

EXECUTIVE SUMMARY OF
UNITED STATES CIVIL SOCIETY
STAKEHOLDERS' REPORTS

Submission to the United Nations Universal Periodic Review (UPR) of
United States of America Third Cycle

Thirty-Sixth Session of the UPR

Human Rights Council
April - May 2020

Submitted by: US Human Rights Network (USHRN)

Contact Name: Salimah K. Hankins, Esq., Interim Executive Director, US Human Rights
Network

Contact Phone/Email: 404-588-9761, shankins@ushrnetwork.org

Organization website: <http://www.ushrnetwork.org/> and upr2020.org

The US Human Rights Network (USHRN) is a national network of organizations and individuals working to build and strengthen a people-centered human rights movement in the United States. USHRN is the only entity with the exclusive mission of unifying and supporting the domestic human rights movement. Currently, USHRN is made up of more than 300 member and partner organizations working on multiple human rights issues. We remain an anchor of the domestic human rights movement and support a bold, broad-based people-centered human rights movement—one that is led by people most directly impacted by human rights violations; comprised primarily of grassroots and community-based groups and individuals working collectively across issue areas.

US Human Rights Network UPR Taskforce¹

Jamil Dakwar—American Civil Liberties Union
Kate D'Adamo—Red Umbrella Fund
Noel Didla—Malcolm X Grassroots Movement
RJ Thompson—Urban Justice Center
Ricci Joy Levy—The Woodhull Freedom Foundation
Genevieve Whitaker-- Virgin Islands Youth Advocacy Coalition, Inc. (VIYAC)
Mary Gerisch- Rights and Democracy
Joshua Cooper - Hawaii Institute for Human Rights

¹ Organizations are listed for informational purposes only.

A. EXECUTIVE SUMMARY

This joint submission filed by the US Human Rights Network (USHRN), under Sections B, C, and D provides a summary of 38 stakeholder reports submitted by eighty-four of our members and partners.²

- Section B – Examines existing frameworks in the US for protecting and promoting human rights,
- Section C – Highlights some shortcomings in the US’ on-the-ground implementation of its human rights obligations since the last UPR review.
- Section D - Highlights a number of recommendations the US government should take to protect and promote the rights contained in the UDHR and in fulfillment of its human rights treaty obligations.³

B. NORMATIVE AND INSTITUTIONAL FRAMEWORK OF THE STATE

1. The US has repeatedly emphasized a commitment to human rights for all, undertaking obligations to promote and protect human rights throughout the US, through all appropriate measures, including legislation, education and policy.⁴ However, since taking office, the Trump administration has withdrawn the US from the UN Human Rights Council⁵, cut funding to the Inter-American Commission on Human Rights,⁶ and continues to skirt human rights treaty

² Disclaimer: With respect to the UPR report summaries presented in this document, the role of the US Human Rights Network is to compile and present them to the United Nations as a whole. It is the role of the individual stakeholders to research and write the reports in their areas of interest. The contents of the individual stakeholder reports, and the corresponding summaries contained herein, are the property of the organizations and authors contributing them to this executive summary. The views and opinions of the stakeholders do not reflect those of the USHRN or its officers or staff.

³ More detailed and comprehensive recommendations for action are provided in each coalition stakeholder report submitted in conjunction with this overarching report.

⁴ See, e.g. International Covenant on Civil and Political Rights, art. 2(2); 50, Dec. 16, 1966, 999 U.N.T.S. 171; Human Rights Comm., Gen. Comment No. 18, Non-Discrimination, ¶ 5, U.N. Doc. HRI/GEN/1/Rev.9 at 195 (1989), available at <http://www1.umn.edu/humanrts/gencomm/hrcom18.htm>; Gen. Comment No. 31, Nature of the General Legal Obligation on States Parties to the Covenant, ¶ 7, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), available at <http://www.unhchr.ch/tbs/doc.nsf/0/58f5d4646e861359c1256ff600533f5f>; International Convention on the Elimination of All Forms of Racial Discrimination, arts. 2, 5, 7, Mar. 7, 1966, 660 U.N.T.S. 195; Comm. On the Elimination of Racial Discrimination, 42nd Sess., March 1-19, 1993, General Recommendation No. 31, Establishment of National Institutions to Facilitate Implementation of the Convention, ¶ 1(a)-(e), U.N. Doc. A/48/18 (Supp), 116 (Mar. 19, 1993).

⁵ The White House, “President Donald J. Trump is Standing Up for Human Rights at the U.N.” <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-standing-human-rights-u-n/>

⁶ International Justice Resource Center, “US Resists International Oversight Reduces IACHR Funding over Reproductive Rights.” <https://ijrcenter.org/2019/04/08/u-s-resists-international-oversight-reduces-iachr-funding-over-reproductive-rights/>

reporting and reviews.⁷ Most recently, the administration declined to nominate a human rights expert to serve on the Committee on the Elimination of Racial Discrimination and the Inter-American Commission.⁸ The administration's disengagement from its domestic and international human rights obligations further threatens human rights at home and risks weakening international and regional human rights institutions.

