of these cases, no one has been held accountable. In a few emblematic cases, investigations have stalled due to the unwillingness of the security forces to provide information crucial for prosecutions.

During President Mahinda Rajapaksa's 10-year administration (which ended in 2015), freedom of expression was threatened, with independent journalists being attacked and sometimes killed. One well-known case is the journalist Prageeth Eknaligoda, who was "disappeared" in 2010, shortly before Presidential elections, in which Mahinda Rajapaksa was seeking a second term. Vigorous campaigning by Prageeth's wife, Sandya Eknaligoda, has resulted in the case being taken up at the Permanent High Court trial-at-bar.

The government has made limited progress in implementing promises of improved performance by security forces with respect to human rights. Despite the lease of some parcels, civilian land in the former war zone continues to be occupied by security forces despite government promises of all such lands being released back to their owners before 2019. Torture of detainees in custody continued to be recorded by the Human Rights Commission of Sri Lanka. Despite government promises of repeal, the draconian Prevention of Terrorism Act (PTA) remains in effect and continues to be used, particularly in the aftermath of the Easter Sunday bombings; the PTA allows detention without trial and facilitates the use of torture. The government has misused the International Covenant on Civil and Political Rights (ICCPR) Act—intended to promote freedom of expression—in order to prosecute writers such as Shakthika Sathkumara, whose only "crime" was to write a short story that offended some Buddhist monks.

Last November's presidential election saw the return of the Rajapaksa brothers to power, with Gotabaya Rajapaksa (former Defence Secretary) elected president and Mahinda Rajapaksa appointed as prime minister. The new government must follow up on the 2015 commitments made to the U.N.: return military-occupied land to its rightful owners, repeal the Prevention of Terrorism Act, and investigate and prosecute those responsible for war crimes and human rights violations. Further, the government must immediately repeal the new emergency regulations, provide protection to refugees and asylum-seekers in Sri Lanka while their claims are being processed, and stop misusing the ICCPR Act, including by dropping the pending charges against Shakthika Sathkumara.

TALKING POINTS:

- The United States has a strong interest in a peaceful and prosperous Sri Lanka – and the United States a lead co-

sponsor of the United Nations Human Rights Council resolution.

- As such, we feel we have a shared responsibility to see this process through: to help Sri Lankans restore accountability and the rule of law to their country and continue to build and support the institutions that have started this human rights reform process.

RECOMMENDATIONS:

- The United States should include Sri Lanka in an inter-agency atrocity prevention board review to create a set of policy recommendations that will prevent a return to grave human rights abuses in Sri Lanka.
- The U.S. Administration must reiterate to the Sri Lankan government the importance of upholding human rights, including by attending court hearings in key cases (e.g., the Trinco Five students, Prageeth Eknaligoda and Shakthika Sathkumara).
- The United States should substantially increase civil society assistance for human rights groups that are working on truth and reconciliation issues and protecting human rights defenders.

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