

STATEMENT OF ALICE G. WELLS, ACTING ASSISTANT SECRETARY, BUREAU OF SOUTH AND CENTRAL ASIA, BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON ASIA AND THE PACIFIC

Chairman Sherman, Ranking Member Yoho, and Distinguished Members of the Subcommittee: Thank you for inviting me to testify on human rights issues in South Asia. I'm honored to be here today alongside my colleague from the Bureau of Democracy, Human Rights, and Labor, Assistant Secretary Robert Destro.

South Asia is a cornerstone of the President's initiative to advance a free and open Indo-Pacific in which all nations are independent, strong, and prosperous. Our support for human rights in those nations is a key component of the accountable governance required for the initiative to succeed and for the people of the region to enjoy long-term stability and prosperity. We have seen progress on human rights in the region, but remain concerned about continued challenges, including a lack of transparency and insufficient support for democratic institutions, civil society, and individual liberties.

The ability of governments to create and sustain the conditions needed to maintain rule of law and respect for individual and minority rights is fundamental to a free and open Indo-Pacific region. Our goal is to work with our partners in South Asia to support these necessary conditions and protect human rights.

India

India is a vigorous democracy that enjoys a strong and growing strategic partnership with the United States. The U.S.-India relationship is broad in scope and multifaceted. As with every country, we engage with India on issues of human rights and religious freedom. We also press India for progress on parental child abduction, consistent with the priority we place on safeguarding the welfare of U.S. citizens abroad, including children.

I have participated in a number of roundtables with Indian civil society and religious leaders in Washington and New Delhi, most recently in August. My Bureau is pleased to have the support of Ambassador at Large for International Religious Freedom, Sam Brownback, who regularly meets with the Indian government and plans to travel to the region later this year.

We are proud to partner with India. Its Constitution mandates a secular state that upholds the rights of all citizens to practice religion freely, freedom of expression and speech, and equal treatment before the law. India is the birthplace of four major world religions – Hinduism, Sikhism, Buddhism, and Jainism. It is home to the world's third largest Muslim population, a diverse community of sects that includes Sufis, Shia, and Bohra. Roughly three percent of India's citizens are Christian, and notably, Christians are the religious majority in three of India's 29 states. India has a proud history with the Jewish faith – the oldest synagogue in the country dates to 1568. We also appreciate India's longstanding support for Tibetan refugees and the Dalai Lama. Adding to this diverse mosaic are India's many regional and linguistic communities. Indeed, on every Indian rupee note the denomination value is printed in 15 different languages – a remarkable display of India's rich diversity. However, incidents of

violence and discrimination against minorities in India, including cow vigilante attacks against members of the Dalit and Muslim communities, and the existence of anti-conversion laws in nine states are not in keeping with India's legal protections for minorities. We encourage the Government of India to fully uphold the universal right to religious freedom; protect vulnerable individuals, including the 1.9 million people in Assam at risk for statelessness because of questions about their citizenship; condemn all incidents of violence; and hold perpetrators accountable.

Last May, 68 percent of eligible Indian voters went to the polls for an historic election. Indians of every religion, caste, sect, and socio-economic background participated in this remarkable display of parliamentary democracy, which also witnessed a record turnout of women voters. India's robust civil society and democratic institutions are all the more remarkable given its immense size and the challenges it faces in terms of development. These include India's overwhelmed and understaffed court system and its unique federal structure that at times complicates policing and governance. With more than a quarter of the population living at or below the poverty line, local governments often struggle with competing priorities.

Jammu and Kashmir

The Department has closely monitored the situation in Jammu and Kashmir following India's August 5 decision to abrogate Article 370 of the Indian Constitution and create two new Union Territories: Jammu and Kashmir, and Ladakh. We appreciate the concerns expressed by many members about the situation, including issues faced by constituents and their families.

The Indian government has argued that its decision on Article 370 was driven by a desire to increase economic development, reduce corruption, and uniformly apply all national laws in Jammu and Kashmir, particularly in regard to women and minorities. While we support these objectives, the Department remains concerned about the situation in the Kashmir Valley, where daily life for the nearly eight million residents has been severely impacted since August 5.