2. The US government has announced the formation of a new "Commission on Unalienable Rights" based on "natural law." This move to essentially redefine the essence of what human rights is threatens the very foundation on which all human rights rest. Given the administration's ongoing attacks against women, LGBTI, and GNC people, fears that the creation of a new human rights panel focused on "natural law" may be a vehicle to dismantle protections for these groups are well-founded. This is evident through the Trump administration's rollbacks of Obama-era laws that protected LGBTI and GNC people -- from the transgender military ban, to the recent move to rescind healthcare protections for transgender people, and even proposals to redefine "gender" as a biological, immutable condition determined by genitalia at birth -- and women's rights, including reproductive rights, both at home and abroad. We continue to call on the United Nations to hold the US accountable for its ongoing attacks against human rights.⁹

3. In 2018, the United Nations General Assembly decided in resolution A/RES/73/262 to establish a permanent forum on people of African Descent. Currently, activists and organizers are advocating for the formation of a Permanent Forum and for a Declaration on the Rights of People of African Descent that includes the voices of PAD leaders. The creation of these two important United Nations tools would create a specific space for PAD leaders to discuss issues and solutions regionally and globally, and create a document focused on the unique issues facing PAD around the world that can be used to fight for PAD rights internationally.¹⁰

C. PROMOTION AND PROTECTION OF RIGHTS ON THE GROUND

RIGHT TO FOOD, WATER AND SANITATION

⁷ The Guardian, "US halts cooperation with UN on potential human rights violations." <https://www.theguardian.com/law/2019/jan/04/trump-administration-un-human-rights-violations>

⁸ Human Rights Watch, "US Does Not Nominate Representative to Critical Rights Body: CERD will Continue to Monitor Abuses in US." <https://www.hrw.org/news/2019/04/16/us-does-not-nominate-representative-critical-rights-body>

⁹ See US Human Rights Network, "USHRN objects to new human rights commission based on 'natural law;' affirms sexual freedom and the rights of LGBTI and GNC communities." <https://ushrnetwork.org/news/122/100/USHRN-objects-to-new-human-rights-commission-based-on-natural-law-affirms-sexual-freedom-and-the-rights-of-LGBTI-and-GNC-communities>

¹⁰ US Human Rights Network, <https://www.idpad.org/>

4. THE RIGHT TO FOOD.¹¹ The human right to food has been grossly neglected in the United States (US). The US's failure to ratify the ICESCR has long been regarded as the root of this neglect. While the ICESCR unequivocally assures the right to food, this right is also guaranteed through the ICCPR because human rights are interconnected. The excessive influence of corporations in both political campaigns and legislation effectively silences the voice of the people and enables corporate interests to prevail over the peoples' right to nutritious food.

5. THE HUMAN RIGHT TO USABLE WATER.¹² Currently, the United States is one of many nations who are selling their water rights to corporate entities who bottle the water and sell it back to consumers at an inflated cost. Not only does the public then have to pay for a resource that is already costing them through taxes and utility payments, but the price of bottled water then creates an imbalance in access to this vital resource. Furthermore, the Winnemem Wintu indigenous peoples are actively protesting the dumping of industrial waste into waterways in and around Mt. Shasta by Crystal Geyser Water Company, a subsidiary of Nestle.

6. SANITATION:¹³ Despite being one of the wealthiest countries in the world,¹⁴ the United States struggles with profound poverty and inequality.¹⁵ While the large majority of people across the US flush and forget, many rural communities lack access to one of the most basic services: sanitation, which is a basic right and essential to everyday functions and basic dignity.¹⁶ The negative impacts are greatest on communities already marginalized on the basis of race, ethnicity, and indigenous status, and households living in poverty – those who have

¹¹ Stakeholder Report Title: "The Right to Food in the Context of Political Participation, Equality, and Non-Discrimination." Submitted by the University of Miami Human Rights Clinic, (by Raul Herrera, Isabelle Janssen, Gabriela Valentin Diaz, and Professor Denisse Cordova Montes). Signatories included: UMHRC, WhyHunger, FIAN International, Food Studies Program at Syracuse University, Drexel University Center for Hunger Free Communities, Northwest Harvest, Molly D. Anderson, Joseph Kiefer, Lisa Mase, Robert Ojeda, Karen Washington.

¹² Stakeholder Report Title: "The Human Right to Water vs. Industrial Use: The Fight for Water." Submitted by the Center for the Right to Water Northwest.

¹³ Stakeholder Report Title: "Ensuring Adequate and Affordable Sanitation on an Equitable Basis." Submitted by: The Center for Rural Enterprise and Environmental Justice (CREEJ); The Columbia Law School Human Rights Institute (HRI); and The Program on Economic, Social and Cultural Rights in the Institute for the Study of Human Rights at Columbia University (ISHR).

