



UNITED NATIONS ASSOCIATION
of the United States of America

A PROGRAM OF THE UNITED NATIONS FOUNDATION

**UN Universal Periodic Review
Stakeholder Report:**
United States of America

Submitted: September 12, 2014

New York, NY
801 Second Avenue, 9th Floor
New York, NY 10017-4706
Tel.: 212.697.3315
Fax: 212.697.3316

Headquarters
Washington, DC
1750 Pennsylvania Ave., NW
Suite 300
Washington, DC 20006
Tel.: 202.887.9040
Fax: 202.887.9021

www.unausa.org

A. Introduction and Summary

(A1) The United Nations Association of the United States of America (UNA-USA), a program of the UN Foundation, is a membership organization dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations. For 70 years, UNA-USA has worked to accomplish its mission through its national network of chapters, youth engagement, advocacy efforts, education programs and public events. Independent from the U.S. government, UNA-USA and its sister organization the Better World Campaign represent the single largest network of advocates and supporters of the United Nations in the world.¹

(A2) UNA-USA is proud to have had Eleanor Roosevelt, a leader in drafting the UN Universal Declaration on Human Rights, among its earliest leaders and human rights champions. Presently, UNA-USA runs the Leo Nevas Program on Human Rights, which endeavors to advance principled U.S.-UN cooperation on universal human rights within the UN Human Rights Council and the broader UN human rights system.²

(A3) Striving to sustain and expand upon this remarkable human rights legacy, UNA-USA submits this stakeholder report for the Universal Periodic Review (UPR) of the U.S. in 2015. To compile this report, UNA-USA relied on its best strength: the nationwide alliance of grassroots advocates it engages and endeavors to connect with the UN. This report addresses and offers recommendations under four key themes:

- advancing the rights of women and girls;
- combatting human trafficking;
- preventing violence and discrimination based on sexual orientation and gender identity; and
- international human rights framework.

B. Methodology

(B1) This stakeholders report was compiled through a UNA-USA nationwide consultation process that took place from March until August 2014. The process involved five UPR grassroots events within the nationwide chapter advocate network of UNA-USA. These participatory, consultative events were held at UNA-Georgetown (March 28); UNA-Greater Chicago (May 1); UNA-Southern New York State (May 21); the UNA-USA annual meeting in Washington, DC (June 9); and UNA-Phoenix (August 16). Collectively, the events featured more than 100 participants both in person and via online communication platforms, with input integrated from the East Coast of the United States to the Hawaiian Islands. The consultations focused on the four primary themes listed above.

(B2) Participants, ranging from 25 to 35 per consultation, were asked to share their direct, firsthand experiences on the domestic U.S. human rights record and to offer constructive ideas, suggestions and recommendations. Participants included a diverse group of American and non-American college and high school students, community leaders, non-profit leaders, private sector entrepreneurs, human rights advocates, public sector retirees and legal professionals. A rapporteur was present to record, consolidate and synthesize output from each discussion.

(B3) In drafting and compiling this report, UNA-USA has identified prominent trends, recommendations and other content that emerged from the 2014 UPR consultations. These conclusions are clarified, along with relevant references to the outcomes of 2011 UPR, with the objective of constructively advancing the U.S.' human rights record.³

C. Advancing the Rights of Women and Girls

“The CEDAW treaty affirms fundamental principles of human rights and equality for women. We stand alone with only six other countries that have not ratified the convention. It is important for the U.S. to stand for the rights of more than half its people, so that we can be viewed globally as support for women’s and girl’s rights.”

*—Jeanne Betsock Stillman,
May 2014*

*President of UNA Southern New York
State Division*

(C1) The U.S. has recently executed several concrete actions supporting greater protections for the rights of women and girls both internationally and at home. Abroad, this includes the establishment of an Ambassador-at-Large for Global Women’s Issues post in 2009 as well as strong support for the empowerment of women and girls through its membership in the UN Human Rights Council. Under the ongoing post-2015 development agenda process, the U.S. has also been a strong voice for the inclusion of a stand-alone goal on the empowerment of women and girls, a stance that enjoys broad support from the American public.⁴

(C2) Domestically, Congress reauthorized the Violence against Women Act, the cornerstone legislation in the U.S. dealing with the prevention of domestic violence and abuse. Notably, the reauthorization legislation fixed gaps in coverage for undocumented individuals, LGBT persons and Native Americans. Congress also passed the Lilly Ledbetter Fair Pay Act in 2009, which attempts to compensate women for inequitable wages received as a result of discrimination.