While conditions in Jammu and Ladakh have improved, the Valley has not returned to normal. The Department has raised concerns with the Indian government regarding the detentions of local residents and political leaders, including three former Chief Ministers of Jammu and Kashmir. We have urged Indian authorities to respect human rights and restore full access to services, including internet and mobile networks. Post-paid mobile service has been restored in the Valley, but internet access remains intermittent. Both foreign and local journalists have extensively covered developments in Kashmir, but many have faced challenges in access and reporting due to security restrictions. While exact figures are difficult to ascertain, we understand several thousand people have been detained over the past two months, although many have subsequently been released. According to government sources, hundreds remain in detention – many without charges – under the Public Safety Act, which allows for administrative detention of up to two years.

We welcome actions by the Indian government to improve the situation and address local grievances. The Home Ministry recently stated that following a period as a Union Territory, statehood will be restored to Jammu and Kashmir, reaffirming what Prime Minister Modi

announced in his August 15 Independence Day speech. We also encourage the Indian government to follow through on its commitment to hold local assembly elections at the earliest opportunity. Small numbers of local political leaders were released earlier this month, a trend we hope will continue. Government offices, primary schools, and colleges are open, although student attendance remains low. The Indian Supreme Court is planning to hear petitions related to Kashmir on November 14 and the Jammu and Kashmir High Court is reviewing *habeas corpus* cases. While these steps are positive, they are incremental, and we continue to press India to restore everyday services, including SMS and internet communications, as swiftly as possible.

The security situation in Kashmir remains tense. Clashes between youth and security forces are a regular occurrence, and Indian forces killed suspected terrorists in multiple firefights last week. We are concerned about reports of local and foreign militants attempting to intimidate local residents and business owners in order to stymie normal economic activity. The United States supports the rights of Kashmiris to peacefully protest, but condemns the actions of terrorists who seek to use violence and fear to undermine dialogue.

We welcomed Prime Minister Imran Khan's recent unambiguous statement that terrorists from Pakistan who carry out violence in Kashmir are enemies of both Kashmiris and Pakistan. Pakistan's harboring of terrorist groups like Lashkar-e-Taiba and Jaish-e-Muhammed, which seek to foment violence across the Line of Control, is destabilizing, and Pakistani authorities remain accountable for their actions. We believe the foundation of any successful dialogue between India and Pakistan is based on Pakistan taking sustained and irreversible steps against militants and terrorists in its territory.

Both the President and Secretary Pompeo have met and spoken with their Indian and Pakistani counterparts multiple times, including at the recent United Nations General Assembly, to encourage dialogue.

We believe that direct dialogue between India and Pakistan, as outlined in the 1972 Shimla Agreement, holds the most potential for reducing tensions. History shows us what is possible. During the 2006-2007 backchannel negotiations, India and Pakistan reportedly made significant progress on a number of issues, including Kashmir. Restarting a productive bilateral dialogue requires building trust, and the chief obstacle remains Pakistan's continued support for extremist groups that engage in cross-border terrorism.

Pakistan

Pakistan saw its second peaceful transfer of power between two civilian governments in 2018. This is a noteworthy achievement, and we recognize the significance of Pakistan marking more than ten years of uninterrupted civilian rule. For years, however, Pakistan failed to invest sufficiently in its people and now lags behind other countries in the region in important metrics. For instance, according to the United Nations Development Program (UNDP), 45 percent of Pakistani children under age five are malnourished, 43 percent of Pakistanis over 15 are illiterate, and just 46 percent of children are receiving secondary education. We hope the reforms Pakistan is undertaking under its current International Monetary Fund plan will lay the

foundation for better economic management and growth leading to an improvement in the democratic system and human rights situation.