¹⁴ According to the International Monetary Fund (IMF) data from 2018, the United States of America has a GDP per capita income of \$62,520, placing within the top ten highest national GDPs in the world. IMF Data Mapper, *GDP Per Capita, Current Prices (2018)*, Int'l Monetary Fund (2018), <https://www.imf.org/external/datamapper/NGDPDPC@WEO/OEMDC/ADVEC/WEOWORLD>

¹⁵ Rakesh Kochhar & Anthony Cilluffo, *How Wealth Inequality Has Changed in the US Since the Great Recession, by Race, Ethnicity, and Income*, Pew Res. Ctr. (Nov. 1, 2017), <http://www.pewresearch.org/fact-tank/2017/11/01/how-wealth-inequality-has-changed-in-the-u-s-since-the-great-recession-by-race-ethnicity-and-income/>.

¹⁶ The information included here draws heavily from research and outreach conducted by the authors of the joint submission on sanitation, and included in the May 2019 report, *Flushed and Forgotten: Sanitation and Wastewater in Rural Communities in the United States*, at https://www.law.columbia.edu/system/files/private_file/flushed_and_forgotten_final_report_0.pdf.

long lived with decaying and absent sanitation and wastewater systems.¹⁷ In 2017, the American Society of Civil Engineers gave the United States a D+ grade for its national wastewater infrastructure.¹⁸

RIGHT TO VOTE¹⁹

7. The report cites consistently low voter turnout in many important elections including presidential elections. Actions by legislatures and the Courts actually undermine such measures by placing major barriers and obstacles to people, especially people of color and low-income people, to exercise their right to vote, including registration and identification requirements which are often difficult and costly. Because voting takes place on a weekday, many people are prevented from voting due to competing needs to work, and inferior voting infrastructure in urban centers create long lines to vote causing additional work hour conflicts.

STATE AND LOCAL HUMAN RIGHTS EFFORTS²⁰

8. Subnational governments are essential to human rights implementation and monitoring,²¹ discrimination protections, and to more broadly and proactively promote and protect fundamental human rights. This lack of basic human rights education is compounded by resource and staffing constraints at the state and local levels. State and local governments lack the capacity necessary to effectively collect and analyze data on human rights compliance and take other necessary steps to implement human rights. Commitments to promote and protect human rights vary widely across jurisdictions, and the efforts that exist are currently vulnerable to elimination.

¹⁷ US Water Alliance, *An Equitable Water Future* 14 (2017), http://uswateralliance.org/sites/uswateralliance.org/files/publications/uswa_waterequity_FINAL.pdf; Stephen Gasteyer et al., *Basics Inequality: Race and Access to Complete Plumbing Facilities in the United States*, 13 *Du Bois Rev.: Soc. Sci. Res. on Race* 305, 306 (2016).

¹⁸ See Am. Soc’y of Civil Eng’rs, 2017 Infrastructure Report Card: Wastewater, at 1 (2017), <https://www.infrastructurereportcard.org/wp-content/uploads/2017/01/Wastewater-Final.pdf>.

¹⁹ Stakeholder Report Title: “United States’ Failure to Put in Place Effective Measures to Protect the Right to Vote.” Submitted by Jeanne Mirer on behalf of The National Lawyers Guild – International Committee, and the International Association of Democratic Lawyers.

²⁰ Stakeholder Report Title: “Strengthening State and Local Promotion and Protection of Human Rights in the United States.” Submitted by Columbia Law School Human Rights Institute (HRI) & The International Association of Official Human Rights Agencies (IAOHRA)

²¹ See, e.g., U.N. Human Rights Council, *Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee*, U.N. Doc A/HRC/30/49 (2015), available at <http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Pages/LocalGovernmentAndHR.aspx>

REPRODUCTIVE RIGHTS^{22 23}

9. Reproductive health, rights, and justice in the US are under alarming and relentless attack, in violation of the rights to life, equality and non-discrimination, health, privacy, information, and freedom from torture, cruel, inhumane and degrading treatment, among others. Since the last UPR, the political and policy landscape in the US for reproductive rights and justice has worsened dramatically, resulting in a significant retrogression of rights, with particularly harmful impact on marginalized communities and people experiencing multiple and intersecting forms of discrimination, including immigrants, people living in poverty, women of color, indigenous peoples, people living in rural areas, people with disabilities, and LGBTQI+ people.

RIGHT TO EQUITABLE ACCESS TO COURT AND LEGAL REDRESS

10. INDIGENT PRO SE LITIGANTS.²⁴ The US government is a key player in the implementation of human rights obligations codified in international agreements it ratified. The United Nations must hold the US government accountable for its failure to address and uphold its obligations under the UDHR. Promoting accountability by providing a more equal and universally applied mechanism for regular, consistent, fair and impartial examination of human rights to indigent pro se litigants through the court system is vital for a fair and even playing field.