(C3) Despite this progress, the U.S. has only signed, rather than ratified, the core international legal framework for ensuring the human rights of women and girls, the Convention on the Elimination on the Discrimination against Women (CEDAW). The U.S., however, signaled its intent to ratify the CEDAW in its first national report under the UPR that it submitted in 2010.⁵ The U.S. also accepted a recommendation to “swiftly ratify CEDAW” during its first UPR in 2011.⁶

(C4) Similarly, while the Paycheck Fairness Act has been introduced providing for wage equality, it has yet to be voted into law. In its first UPR review, however, the U.S. accepted a recommendation “that further measures be taken in the areas of economic and social rights for women and minorities, including providing equal access to decent work and reducing the number of homeless people.”⁷

(C5) Recommendations to the United States:

- ratify the Convention on the Elimination of Discrimination against Women (CEDAW) prior to the United States’ third UPR review;
- make permanent existing legislation focused on combatting sexual and domestic violence, inclusive of relevant protections for vulnerable populations;
- pass legislation to ensure women receive equal pay for equal work; and
- continue to support comprehensive, universal access to voluntary sexual and reproductive health services, especially in emergency situations.

D. Combatting Human Trafficking

(D1) The United States has exercised significant domestic and international leadership toward combatting the scourge of human trafficking. This, for instance, includes ratification in 2005 of the UN Convention on Transnational Organized Crime Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The U.S. State Department's yearly trafficking in persons (TIP) reports also provide critical constructive support in identifying key problem zones and offering recommendations to assist international efforts to combat human trafficking.

(D2) Internally, the U.S. effort against trafficking includes the launch of programs like the 2010 U.S. Department of Homeland Security Blue Campaign designed to raise attention about trafficking. Furthermore, the proclamation by U.S. President Barack Obama designating January 2014 as "National Slavery and Human Trafficking Prevention Month" was a strong step toward raising nationwide awareness of this issue.⁸ Several key actions at the state level range from expanding opportunities for organic collaboration among relevant state and local law enforcement institutions to ensuring that victims

"If more people knew the definition of human trafficking and recognized the extent of the problem here at home, things might be different. This is a great opportunity to share the personal stories that will open our eyes and our hearts and inspire us collectively to action."—Lia Cairone, May 2014

UNA-USA Women Affinity Group Co-Chair and graduate student at Columbia University

of trafficking are not treated as criminals.

(D3) On the other hand, challenges persist, including the need to streamline and scale existing best practices. Additional efforts are also needed to raise national consciousness about the scourge of sex and labor trafficking. Underpinning this effort, it is vital that data law enforcement officials use is as accurate as possible, despite challenges in developing reliable metrics associated with trafficking. Finally, it is critical for the U.S. to buttress efforts to comprehensively aid victims of trafficking rather than treating such individuals as criminals. During the first UPR cycle, the U.S. accepted a recommendation that it would "insist more on measures aiming to combat the demand and provide information and services to victims of trafficking."⁹

(D4) Recommendations to the United States:

- pass legislation streamlining and universalizing safe harbor laws to protect trafficked youth and other persons;
- increase resources for nationwide anti-trafficking awareness programs, including prioritization of law enforcement training and capacity-building;
- pass legislation to prioritize proper registration of all girls and children at birth; and
- increase resources for relevant trafficking data collection and relevant statistical disaggregation.

E. Prevention of Violence and Discrimination Based on Sexual Orientation and Gender Identity

(E1) The U.S. has recently taken bold steps toward addressing violence and discrimination based on sexual orientation and gender identity as well as the advancement of full equality for lesbian, gay, bisexual and transgender (LGBT) persons. This includes then-Secretary of State Hillary Clinton's December 2011 declaration that "gay rights are human rights and human rights are gay rights" at the UN Human Rights Council and the concurrent establishment of a Global Equality Fund by the U.S. Department of State.

(E2) Congress also moved to repeal the discriminatory "Don't Ask, Don't Tell" policy prohibiting gays and lesbians from serving openly in the military in 2010. The U.S. Senate passed legislation prohibiting discrimination based on sexual orientation or gender identity in employment in late 2013. In February 2014, the state of Arizona rejected legislation that would have legally enshrined commercial discrimination against LGBT persons or those perceived as LGBT.

(E3) Such efforts have helped move the U.S. toward realizing a key recommendation during its first UPR in 2010, which invited the nation to "take measures to comprehensively address discrimination against individuals on the basis of their sexual orientation or gender identity"¹⁰ The U.S. accepted the recommendation and noted it was "engaged in further efforts to address discrimination on the basis of sexual orientation and gender identity."¹¹ Additionally, the U.S. accepted a recommendation to "continue its intense effort to undertake all necessary measures to ensure fair and equal treatment of all persons, without regards to sex, race, religion, color, creed, sexual orientation, gender identity or disability, and encourage further steps in this regard."¹²

(E4) Despite this progress, more can be done to advance equality for the LGBT community in the United States, including addressing the issue of LGBT bullying and negative stereotyping in educational institutions. Along similar lines, the issues of LGBT homeless youth and suicide among LGBT youth—or those perceived as LGBT—demand greater action at relevant federal, state and local levels.¹³

(E5) Recommendations to the United States:

- swiftly pass legislation prohibiting LGBT discrimination in employment;
- pass legislation addressing the issue of LGBT bullying in schools;
- expand resources addressing the issue of homeless LGBT youth; and
- repeal LGBT-focused prohibitions declared unconstitutional by the U.S. Supreme Court.