In recent years, we have observed some troubling trends within Pakistan, including shrinking space for civil society and media freedom. Pressure on the media and civil society – including harassment, threats, and financial and regulatory action, has increased over the past year. We continue to urge the Pakistani government to uphold the rule of law and the freedoms enumerated in the Pakistani constitution. This includes the right of groups that criticize the leadership and security establishment, like the Pashtun Tahafuz Movement, to peacefully assemble. We are concerned with Pakistan’s problematic registration policy for international non-governmental organizations, as it impedes the ability of reputable and well-respected organizations to do important work that benefits the people of Pakistan. We engage regularly with provincial and federal authorities, as well as with other affected stakeholders, including civil society organizations, politicians, activists, religious leaders, and journalists, to convey this message and to support those working to improve the lives of the Pakistani people.

We remain deeply concerned about reports of human rights abuses and discrimination faced by Pakistanis because of their faith. In many cases, these abuses are perpetrated by non-state actors, and Pakistan has taken steps to counter many of the country’s most virulent terrorist organizations posing a direct threat to the state, such as Lashkar-e-Jhangvi and the Tehreek-e-Taliban Pakistan. Pakistan’s Supreme Court also took an important step in January 2019 by upholding its own October 2018 acquittal of Asia Bibi on blasphemy charges, which subsequently enabled her safe departure from the country. The court’s verdict emphasized the necessity of inter-faith tolerance and not “curtailing the rights” of members of religious minority groups, both of which are critical to improving religious freedom in Pakistan. Despite strong opposition to the verdict from some hardline elements in the country, Pakistan’s government largely stood up to defend the Court’s decision. As Prime Minister Khan stated, the Asia Bibi verdict was decided “according to Pakistan’s constitution.”

Nevertheless, Pakistan’s laws and policies continue to discriminate against members of the Ahmadiyya Muslim community. Its continued enforcement of blasphemy laws, which has resulted in dozens of Pakistanis on death row or serving life sentences in prison, as well as incidents of mob violence following blasphemy allegations, remain deeply troubling. The overall situation prompted Secretary Pompeo to designate Pakistan a Country of Particular Concern under the International Religious Freedom Act in 2018.

Bangladesh

As a secular, developing country that prides itself on tolerance and diversity with a female head of state, Bangladesh serves as an example for many Muslim-majority countries around the world. Furthermore, Bangladesh has made impressive strides in growing its economy and shrinking poverty. The increased capacity to fully respect democratic and political institutions, human rights and fundamental freedoms will contribute to its developmental aspirations.

Over the last decade, Bangladesh has grown healthier and wealthier, and is on course to graduate from Least Developing Country status by 2024. Bangladesh has maintained GDP growth of

more than seven percent for over a decade and the government is committed to achieving its Social Development Goals including in areas of gender equality and infrastructure development. While nearly one in five Bangladeshis live in poverty, that represents a significant reduction from nearly half the population living below the poverty line just two decades ago. Additional gains include the reduction in child mortality rates by a factor of three and increases in secondary school enrollment (by 50 percent) over the same time period.

However, we remain concerned about political freedoms in Bangladesh and the direction of the country's democratic trajectory. We continue to believe that it is critical for the Bangladesh government to allow civil society organizations to operate; for individuals and groups to be able to express their views freely, including online; and for the political opposition to play its lawful role in a democracy. Civil society is threatened by a shrinking space for activism and prohibitive draft regulations and faces public criticism, including towards humanitarian workers responding to the Rohingya crisis. Journalists continue to self-censor for fear of the Digital Security Act, which was introduced in 2018 to prosecute cybercrimes but offers a legal instrument to effectively criminalize some forms of free speech.

Toward those ends, we are working with Bangladesh to improve its democratic governance and strike a better balance between individual liberties and national security. This includes regularly raising our concerns on democracy, human rights, and labor policy. We have called on Bangladesh's leaders to ensure free and fair elections. Along with several of our likeminded partners, the United States found that the December 2018 elections were neither free nor fair, and we have voiced our concern that police suppression and intimidation of civil society, free media, and political opposition took place ahead of those elections. We have also funded programs that support governance progress across Bangladesh, to include encouraging Bangladesh's justice sector to establish dedicated courts to counter trafficking in persons.