RIGHTS OF INDIVIDUALS IN US JAILS, DETENTION CENTERS AND PRISONS

11. SOLITARY CONFINEMENT.²⁵ Solitary confinement is torture. It has long been demonstrated to cause devastating physical, psychological, and emotional harm. The United States' use of solitary confinement by federal, state, and local entities blatantly violates international human rights law. The United Nations Mandela Rules - adopted by the UN General Assembly (with the support of the United States) - prohibit solitary confinement beyond 15 days for all people. Yet in New York State – as a representative example of the country as a whole – thousands of people are in solitary each day and tens of thousands each year, disproportionately Black and Latinx people.

²² Stakeholder Report Title: “Reproductive Health, Rights, and Justice.” Submitted by The Abortion Care Network, Amnesty International; Black Mamas Matter Alliance; Center for Reproductive Rights; The City University of New York Law School, Human Rights and Gender Justice Clinic; National Advocates for Pregnant Women; If/When/How: Lawyering for Reproductive Justice; National Asian Pacific American Women’s Forum; SisterSong, Women of Color Reproductive Justice Collective; Women Enabled International.

²³ Stakeholder Report Title: “Submission on behalf of the Global Rights Center.” Submitted by: The Global Rights Center.

²⁴ Stakeholder Report Title: “Equal Inclusion to Access for Indigent Pro Se Litigates to local and Federal court system Mechanisms.” Submitted by Equal Justice 4.

²⁵ Stakeholder Report Title: “NYCAIC #HALTsolitary UPR Submission.” Submitted by New York Campaign for Alternatives to Isolated Confinement / #HALTsolitary Campaign.

RIGHT TO SECURITY OF PERSON - GENDER-BASED VIOLENCE²⁶

12. GBV SURVIVORS AND ASYLUM.²⁷ Since its 2015 UPR, the United States has largely worsened human rights conditions for migrants, including asylum seekers, in contravention of member states' recommendations in 2015.²⁸ Violence against women and girls because of their gender is a recognized push factor for migration and a well-known risk in transit.²⁹ In the last decade, increasing numbers of people, particularly women and children from Mexico and the Northern Triangle of Central America, have sought asylum at the US-Mexico border, fleeing uncontrolled violence.

13. SEXUAL VIOLENCE IN THE US MILITARY.³⁰ The US has systematically failed to implement these recommendations. Servicewomen and men are still frequently subjected to retaliation and may be discharged as a result of the sexual abuse they suffered. Service members are also barred from seeking civil or constitutional remedies in federal civilian courts against the military for its failure to adequately prevent and prosecute the sexual violence they experienced. In addition, the US continues to deny survivors of military sexual assault equal access to disability benefits. It LGBTQ+ service members are at heightened risk of sexual violence, including the recent targeted ban on transgender service members.

14. WORKPLACE SEXUAL HARASSMENT OF MIGRANT WORKERS.³¹ Workplace harassment remains a persistent and under-reported problem in the United States. Immigrant women who mainly have access to low-wage work, such as domestic work and farm work, tend

²⁶ A summary is not available for the following report, but it can be accessed here: [Violations of the Human Right to Effective Protection Before the Law: Access to Justice for Immigrant Survivors of Gender-Based Violence in the U.S.](#) University of Miami Human Rights Clinic (by Jamila Flomo, Amanda Suarez and Professor Caroline Bettinger-Lopez). Signatories included: UMHRC, Rural Women's Health Project, Florida Legal Services, Florida Council Against Sexual Violence.

²⁷ Stakeholder Report Title: "Eroded US Asylum Protections for Gender Based Violence Survivors." Submitted by: MADRE; Human Rights and Gender Justice Clinic, CUNY School of Law; Center for Gender & Refugee Studies; Florence Immigrant and Refugee Rights Project.

²⁸ UNHRC, Report of the Working Group on the Universal Periodic Review, United States, ¶¶ 176.125, 176.153, 176.252, 176.253, 176.321, 176.338, 176.339 (20 July, 2015) U.N. Doc. A/HRC/30/12/.

²⁹ Anja Parish, "Gender Based Violence Against Women: Both Cause for Migration and Risk Along the Journey," Migration Policy Institute (Sept. 7, 2017) <https://www.migrationpolicy.org/article/gender-based-violence-against-women-both-cause-migration-and-risk-along-journey>; UNHCR, *Women on the Run* 15-30 (2015), <http://www.unhcr.org/en-us/publications/operations/5630f24c6/women-run.html>.

³⁰ Stakeholder Report Title: "Sexual Violence in the US Military." Submitted by Cornell Law School's Gender Justice Clinic.

³¹ Stakeholder Report Title: "Violations of the Human Right to Equality and Non-Discrimination in the US: Low-Wage, Migrant Workers' Experiences with Workplace Sexual Harassment" Submitted by: University of Miami School of Law, Human Rights Clinic (by Carla Carden, Kadian Crawford, Alexis Bay, and Professor Denisse Cordova Montes). Signatories included: Voces Unidas (Miami Workers Center, WeCount!, Community Justice Project, and UMHRC) and National Domestic Workers Alliance.

to be the most vulnerable to workplace sexual harassment, report it the least, and remain legally unprotected. In the US, there are “over 2 million domestic workers,” the vast majority of whom are female, and approximately 2 million farmworkers, of whom “about 24 percent . . . are estimated to be female.”

