UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA

UN Universal Periodic Review Stakeholder Report:

United States of America

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The United Nations Association of the USA (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 more than 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.

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A. Introduction and Summary

(A1) The United Nations Association of the USA (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 more than 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 Universal Declaration of Human Rights, among its earliest leaders and human rights champions. Presently, through its 200 chapters and 20,000 grassroots members in 43 U.S. states, UNA-USA advances principled U.S. engagement on universal human rights within local communities and college campuses, the UN Human Rights Council, the broader UN human rights system, U.S. Department of State, and Congress. UNA-USA was also an official partner of the 2018 OHCHR "Stand Up for Human Rights" campaign.

(A3) Striving to sustain and expand upon this remarkable human rights legacy as well as its submission for the U.S. UPR in 2015[2], UNA-USA submits this stakeholder report to inform the Universal Periodic Review (UPR) of the U.S. in May 2020. To compile this report, UNA-USA relied on its primary strength: the nationwide alliance of grassroots advocates it engages and strives to connect to the UN. This report addresses and offers recommendations under four key themes:

- the rights of migrants, asylum seekers, and refugees;
- gender equality and combatting human trafficking;
- the right to water; and
- the human rights of older persons.

B. Methodology

(B1) This stakeholders report was compiled through a UNA-USA nationwide consultation process that took place from February to September 2019. The process involved UPR consultations across UNA-USA's network of chapters in communities and on college campuses. These participatory events were held at UNA-Queens (March 13); UNA-Greater Detroit and UNA Ohio State University (April 16); UNA-Michigan State University (April 22); UNA-Northern New Jersey and UNA-Seton Hall University (April 30); the UNA-USA and Seton Hall University Summer Intensive Program (June 7); and the UNA-USA Leadership Summit in Washington, DC (June 9-10). Collectively, the events featured hundreds of participants, both in person and via online communications platforms. Input stretched to all 50 states[3] as well as from a wide diversity of populations, including marginalized groups.

(B2) Participants, were asked to share their 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 meeting.

(B3) In compiling this report, UNA-USA identified prominent trends, recommendations, and other content emerging from the 2019 UPR consultations. The goal of these conclusions is to constructively advance human rights in the U.S.[4]

C. The Rights of Migrants, Asylum Seekers, and Refugees

(C1) The human rights of migrants and refugees has taken center stage in the U.S. Advocates have criticized a wide spectrum of policies in the current Administration, ranging from the family separation policy to the travel ban targeting Muslims to the poor treatment of migrants, and others on the U.S. border. Nevertheless, in in 2015, the U.S. supported the UPR recommendation "Consider alternatives to the detention of migrants, particularly children."[5] Similarly, the U.S. also supported the UPR recommendation "Ensure due process for all immigrants in immigration proceedings, using the principle of the best interest, especially in the case of families and unaccompanied children."[6]

"Everyone has the right to seek a brighter future in a new country. What makes the U.S. so strong is the diversity of its people"
-Rachel Pittman, September 2019
UNA-USA Executive Director

(C2) However, senior officials from UNICEF, International Organization for Migration, Office of the UN High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination have publicly cited serious and ongoing gaps in U.S. policy in these areas. Unfortunately, the U.S. remains one of only a handful of countries that has refused to join the new UN Global Compact on Migrants. "The situation is dire at the moment, asylum and refugee protections are under threat and the system is close to collapse," noted a refugee policy expert based in Washington DC.

(C3) During a consultation in Queens, New York, focused on the rights of migrants, participants noted an array of problematic new policies that threaten the rights of migrants, asylum-seekers, and refugees. This includes the decision, announced in June 2018, to no longer consider domestic and gang violence as a relevant factor in asylum cases. Others cited the increasingly hostile and deeply offensive rhetoric made at the highest levels of the U.S. Government. Finally, the U.S. official refugee cap has fallen to its lowest level in the history of the program.

(C4) Once resettled, there is also a need to ensure that aslyees and refugees have adequate levels of social support to thrive. The head of a refugee protection organization in New York noted that it can be difficult to access medical services without access to basic identity credentials. Similarly, vital government documentation is commonly mailed in a langauge not spoken by an aslyee. Financial support for resettlement is often too short, lasting only three to six months. Studies clearly show, however, that refugees are active in their communities and are likely to open businesses, supporting U.S. economic growth.[7]

(C5) Recommendations to the U.S.:

- Reverse the decision to consider instances of domestic and gang violence as ineligible factors in applications for asylum in the U.S.;
- End the policy of family separation at the U.S.-Mexico border, and ensure safe, sanitary, and dignified conditions for all asylum seekers, migrants, and refugees;
- Avoid racist, xenophobic, and other hate speech at the highest political levels of government; and
- Ensure unhindered communications as well as access to the U.S. for official visits by UN special procedures, including the UN Special Rapporteur on the Human Rights of Migrants.