Given Bangladesh's own development needs, the decision Prime Minister Hasina made to open the country's borders to over 700,000 Rohingya refugees since August 2017 deserves recognition from international partners, including the United States. The hosting of Rohingya refugees has come with genuine consequences for Bangladesh, which was already one of the most densely populated countries in the world. The government estimates host communities in Cox's Bazar are outnumbered by refugees two to one, and that these communities have endured economic disruptions, ecological damage, and uncertainty about their own future just as the Rohingya face uncertainty about theirs. The United States is Bangladesh's leading partner in responding to the humanitarian crisis with more than \$669 million in assistance provided since August 2017. As we have met the immediate emergency response, we maintain that Burma must create the conditions for the Rohingya's voluntary, safe, dignified and sustainable repatriation and guarantee their rights as recommended by the Annan Commission recommendations. Prime Minister Hasina has repeatedly reaffirmed Bangladesh's commitment to voluntary repatriation. We urge Bangladesh to postpone any refugee relocations to Bhashan Char until independent experts can determine it is a suitable location.

Bangladesh remains a key Indo-Pacific partner of the United States in regional stability, counter terrorism, two-way trade, development, and poverty reduction, as well as the hosting of 700,000 Rohingya refugees. We have emphasized that fully respecting democratic rights and improving

transparency and accountability will contribute directly to Bangladesh's aspirations for economic growth and development.

Sri Lanka

The peaceful resolution of Sri Lanka's constitutional crisis last December demonstrated the resiliency of its democratic institutions, with the government's protection of minorities following ISIS-inspired terrorist attacks last Easter demonstrating its commitment to human rights principles. When Sri Lankans go to the polls on November 16 to elect their next president, we expect this contest will be free, fair, and non-violent -- and exhibit the qualities befitting Asia's oldest democracy. In order to support further progress, we continue to work closely with Sri Lanka, including in support of human rights, reconciliation, and transitional justice. In addition to diplomatic engagement, we work with Sri Lanka to strengthen its democratic institutions and support civil society organizations. We are also building Sri Lankan capacity to improve public financial management, fight corruption, and promote accountability.

Following the April 21st ISIS-inspired terrorist attacks in Sri Lanka, the government was initially slow to counter threats of reprisals against Muslims and those perceived to be Muslims. However, by May, authorities had moved to protect minorities, including refugees and asylum seekers, and prevented large outbreaks of communal reprisal violence.

Sri Lanka has also led the region on a variety of development indicators that support the lives of its citizens. It continues to make progress on transitional justice, albeit slowly. We welcomed Sri Lanka's renewed commitment this year in Geneva to accountability, justice and reconciliation, and we will encourage sustained follow through on implementation. Transitional justice is critical to realizing the Sri Lankan people's desire for long-term peace and stability. In this regard, we are encouraged by the government's progress on the operationalization of an Office of Missing Persons and the establishment of an Office of Reparations. We also are encouraged by the continued release of land in the north and east back to its original owners.

However, progress on other commitments has been slow or stalled, including on constitutional reform, replacing the Prevention of Terrorism Act, establishing a truth and reconciliation commission, and creating a credible judicial mechanism to ensure accountability for past crimes. We have publicly voiced our disappointment in the appointment of Lieutenant General Shavendra Silva as Army Commander given the allegations of gross human rights violations and war crimes against him -- as documented by the United Nations and other organizations -- are serious and credible. Sri Lanka is an important maritime power and Indo-Pacific partner, and we have made clear that this promotion forces us to curtail mutually beneficial bilateral security cooperation under U.S. law.

We look forward to continuing our work with Sri Lanka on these and other issues and will actively press our human rights agenda with whichever candidate emerges victorious from next month's election.

Nepal

In Nepal, we are working with the government to advance its transition to federalism by building the capacity of the national and local governments to become more transparent and accountable. The United States continues to provide financial assistance for the preservation and restoration of religious sites that have historical or cultural significance – including Buddhist shrines and Hindu temples – and the continued promotion for religious tolerance. We emphasize that protecting human rights and fundamental freedoms is conducive to the development of Nepal and its people in engagements with government officials, civil society, and the public.