15. RIGHTS OF SEX WORKERS³² Criminalization and stigmatization of sex workers, and those profiled as such, prevents them from exercising their human rights. Violations include: violence perpetrated by law enforcement and ICE; cruel, inhumane or degrading treatment during incarceration; denial of due process and protection in the justice system; denial of rights to housing, healthcare, reproductive rights, education, income, employment and economic justice. People of color, transgender people, migrants, street-based sex workers, homeless, youth, and people living with HIV/AIDS bear a high burden of these violations. Transgender people are assumed to be sex workers by the authorities, leading to incarceration and immigration detention, where they are harmed, highly vulnerable to sexual assaults, and killed.

RIGHT TO INFORMATION AND THE RIGHT TO PRIVACY

16. INFORMATION ACCESS AND AVAILABILITY.³³ Information should be available and accessible to all, but the lack of access has exacerbated ignorance, income inequality, and the proliferation of information that delegitimizes facts. At the 2019 International Federation of Library Associations (IFLA), an organization that represents libraries all over the world, including the United States, in their May 31, 2019 email entitled *Communications*, succinctly states, “Information has never played a more important role in our societies. Those who have access and the skills to use it are able to take seize opportunities, make better decisions and innovate. Those without access risk being left behind.”

17. RIGHT TO FREE SPEECH AND DISSENT.³⁴ Defending Rights & Dissent is deeply concerned with violations of the right to freedom of expression in the United States. This includes the continued misuse of surveillance authorities to monitor civil society, curtailing the right to protest, and the use of laws against espionage to penalize journalists and their sources who expose government wrongdoing, including likely US violations of international law.

HUMAN RIGHTS AND IMMIGRATION

18. MEDICAL DISABILITY AND DEPORTATION. On August 7, 2019, the Trump administration made the decision to revoke or modify procedures allowing certain immigrants

³² Stakeholder Report Title: “Human Rights Violations of Sex Workers, People in the Sex Trades, and People Profiled as Such, for the 2020 UPR of the U.S.A.” Submitted by New Jersey Red Umbrella Alliance, Desiree Alliance, The Outlaw Project, Best Practices Policy Project and the Black Sex Worker Collective.

³³ Stakeholder Report Title: “Information Access and Availability.” Submitted by Paula Buchanan, Rebecca Hankins, and Dr. Miguel Juarez.

³⁴ Stakeholder Report Title: “Defending Rights and Dissent”. Submitted by: Defending Rights and Dissent.

to remain in the United States on humanitarian grounds and notified participants in the program that they must leave within 33 days. Congress was not informed. USCIS receives about 1,000 deferred-action applications related to medical issues each year. This policy change affects the most vulnerable immigrants, patients who would die without their life-saving treatment. This change in the procedure would mean that an individual seeking deferred action would have to go through full removal proceedings and receive an order of removal, before being considered for deferred action.

19. ABUSE AND REFOULEMENT OF IMMIGRANTS AT THE US-MEXICO BORDER.³⁵

Since January 2017, the US government has engaged in a combination of new and unlawful practices aimed at denying the victims of repression their right to seek asylum in the US. Such practices have resulted in immense human suffering and even death, and include the arbitrary and long term detention of such persons in harsh and prison like conditions; the separation of families and endangerment of children; cruel and degrading treatment of such migrants; violations of their due process rights; and their forced return to, and long term wait periods in, the most dangerous areas of Mexico.

20. CRIMINALIZATION OF ASYLUM SEEKERS AS A GENOCIDE PRACTICE.³⁶

Since 2016, Hope Border Institute has documented precarious practices by agencies under DHS hindering and obstructing due process of asylum and criminalizing immigrants and asylum seekers (IAS). DHS has also utilized inhumane punishment such as family separation and detention as means of deterrence and torture against IAS, as a social group, which falls into genocide practices.

21. MOTHERHOOD, MENTRUATION AND SEXUAL VIOLENCE AT THE US-MEXICO BORDER.³⁷

The US-Mexico border has become ground zero for human rights violations against Latin American immigrants. With over 50% of these immigrants being comprised of women and children, there is a disproportionate number of women in immigration detention. Latin American women attempting to cross the border are subject to many human rights abuses including, but not limited to, rape at the hands of border officials, period shame, denial of maternal rights when their children are forcibly removed from them and lack of healthcare for abortion, childbirth and post-natal care.

³⁵ Stakeholder Report Title: “Abuse And Refoulement Of Asylum Seekers By The United States.” Submitted by: Submitted by Jennifer Harbury on behalf of the Angry Tias and Abuelas.

