



**Human
Rights
Now**

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Statement in Support of Asian Americans Facing Discrimination in the United States

Human Rights Now stands with Asians and Asian Americans in the United States facing increasing discrimination and attacks over the last year, and we join calls for increased awareness of the problem and appropriate initiatives which better protect and empower the community in constructive ways.

As in many countries, persons of Asian descent have been facing increased discrimination in the US over the last year by those who unfairly blame them for the origin and spread of the coronavirus. This is part of a greater trend of anti-Asian harassment and hate crimes increasing around the world for the same reason, such as documented in Canada, the UK, Australia, New Zealand, Italy, Spain, Greece, France, Germany, Sweden, Russia, Brazil, Kenya, Ethiopia, South Africa and many other countries, and even discrimination against Chinese or Asian migrants in other Asian countries such as South Korea, Japan, Indonesia, and Malaysia.¹

In August 2020, three special rapporteurs (for racial discrimination, migrants, and discrimination against women and girls) of the United Nations Human Rights Council sent a letter to the US concluding that "Racially motivated violence and other incidents against Asian Americans have reached an alarming level across the United States since the outbreak of COVID-19," including physical attacks, vandalism, refusal of service and access, robberies against their businesses and community centers, and verbal harassment.² Unemployment rates for Asian Americans have also surged, with Asian American-owned businesses going from 2.8%, one of the lowest unemployment rates, to over 15% by May 2020, one of the highest, and the rates have remained high since.³

Rather than combat the growing problem of discrimination, in the last year of the Trump administration the president openly engaged in and encouraged such discrimination, making statements such as calling COVID-19 the "Chinese virus", "Wuhan flu", and "Kung flu", slurs which have been quantifiably linked to a rise in Anti-Asian sentiment,⁴ which rose 85% after Trump was diagnosed with COVID-19 last fall. Regrettably, even now Trump continues to constantly use such derogatory language against Asians in emails to his supporters, continuing a legacy of hate and prejudice that remains prevalent in the US even after his departure and President Biden's welcome denunciations against xenophobia and violence against Asian Americans.⁵ Despite some indications that existing restrictions on Trump's social media use may be lifted (instituted by the platforms after he appeared to incite violence against the US Capitol last January),⁶ it is important that his social media presence continue to be restricted as long as he promotes hatred and discrimination against Asians or any group.

In March, the Center for the Study of Hate and Extremism reported that hate crimes against Asian Americans grew 149% from 2019 to 2020, even as the overall number of hate crimes dropped 7% over the same period.⁷ The group Stop AAPI Hate (referring to Asian Americans and Pacific Islanders) similarly reported receiving almost 3,800 reports of incidents of discrimination against AAPI from March 2020 to February 2021, more than 68% of which included reports of verbal harassment and more than 11% of physical assaults.⁸ More than a third of the

reports occurred at places of business and more than a quarter in streets.⁹ Another poll found that 17% of Asian Americans reported sexual harassment, stalking, and physical threats, up from 11% last year, and 21% reported being harassed online.¹⁰ Two other polls stated, respectively, that a quarter of respondents, and nearly half of Asian American respondents, reported having seen someone blame Asian people for the coronavirus epidemic¹¹ and that 3 of 10 Asian Americans reported being subjected to racist slurs or jokes since COVID-19's onset.¹²

Discrimination and physical assaults against persons of Asian descent have particularly targeted Asian elderly persons and women. Regarding elderly Asians, the AAPI study found that 7.3% of the incidents were reported from people ages 60 or over.¹³ Over the last year, for example, there have been a series of cases of violence against elderly Asians shoved to the ground, including Vicha Ratanapakdee, an 84-year-old immigrant from Thailand who died from injuries sustained in such an attack in San Francisco in February, followed by another violent attack on a 91-year-old Asian man in the same area a few days later.¹⁴ As recently as March 30, a 65-year-old Asian woman was punched and kicked to the ground as she was walking to church in midtown New York City, with the suspect making anti-Asian statements to her during the attack.¹⁵

Regarding Asian women, the AAPI study found them 2.3 times more likely than Asian men to face discrimination or hate acts.¹⁶ Recent publicized cases of violence against Asian women include the violent rape and murder of Ee Lee, an Asian-American woman, in a daylight attack in Milwaukee in September 2020¹⁷ and most recently the mass shooting at two Atlanta-area massage parlors on March 16 which resulted in the deaths of eight people, including six Asian women.¹⁸ These incidents have shaken the Asian American community and brought nationwide attention to the problem of hate and discrimination against them. As these last cases suggest, violence against women of Asian descent is interconnected with sexual assault, gender discrimination, and destructive stereotypes of hypersexuality and passivity, highlighting harmful intersectional discrimination that Asian women have long faced.¹⁹

With regards to this recent increase in discrimination and hate crimes, HRN welcomes the recent passage of the "COVID-19 Hate Crimes Act" by the US Senate and expected implementation into law soon.²⁰ The bill defines a COVID-19 hate crime as one motivated by a characteristic such as ethnicity and race perceived to be linked to the spread of COVID-19. It provides expedited review of reports of such hate crimes, supports training for law enforcement to better identify anti-Asian racism, and requires the Department of Justice to provide a multi-language online hate crime reporting process and instructions to expand effective education campaigns, as well as guidance on best practices for mitigating discriminatory language on the COVID-19 pandemic. While these measures are welcome, the focus on COVID-19 related discrimination leaves out other forms and motivations of discrimination calling for more general and holistic measures, listed in our recommendations below, which are necessary to combat the deeper and more persistent causes of discrimination and hate crimes in the US.