D. Rights of Women and Girls

(D1) The U.S. has expressed its commitment to support the rights of women and girls in previous UPR cycles, through the U.S. State Department's Trafficking in Persons reporting process, and by the ratification of the UN Convention on Transnational Organized Crime Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons. However, there is urgency to address growing nationwide gaps in these efforts.

> ***"We cannot reach gender equality if we do not address the fact that women and girls are disproportionately affected by the climate crisis, even in the US."***
> ***-Himaja Nagireddy, July 2019***
> *UNA-USA Women Affinity Group Co-Chair*

(D2) The U.S. has still not ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). Yet, the U.S. signaled its intent to ratify the CEDAW in its first national report under the UPR that it submitted in 2010.[8] The U.S. also accepted a recommendation to "swiftly ratify CEDAW" during its first UPR in 2011.[9]

(D3) During a consultation in Washington DC, one expert noted that one in three women in the U.S. are victims of physical, sexual, assault, or verbal abuse from an intimate partner. Problematically, the Violence Against Women Act lapsed in February 2019 and has yet to be renewed by Congress. New legislation at the state level — in Alabama, for example —have threatened the basic dignity of women. "We have not called it out in the same way we have other forms of extremist hate, but this is gender-based violence against women, no question . . . it's clear, it's torture – it's a deprivation of the right to health," observed UN Deputy High Commissioner for Human Rights Kate Gilmore in June 2019.[10]

(D4) Moreover, only 13 states mandate health education to be medically accurate, and minority communities continue to face disproportionately high maternal mortality rates. According to a young survivor of a brutal sexual assault, reform should begin with the launch of comprehensive sex education for children and young adults. Another respondent agreed noting that "education begins before you get in the halls of Congress." Along similar lines, some participants called for a new public health education campaign for girls, young women, and men connected to the HPV vaccine. Others cited climate change as disproportionately impacting women and girls in the U.S., urging the need for climate action.

(D5) Recommendations to the U.S.:

- Pass legislation ensuring comprehensive sex and consent education for children and young adults;
- Reverse policies inhibiting comprehensive, universal access to voluntary sexual and reproductive health services, especially in emergency situations;
- Reauthorize the Violence Against Women Act (VAWA) and ensure protections for LGBTI community as well as indigenous populations;
- Streamline and improve the processing of sexual assault cases, ensuring a survivor-centered approach;
- Recognize disproportionate impact of climate change on vulnerable communities, including women and girls; and
- Ratify the CEDAW without delay.

E. Right to Water

(F1) During its second UPR, the U.S unfortunately only "noted" two recommendations pertaining to human rights and water rather than accepting them. This includes a recommendation which corresponds to feedback UNA-USA received from its members conducting grassroots consultations: "Continue efforts to implement the human right to safe water and sanitation, ensuring this human right without discrimination for the poorest sectors of the population, including indigenous peoples and migrants."[11]

(F2) The UN Special Rapporteur on Extreme Poverty also noted challenges to access to water following a 2017 U.S. visit. "In Alabama and West Virginia, I was informed of the high proportion of the population that was not being served by public sewerage and water supply services. Contrary to the assumption in most countries that such services should be extended systematically and eventually comprehensively to all areas by the government, in neither state was I able to obtain figures as to the magnitude of the challenge or details of any government plans to address the issues in the future," he noted.[12]

"There needs to be more research into issues of access to clean water . . . all throughout America there is a water infrastructure issue we are not addressing."
-Haris Melendez, April 2019
President UNA-Northern New Jersey Chapter

(F3) There are significant challenges related to understanding the status of potential water contamination across the country. This, according to a consultation participant in Michigan, is the result of poor water management and inspection protocols. Similarly, there is also a lack of awareness on these challenges and the potential impacts of contaminated water among the U.S. population, including risks associated with lead poisoning.

(F4) Specific challenges connected to clean water include the presence of toxic superfund dumping cites, including in Northern New Jersey. According to one respondent, there are also no functional water fountains in some schools in Newark Public School systems. According to one participant in a consultation from Vermont who is attending school in New Jersey, "I am from a town in northern Vermont . . . [I had] the expectation when I came to New Jersey that the water would be clean as [in] my hometown. Instead the water smells like rotten eggs. The water is yellow. [There is] sulfur in the water." Others pointed out serious infrastructure related problems connected to water across the U.S., including the presence of lead pipes. The widely publicized events in Flint, Michigan are emblematic of these issues. Another participant in New Jersey cited water-related challenges as pervasive including in some areas defined as "affluent." In Newark, residents have been forced to gather bottled water from distribution centers given apparent breakages in water filtration systems.[13]

(F5) Recommendations to the U.S.:

- Expand national resources to ensure proper water testing, inspections, and research related to the impacts of contaminated water;
- Implement a national affordability plan to ensure access to safe and clean water, especially among marginalized populations; and
- Develop an implement a long-term, strategic plan to repair and strengthen water-related infrastructure.