³⁶ Stakeholder Report Title: “Criminalization Of Asylum Seekers And Family Separation As A Genocide Practice.” Submitted by Hope Border Institute.

³⁷ Stakeholder Report Title: “Women’s Rights Violations at the US-Mexico Border: Motherhood, Menstruation and Sexual Violence.” Submitted by Mama JuN (Mothers’ Justice Network) and Women LEAD Network.

22. DUE PROCESS AND IMMIGRATION.³⁸ T’ruah is deeply concerned about a series of interrelated US government immigration policies. These affect both immigrants currently in the United States and those seeking to travel to the United States, including those seeking refugee or asylum status. The administration has issued, and the Supreme Court has upheld, Executive Order 13780, known as the “Muslim ban,” banning travel from seven majority-Muslim countries. On the Mexican border, the administration has denied people the right to seek asylum, forcing them to remain in Mexico during excessive delays in even initial hearings of their “credible fear” claims.

DISCRIMINATION AND RACISM AGAINST PEOPLE OF COLOR

23. SURVEILLANCE OF COMMUNITIES OF COLOR. Surveilling Muslim and other communities of color has resulted in a wide range of consequences including chilling free speech rights, disrupting community cohesion, and criminalizing the community in ways that have led to detention or worse. Since 2010, 223 anti-Sharia bills have been introduced in legislative assemblies at the state level across the US. Of those, 20 have been enacted into law in 13 states. These laws and measures inhibit the US from maintaining its obligations to safeguard and improve human rights practices on the ground.³⁹

24. REPARATIONS FOR A HISTORY OF SLAVERY AND DISCRIMINATION.⁴⁰ The US Federal Government passed the 400-year African American Commission Act which became Public Law No: 115-102 on January 8th 2018. In it, the US Government has recognized, for the first time, the beginning of Africans being brought to the British Colonies (now the United States). This report discusses what occurred after the passage of this act.

THE HUMAN RIGHT TO HEALTHCARE

25. FINANCING OF HEALTHCARE.⁴¹ The US is not committed to human rights and the right to health. The referenced report focuses on the financing systems used in the US and addresses their systemic impact on the right to health care. It reviews the right to health care in the context of an adequate standard of living. The duty to support the right to health care by adequate,

³⁸ Stakeholder Report Title: “Discriminatory Practices, Lack of Due Process, and Denial of Basic Rights in US Immigration Policy.” Submitted by: T’ruah: The Rabbinic Call for Human Rights; Rabbi Salem Pearce, Rabbi Lev Meiorowitz Nelson, Rabbi Rachel Kahn-Troster, and Eliana Chavkin.

³⁹ Stakeholder Report Title: “Consequences Of Islamophobia On Civil Liberties And Rights In The United States.” Submitted by Haas Institute for a Fair and Inclusive Society, University of California, Berkeley.

⁴⁰ Stakeholder Report Title: “Solutions to 400 years of African American History (1619-2019): an African Diaspora Directorate Solution to Racism using the 2020 Universal Periodic Review of the USA.” Submitted by Friends of the African Union, Sons and Daughters of Africa, African American Agriculturist Association, African Diaspora Directorate, Keys of the Kingdom, CASH Community Development, Five Point Youth Foundation.

⁴¹ Stakeholder Report Title: “The Right to Health: How financing affects the right to health care in the US” Submitted by: The National Lawyers Guild, International Association of Democratic Lawyers, People’s Action Institute and Rights and Democracy Institute.

equitable and sustainable financing and the problems of privatization and profit incentives are assessed. Special focus is given to violations of the principles of universal access, particularly to universality, affordability, and equity, as well as to equality/non-discrimination and quality (highest attainable standard of physical and mental health).

26. INDIGENT RIGHT TO ADEQUATE HEALTHCARE.⁴²

Preventing people from achieving their healthiest potential denies them a human right. Such abuses of human rights demand we act to support the right to health. The disadvantaged in society require assistance to level the playing field therefore, we must provide for the health and wellbeing of all citizens as a fundamental responsibility by addressing and providing the best care including palliative care to provide relief from the symptoms and stress of the illness.

RIGHTS IMPACTING YOUTH AND CHILDREN

27. YOUTH IN THE CRIMINAL JUSTICE SYSTEM.⁴³ In the US, there is no constitutional provision or national law prohibiting states from subjecting children under age 18 to the adult criminal justice system, imposing adult criminal sentences, or incarcerating children in adult prison facilities. As a result, on any given day nearly 4,000 children are detained in adult jails. The majority of children tried in the adult criminal justice system are charged with low-level, non-violent offenses. In four states, 17-year-olds are automatically tried and sentenced as adults no matter the charge.

28. CHILDREN'S RIGHT TO EDUCATION.⁴⁴ Every child in the US has the human right, as stated in the Universal Declaration of Human Rights (UDHR), to education and to equal protection under the law. However, the *San Antonio Independent School District v. Rodriguez* case decision stated that the Constitution does not guarantee a right to equal school funding nor does the Fourteenth Amendment apply to wealth-based discrimination in education. The US government owes its children a national investment in equitable public schools. The federal government should take primary financial and legal responsibility for addressing the systemic issue of school funding based primarily on local property taxes.