Nepal is making progress in its democratic journey, including improving the lives of its citizens and protecting political rights. Nepal's socio-economic development has produced tangible improvements in the lives of Nepalis. In 1990, 140 out of every 1,000 children born in Nepal would not see their fifth birthday and only a third of children enrolled in secondary school; last year, that child mortality metric fell to 32 and nearly three quarters of children attend secondary school.

Nepal has a recent history of free and open media; its citizens as well as its independent press often express critical opinions in print and electronic media without restriction. It is important for Nepal's people and democracy that these principles are protected. Although recent online media regulations and other directives could provide the foundations for restrictions on freedom of expression, the Government of Nepal has responded to public concern by working to align legislation with constitutionally guaranteed rights.

Nepal's constitution and international commitments guarantee the right to practice and profess one's faith, but religious freedom remains a challenge in practice. A new criminal code enacted in 2018 restricts "forced conversion" and puts members of religious minority groups at risk. The government has also increased restrictions on the Tibetan Buddhist community, including preventing public celebration of the Dalai Lama's birthday. As Chinese influence has grown in Nepal, so has the Government of Nepal's restrictions on the Tibetan community.

Maldives

The 2018 election of President Solih ushered in a new chapter in Maldivian history and placed the country on a clear upward trajectory on democratic governance and human rights metrics. With nearly 90 percent of the eligible population voting, this was a clear expression of the Maldivian people's commitment to democracy. The country voted for reform to reverse years of increasing corruption and authoritarian tendencies. We quickly mobilized \$23 million in programming and assistance to support President Ibrahim Solih's reform agenda after the election and bolster the country's democratic institutions and good governance. This is just the beginning of a long process, and the U.S. Government stands ready to assist Maldives.

Maldives is one of the most developed economies in South Asia with a low child mortality rate and high levels of education. The Solih administration has identified advancing political freedoms, including reforming the judicial sector, as a top domestic priority. For example, the government recently appointed Maldives' first female Supreme Court judge and established

Maldives' first Bar Association, but filling Maldives' bench and courtrooms with properly trained and educated judges and lawyers remains a longer-term challenge to justice, anti-corruption, and democratic resiliency.

The Maldivian government is addressing its challenges with radicalization while also respecting human rights. The Maldivian Parliament recently debated an amendment to the Prevention of Terrorism Act, buttressed by a free press, NGO input, and transparent international scrutiny. Maldives is making preparations for the responsible repatriation of foreign terrorist fighters and their family members from Syria to ensure justice and prevent recidivism and recruitment to terrorism among returnees.

Bhutan

Bhutan is a democratic success story in South Asia. Last year, Bhutan conducted its third democratic election since the Fourth King of Bhutan abdicated absolute power and paved the way for parliamentary elections in 2008. The 2018 election was widely viewed as free and fair, and the reins of government passed peacefully from one political party to another. Although we do not have formal diplomatic relations with Bhutan, we maintain warm, informal ties.

Bhutan's government has also improved the lives of its people through socio-economic development. Child mortality has dropped from 127 per 1000 in 1990 to 30 in 2018. Secondary school attendance has tripled in the last 20 years with 90 percent of Bhutanese now attending secondary school. Bhutan famously measures the nation's "Gross National Happiness," and has much to be proud of in enhancing quality of life for its people.

However, Bhutan is not without its own challenges, including trafficking in persons. Last year, we identified Bhutan as a Tier 3 country in the Trafficking in Persons tier rankings, prompting restrictions on some of our foreign assistance to Bhutan. However, we have a willing partner with the Bhutanese, and we are working closely with the government and civil society to combat this challenge. Over the next three years, U.S.-funded programming will support the government's efforts to amend its anti-trafficking legislation, finalize and disseminate a set of standard operating procedures on victim identification, and train law enforcement and judicial officials on human trafficking.

Conclusion

Mr. Chairman: Thank you and the other members of this committee for your continued support of these vital efforts. Our ability to invest our time and resources on these critical issues in South Asia remains in our national interest. Our support for these most fundamental of human rights helps build the free and open Indo-Pacific region that our President has envisioned. Respect for human rights creates value in each individual, leading to more inclusive, stable, and prosperous societies that ultimately strengthen our ties around the world.

Thank you for the opportunity to testify. I welcome your questions.