Discrimination against persons of Asian descent has a long history in the US.²¹ Asian immigrants were barred from citizenship until 1952 and even immigration was restricted under various control laws into the first half of the 20th century against Chinese, Japanese, Filipinos, and (under one law) persons in a zone from the Middle East to Southeast Asia.²² Persons of Asian descent faced alien land laws which restricted them from buying property until a 1952 case ruled them unconstitutional,²³ and Japanese-American citizens were interned during WWII without due process based solely on their ancestry, which the government did not apologize for until the 1980s.²⁴ Asian Americans have also faced a long history of negative stereotypes and prejudice in movies,

television, and popular culture.²⁵ The “model minority” and the “forever foreigner” have been two particularly persistent and harmful stereotypes against Asian Americans.²⁶ The first has masked real problems Asian Americans face such as hate acts, assaults, socio-economic problems, and other forms of prejudice, and it has justified prejudice against other minorities and alienated Asian Americans from them.²⁷ The second has seen Asian Americans having their loyalty, citizenship, and Americanness continually questioned.²⁸

It should be noted that discrimination against Asian Americans is part of the larger environment of discrimination against all minorities in the US, including Black and Latinx communities,²⁹ that has been aggravated over the period of the Trump administration’s term. This wider context has raised several issues. First, discrimination against Asians has not been as widely recognized and discussed as against other minorities, nor seen as part of the same problem, until the recent Atlanta shootings highlighted the issue. This calls for more intercommunity dialog and efforts to combat the roots of discrimination in more holistic ways. Second, crimes against Asian Americans have had challenges being prosecuted under “hate crime” laws, which were arguably not designed with the forms of discrimination they face in mind, even when racism is a factor in the crime,³⁰ which warrants a thoughtful review of how hate and race-based crimes are handled in the US. Finally, due to this larger context, activists have actually not called for greater force-based security measures, such as greater or more aggressive police protection for Asian Americans—even though the number of assaults has increased—as they warn that this may only serve as a racial wedge to justify discriminatory treatment of other minorities and further divide Asian Americans from them, given that a disproportionate number of those attacking Asian Americans have been other minorities.³¹ Rather, Asian American activists have called for more education and awareness of the history and forms of prejudice and discrimination that persons of Asian descent face and their shared struggles with other minorities³² as well as measures which get at the roots of their discrimination, such as combatting misunderstandings about the origins and nature of the coronavirus crisis³³ and promoting initiatives which promote inter-ethnic dialog and mutual understanding.³⁴

Recommendations

Human Rights Now joins these calls of other Asian American activists and we hope that the current public discussion leads to a greater understanding of discrimination against Asians and other minorities in the US and the political will to combat it. We also offer the following specific recommendations to the US government which go beyond the recent COVID-19 Hate Crimes Act in addressing the roots of hate crimes in the US.

1. Implement a government-wide policy to encourage respect and mutual understanding of Asians and other minorities, as well as a policy to censure government agents who engage in discrimination of any form.
2. Investigate ways to reform hate crime laws to cover and deter a wider range of crimes based on any form of racial or ethnic discrimination and to establish laws to deter, prevent, and punish hate speech and other forms of discrimination, and then implement such reforms. Also ensure that anti-hate crime measures do not utilize law enforcement methods that exacerbate discrimination in other ways.
3. Consider regulations which facilitate legal claims against social media platforms and their users for online hate speech and discrimination as well as which facilitate the restriction of such material online.
4. Establish and support programs that educate the public about the long history and forms of discrimination against Asians and other groups and ways to combat such discrimination generally, and that promote inter-ethnic dialog and mutual understanding.

¹ <https://time.com/5947862/anti-asian-attacks-rising-worldwide/>; <https://edition.cnn.com/2021/03/21/world/anti-asian-hate-crime-intl/index.html>; <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>; <https://www.hrw.org/news/2020/04/06/abused-and-shunned-being-asian-descent-sweden-during-covid-19>; <https://www.dw.com/en/racism-in-germany-a-chinese-american-reckoning/a-53795247>.

² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=25476>.

³ <https://www.npr.org/2020/10/01/918834644/overlooked-asian-american-jobless-rate-surges-but-few-take-notice>.

⁴ <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2021.306154>.

⁵ <https://www.usatoday.com/story/tech/2021/03/24/asian-american-hate-crimes-covid-harassment-atlanta-google-facebook-youtube/6973659002/>; <https://www.nytimes.com/2020/03/29/us/politics/coronavirus-asian-americans.html>; <https://www.usatoday.com/story/news/politics/2021/03/11/joe-biden-denounces-rise-hate-crimes-against-asian-americans/4657976001/>; <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-condemning-and-combating-racism-xenophobia-and-intolerance-against-asian-americans-and-pacific-islanders-in-the-united-states/>.