F. Rights of Older Persons

(G1) The U.S. has yet to receive a specific UPR recommendation focused on the human rights of older persons, but this issue remains salient across the country. By 2030, for example, two out of five people will be aged 60 or older. Moreover, everyday 10,000 people in the U.S. turn 65-years-old, demanding policies and procedures be in place to address the impact what has been called a "grey wave."

(G2) Overall there is need to ensure access to social security programs given older persons spend more on health care than any other group. This encompasses improving access to quality, guaranteed health care and housing to older persons, as well as ensuring access to affordable drugs. It was reported in a consultation, for example, that current levels of social security benefits are inadequate to cover food, housing, and medical needs. Another respondent said that because a relative was ineligible for Medicare, they were "going broke" because of the need for 24-hour home care. As retirement is complex and supportive living options are extremely expensive, they are out of reach for the people who need them most. Current proposals to curtail social security and Medicaid would only exacerbate these trends.[14]

> ***As an older person, the UPR consultation discussing the needs of older people informed me of the unique needs of others who are extremely vulnerable, with critical basic human rights needs that are unmet."***
> ***– Judith Harris, June 2019***
> *UNA-USA National Council Secretary, Board Member of UNA-USA Pasadena*

(G3) An intersectional lens should be used to ensure the rights of older persons. For instance, a Wisconsin-based UNA-USA member reported that issues facing LGBT older adults were often front and center in dozens of workshops, as well as in terms of the personal challenges facing many of those in attendance at the 2019 LGBT Task Force Creating Change Conference in Detroit, Michigan.[15] Additionally, there is urgency for police to be properly trained when engaging older persons that may have a mental disability.

(G4) Cities and towns, especially in rural areas, need to have infrastructure and transportation accessible to older persons. While certain organizations routinely assist in this regard through building ramps and facilities, they receive little coverage in the national media. Existing federal funds to support infrastructure and city planning that is accessible to older persons is critical, especially for geographically poorer areas. Additionally, more laws are needed to ensure older persons have access to public and private buildings.

(G5) Recommendations to the U.S.:

- Expand resources to ensure cities and infrastructure are accessible to and usable by older persons, including in economically disadvantaged areas;
- Pass national legislation to protect older persons from fraud, including phone scams, Internet scams, and price gouging; and
- Grow and protect a broad range of social security benefits.

Endnotes

[1]The United Nations Association of the United States of America (USA-USA) is a 501(c)(3) non-profit. For more information please visit www.unausa.org.
[2] UNA-USA's stakeholder report for the U.S. UPR 2nd Cycle is available here: https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=1606&file=EnglishTranslation.
[33] For example, the UNA-USA 2019 Leadership Summit in Washington DC included six UPR breakout sessions. The summit included more than 500 participants from all fifty U.S. states. For more information visit https://unausa.org/events/leadership-summit/
[4]The order of the issues presented in this report does not imply a prioritization of observations or recommendations.
[5] Recommendation from Brazil, 2nd cycle of U.S. UPR.
[6] Recommendation Honduras, 2nd cycle of U.S. UPR.
[7] Dany Bahar, "Why Accepting Refugees is a Win-Win Formula," Brookings Institution, June 19, 2018. https://www.brookings.edu/blog/up-front/2018/06/19/refugees-are-a-win-win-win-formula-for-economic-development/.
[8] 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.
[9] Recommendation from Finland, 1st cycle of U.S. UPR.
[10] Liz Ford, "U.S. Abortion Policy is Extremist 'Hate' and 'Torture,' says UN commissioner," The Guardian, June 4, 2019 https://www.theguardian.com/global-development/2019/jun/04/us-abortion-policy-extremist-hate-torture-un-commissioner-kate-gilmore.
[11] Recommendation Spain, 2nd cycle of U.S. UPR.
[12] "Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights," December 15, 2017, Available: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533.
[13] Lauren Aratani, "'Damage has been done': Newark Water Crisis Echoes Flint," The Guardian, August 25, 2019. https://www.theguardian.com/us-news/2019/aug/25/newark-lead-water-crisis-flint
[14] This was originally reported in UNA-USA's submission to the OHCHR, "Call for inputs on technical cooperation/capacity building activities regarding human rights of older persons (HRC res 39/18)" on March 27, 2019. For more information see: https://www.ohchr.org/EN/Issues/OlderPersons/Pages/TechnicalCooperationCapacityBuilding.aspx.
[15] Ibid.