29. PARENTAL INCARCERATION OF CHILDREN OF COLOR.⁴⁵ Over two million children in the US experience parental incarceration. Approximately 50 percent of incarcerated individuals in US prisons are parents. The acute racial disparity within the prison system is reflected among the children of incarcerated parents, where Black children are eight times more

⁴² Stakeholder Report Title: "Rightful Access of Homeless persons from medical facilities and emergency room services to a 3rd party Continuum of Care thru Medical Respite facilities." Submitted by Equal Justice 4.

⁴³ Stakeholder Report Title: "Children Charged as Adults and Held in Adult Jails and Prisons in the United States." Submitted by Campaign for Youth Justice.

⁴⁴ Stakeholder Report Title: "US Children's Right to Educational Equity." Submitted by Citlalli Mendoza and Ramon Montano, USHRN Students and Education Working Group.

⁴⁵ Stakeholder Report Title: "Addressing the Impact of Parental Incarceration on Children of Color in the United States." Submitted by: Justice Strategies, Patricia Allard, pat@justicestrategies.net.

likely than white children to experience parental incarceration. For those born in 1990, white children have a 1 in 25 rate of experiencing parental incarceration by age 14 – for Black children, the rate is 1 in 4. Indigenous and Latinx children also experience alarming rates of parental incarceration that far exceeds their white counterparts.

30. CHILD LABOR.⁴⁶ An estimated 300,000-500,000 predominately Hispanic children harvest produce in the heat, exposed to pesticides, using repetitive motions for 10-14 hours a day. The high school dropout rate for these children is 4x the national rate.⁴⁷ Due to exemptions to the Fair Labor Standards Act in 1938, the US federal child laws are minimal for agriculture. The federal standard is 12 and younger in some states.

RIGHTS IMPACTING SOVEREIGN INDIGENOUS NATIONS AND PEOPLE

31. DEFENDERS RESISTING EXTRACTIVE INDUSTRY.⁴⁸ Southeast Indigenous Peoples, many of who are excluded from the US Bureau of Indian Affairs, suffer from lack of safe food, housing, healthcare (including spiritual), and education. The US today has no consistent system to address violations facing indigenous peoples especially the threat of climate change.

32. INDIGENOUS PEOPLES' RIGHT TO EXIST.⁴⁹ This report demonstrates the failure of the United States government to recognize indigenous peoples in forced migration and to respect their human rights within the immigration system. It details how indigenous peoples' right to exist as distinct peoples free from discrimination and the right of self-determination including the right to due process in immigration are violated through the nexus of language, identity, and racism. Indigenous peoples are vulnerable precisely because of their indigenous identity.

33. SELF-DETERMINATION IN THE VIRGIN ISLANDS⁵⁰ VIYAC is a broad-based coalition of organizations and individuals committed to increasing political and civic involvement and overall voter participation of Virgin Islanders, ages 14-30. VIYAC in conducting an assessment submits this UPR to highlight concerns of the United States implementation of the recommendations pertaining to issues concerning people of African Descent as well as ongoing issues not addressed in the prior review, namely as it concerns Virgin Islanders' right to self-determination.

⁴⁶ Stakeholder Report Title: "Legal Child Labor in US Agriculture." Submitted by Julia Perez, MSEE, The Harvest.

⁴⁷ <http://www.hrw.org/support-care>

⁴⁸ Stakeholder Report Title: "Criminalization of Indigenous Human Rights Defenders Resisting Extractive Industries in the United States." Submitted by: Indigenous Peoples Law and Policy Program, Rogers School of Law, University of Arizona.

⁴⁹ Stakeholder Report Title: "Indigenous Peoples' Rights to Exist, Self Determination, Language and Due Process in Migration." Submitted by Indigenous Alliance Without Borders and the International Mayan League.

⁵⁰ Stakeholder report title: "Virgin Islanders' Right to Self-Determination & Decolonization." Submitted by Virgin Islands Youth Advocacy Coalition, VIYAC and Facilitators of the Decolonization Working Group Virgin Islands Rastafari Sacramental Cannabis Council

HUMAN TRAFFICKING

34. EMPOWERING HUMAN TRAFFICKING VICTIMS.⁵¹ Sex trafficking violates women's right to life, liberty and security of person. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, Chapter 11, Article 3 provides for the right of women to be free from violence within both the public and private spheres, specifically listing "trafficking in persons" as a form of violence against women regardless of whether it involves the knowledge or acquiescence of state agents. The US government continually fails its women and children in upholding these human rights by looking the other way and colluding with known criminal allies.