⁶ <https://www.thewrap.com/donald-trump-return-to-youtube-risk-of-violence-decreases/>.

⁷ <https://www.washingtonpost.com/technology/2021/03/17/anti-asian-attacks-shootings/> and USA Today, *id.*, both citing <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%203.2.21.pdf>.

⁸ <https://securservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf>; <https://www.nytimes.com/2021/03/17/us/hate-crimes-against-asian-americans-community.html>.

⁹ <https://www.nbcnews.com/news/asian-america/there-were-3-800-anti-asian-racist-incidents-mostly-against-n1261257>.

¹⁰ USA Today, *supra*, note 5.

¹¹ <https://www.usatoday.com/story/news/politics/2021/03/21/poll-1-4-americans-has-seen-asians-blamed-covid-19/4740043001/>.

¹² <https://www.pewresearch.org/social-trends/2020/07/01/many-black-and-asian-americans-say-they-have-experienced-discrimination-amid-the-covid-19-outbreak/>.

¹³ <https://securservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/02/Press-Statement-re-Bay-Area-Elderly-Incidents-2.9.2021-1.pdf>.

¹⁴ <https://www.ktvu.com/news/suspect-arrested-in-deadly-attack-on-84-year-old-man-in-san-francisco>; <https://www.rollingstone.com/culture/culture-news/asian-american-racism-violence-1127876/>.

¹⁵ <https://www.channelnewsasia.com/news/asian-american-woman-assaulted-kicked-new-york-nypd-14524790>; <https://www.channelnewsasia.com/news/asian-woman-assaulted-new-york-man-arrested-14524574>.

¹⁶ Stop AAPI Hate National Report, *supra*, note 8.

¹⁷ <https://www.jsonline.com/story/news/crime/2021/02/09/two-teens-charged-homicide-beating-woman-washington-park/4459465001/>.

¹⁸ <https://www.nytimes.com/2021/03/16/us/atlanta-shootings-massage-parlor.html>.

¹⁹ NBC News, *supra*, note 9; <https://www.usatoday.com/story/news/nation/2021/03/17/atlanta-shootings-asian-communities-edge-after-latest-attacks/4729826001/>; <https://www.newyorker.com/news/daily-comment/the-atlanta-shooting-and-the-dehumanizing-of-asian-women>.

²⁰ <https://www.usatoday.com/story/news/politics/2021/04/22/covid-19-hate-crime-bill-protect-asian-americans-passes-senate/7290109002/>; <https://www.congress.gov/bill/117th-congress/senate-bill/937>.

²¹ <https://news.harvard.edu/gazette/story/2021/03/a-long-history-of-bigotry-against-asian-americans/>; <https://time.com/5834427/violence-against-asian-americans-history/>.

²² <https://immigrationhistory.org/lesson-plan/asian-migration/>.

²³ https://encyclopedia.densho.org/Alien_land_laws/; http://depts.washington.edu/civilr/alien_land_laws.htm.

²⁴ <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-korematsu-v-us>.

²⁵ <https://abcnews.go.com/US/atlanta-shooting-legacy-misogyny-racism-asian-women/story?id=76533776>; <https://theconversation.com/racism-is-behind-anti-asian-american-violence-even-when-its-not-a-hate-crime-157487>.

²⁶ The Conversation, *id.*

²⁷ <https://journals.sagepub.com/doi/10.3102/0034654315612205>; <https://steinhardt.nyu.edu/ihdsc/on-the-ground/asian-american-experiences-racism-during-covid-19>.

²⁸ <https://doi.apa.org/doiLanding?doi=10.1037%2F0022-3514.89.5.717>; In one recent display of the frustration Asian Americans feel towards this form of discrimination, an Asian American veteran and elected official for an Ohio township, Lee Wong, in a March 23 public meeting unbuttoned his shirt and exposed scars on his torso he got while in the U.S. Army, where he had served for 20 years, and asked “Is this patriotic enough?”, <https://www.nytimes.com/2021/03/28/us/lee-wong-soldier-asian-American.html>.

²⁹ Harvard, *supra*, note 21.

³⁰ <https://theconversation.com/racism-is-behind-anti-asian-american-violence-even-when-its-not-a-hate-crime-157487>; <https://www.nytimes.com/2021/03/18/nyregion/asian-hate-crimes.html>.

³¹ <https://www.nytimes.com/2021/02/12/us/asian-american-racism.html>; <https://slate.com/news-and-politics/2021/02/anti-asian-attacks-san-francisco-bay-area-racism-covid.html>.

³² New York Times, *supra*, note 30; Rolling Stone, *supra*, note 14.

³³ <https://www.theguardian.com/commentisfree/2020/feb/28/sensationalist-media-is-exacerbating-racist-coronavirus-fears-we-need-to-combat-it>.

³⁴ <https://aafcollective.medium.com/we-want-cop-free-communities-3924956251a2>; Rolling Stone, *supra*, note 14; New York Times, *supra*, note 30; Slate, *supra*, note 31.