"LGBT students are more likely to report problems in school if they feel they have safe ways to do so. The creation of broader communications and anti-discrimination standards would protect all young Americans' right to education."

—Jonathan Dromgoole, May 2014

Former President of UNA-Georgetown Chapter and undergraduate student at Georgetown University

F. International Human Rights Framework

(F1) The U.S. has ratified international human rights treaties, including the International Covenant on Civil Political Rights (ICCPR), the Convention against Torture (CAT) and the Convention on the Elimination of Racial Discrimination (CERD). Historically, the United States has exercised bold leadership in developing of the Universal Declaration of Human Rights, a key pillar of the UPR, and has led in UN and other multilateral efforts to contribute to universal human rights norms. In March 2014, the U.S. brought a diverse delegation of federal and state level officials to Geneva for its review under the ICCPR.

(F2) During its first UPR, the U.S accepted a recommendation that it should “consider ratifying CEDAW, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities [CRC].”¹⁴ The U.S. delegation also accepted a recommendation that the U.S. “ratify the Convention on the Rights of Persons with Disabilities as a matter of priority.”¹⁵

“Human rights are about allowing each and every man, woman and child the opportunity to actualize their full potential. As members of the United Nations and therefore as global citizens, Americans have a responsibility to support the full potential of all persons, and the vehicle for this support is the ratification of treaties such as CRPD, CEDAW and CRC.”

– Farah Salim, July 2014

President UNA-Greater Chicago Chapter

(F3) Nevertheless, the U.S. has yet to ratify CRPD, CEDAW and the CRC. CRPD, a treaty inspired and modeled after the 1990 Americans with Disabilities Act, represents a key opportunity for the U.S. to position itself as a leader in advancing and protecting the rights of the disabled and an estimated 50 million Americans with disabilities. Within the U.S., the CPRD enjoys the support of countless disability advocacy groups, veterans’ support organizations and key private sector entities like the U.S. Chamber of Commerce.

2002, it was not put to a vote within the full Senate. While the Obama administration has signaled it is conducting an internal assessment related to CRC, it has not clarified potential next steps toward ratification.¹⁶ Today, the U.S remains one of only three UN member-states that has not ratified CRC.

(F4) Similarly, while the Senate Foreign Relations Committee endorsed CEDAW in

(F5) Recommendations to the United States:

- prioritize ratification of CRPD;
- pursue ratification of CEDAW and CRC;
- sustain proactive efforts to engage civil society groups in the UPR process; and
- maintain efforts to include relevant state and local officials in official treaty-body reviews including ICCPR, CAT and CERD.

Endnotes

¹The United Nations Association of the United States of America (USA-USA) is a 501(c)(3) non-profit.

²The content, observations and recommendations in this report do not necessarily represent the views of the UNA-USA Leo Nevas Human Rights Task Force or any of its members.

³The order of the issues presented in this report does not imply a prioritization of observations or recommendations.

⁴This finding was clarified during a 2013-2014 nationwide consultation process UNA-USA undertook across 12 U.S. cities. The full report, “An American Conversation on the Post-2015 Development Agenda,” was released on March 13, 2014 and is available online at

http://www.unausa.org/images/content/Membership/An_American_Conversation_on_the_Post_2015_Development_Agenda.pdf.

⁵See, United Nations Office of the High Commissioner for Human Rights (UN OHCHR), “National Report Submitted in Accordance with Paragraph 15(a) of the Annex of Human Rights Council Resolution 5/1*: United States of America,” 23 August 2010, 10, <http://www.whitehouse.gov/the-press-office/2013/12/31/presidential-proclamation-national-slavery-and-human-trafficking-prevent>.

⁶See, UNOHCHR, UPR Recommendation to United States 33, “Views on conclusions and/or recommendations, voluntary commitments and replies presented by the by the State under Review,” 8 March 2011, and replies presented by the state under review.

⁷Ibid., “Views on Conclusions,” UPR recommendation 113.

⁸See, Office of the Press Secretary, “Presidential Proclamation—National Slavery and Human Trafficking Prevention Month,” 31 December 2013, <http://www.whitehouse.gov/the-press-office/2013/12/31/presidential-proclamation-national-slavery-and-human-trafficking-prevent>.

⁹Ibid., “Views on Conclusions,” UPR recommendation 169.

¹⁰Ibid., “Views on Conclusions,” UPR recommendation 112.

¹¹See, “Report of the Working Group on the Universal Periodic Review of the United States of America Addendum.”

¹²Ibid., “Views on Conclusions,” UPR Recommendation 116.

¹³See, for example, J. G. Kosciw, E. A. Greytak, E. M. Diaz and M. J. Bartkiewicz, *The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation’s Schools* (New York: Gay, Lesbian Straight Education Network, 2010).

¹⁴Ibid., “Views on Conclusions,” UPR recommendation 21.

¹⁵Ibid., “Views on Conclusions,” UPR recommendation 35.

¹⁶Luisa Blanchfield, “The UN Conventions Convention on the Rights of the Child,” U.S. Congressional Research Service, 1 April 2013.