HOUSING AND HOMELESSNESS

35. HOUSING AND HOMELESSNESS IN THE US⁵² US law provides no entitlement to housing assistance or even to basic shelter. Reports of encampments have increased more than 1300% since 2007; ¾ of these have no legal protection and are under constant threat of eviction. People experiencing homelessness regularly face the degradation of performing basic bodily functions – sitting, eating, sleeping, and going to the bathroom – in public, and worse, are increasingly threatened with criminal punishment for performing these acts, despite the lack of adequate alternatives. Housing discrimination, housing poverty, and homelessness have a hugely disparate impact along racial, national origin, gender and sexual orientation, and ability lines. Lack of a right to counsel in eviction and foreclosure cases leads to wrongful evictions and foreclosures.

⁵¹ Stakeholder Report Title: "Empowering Human Trafficked Victims to Take Back Their Lives." Submitted by Equal Justice 4.

⁵² Stakeholder Report Title: "Housing and Homelessness in the US" Submitted by: National Law Center on Homelessness & Poverty.

36. HOUSING AND HOMELESSNESS IN MIAMI-DADE COUNTY, FLORIDA⁵³ Currently, Miami-Dade County has roughly 3,628 people experiencing homelessness,⁵⁴ many of whom lack access to shelter⁵⁵ or vital medical services.⁵⁶ Homelessness has been criminalized by arresting or fining individuals for engaging in life-sustaining activities under five ordinances: sleeping on public thruways;⁵⁷ living or sleeping in vehicles;⁵⁸ “aggressive or obstructive” panhandling;⁵⁹ and public urination or defecation.⁶⁰ From 1998-2019, the individuals experiencing homelessness living within the city of Miami had at least some protections against arrest for these activities under the *Pottinger* consent decree—the result of years of contentious litigation between homelessness advocates and the city.⁶¹ However, in early 2019, a federal court terminated this consent decree.⁶²

ENVIRONMENTAL RIGHTS⁶³

37. Since taking office, President Trump has claimed that climate change is a hoax played on the American people. He has accused Democrats, environmentalists and the Chinese government of perpetrating this hoax. However, the administration’s intense denial has created a

⁵³ Stakeholder Report Title: “Housing and Homelessness in Miami-Dade County, Florida.” by: University of Miami School of Law, Human Rights Clinic (by Conor Arevalo, Jennifer Gonzalez, Melanie Ng, David Stuzin, and Professor Tamar Ezer). Signatories included: University of Miami School of Law, Environmental Justice Clinic, The Alliance for GLBTQ Youth, Struggle for Miami’s Affordable and Sustainable Housing, Miami Workers Center, National Economic & Social Rights Initiative, and National Law Center on Homelessness & Poverty: *Housing and Homelessness in Miami-Dade County, Florida*.

⁵⁴ Press Release, Miami-Dade County Homeless Trust, Affordable Housing Critical to Maintaining Downward Trend of Street Homelessness in Miami-Dade County (Feb. 20, 2019) (on file with author).

⁵⁵ *Id.* (The county estimates that roughly a third of the homeless population, 1008 individuals, are unsheltered).

⁵⁶ Florida Council on Homelessness, *Annual Report, Appendix 2*, at 49 (2018), accessible at: myflfamilies.com/service-programs/homelessness/docs/Council%20on%20Homelessness%20Annual%20Report%202018.pdf

⁵⁷ Code 1967, § 38-49; code 1980, § 37-69 (“It shall be unlawful for any person to sleep on any of the streets, sidewalks, public places, or upon the private property of another without the consent of the owner thereof”).

⁵⁸ Code 1967, § 38-54.1; Code 1980, § 37-69 (“Other than the area at the Marine Stadium designated for use by self-contained camper trailers, it shall be unlawful for any person within the city to park any vehicle on public rights-of-way, public properties or private parking lots, for the purposes of: (1) Living; (2) Sleeping; (3) Cooking; (4) Bathing; or (5) Housekeeping”).

⁵⁹ Ord. No. 12006, § 2, 12-14-00. *See also* Ord. No. 12997, § 2, 5-22-08; Ord. No. 13232, § 2, 11-18-10 (prohibiting panhandling in certain areas of Miami-Dade County).

⁶⁰ Ord. No. 13495, § 2, 2-12-15 (providing exceptions only for children under five years old or persons with “a disability, unrelated to the ingestion of alcohol, illegal substances, or substances not prescribed to the particular person ingesting them, which renders a person unable to control his or her bodily functions of urination and/or defecation”).

⁶¹ Settlement Agreement at 7-13, *Pottinger v. City of Miami*, No. 88-2406-CIV-ATKINS (S.D. Fla. Oct. 1, 1998).

⁶² *Pottinger v. City of Miami*, 359 F.Supp.3d 1177, 1195 (S.D. Fla. 2019)

⁶³ Stakeholder Report Title: “Environment and Climate Change Denial and the Trump Administration: Fighting Back.” Submitted by The Center for the Environment and Human Rights.

grass roots backlash, including multiple lawsuits aiming to ground the controversy in reality and force the US government to address climate change and other environmental harms.

End Notes