

United states of America

Submission to the United Nations Universal Periodic Review

36th Session of the Working Group on the UPR United Nations Human Rights
Council [May 2020]

Submitted By:

International Alliance for Peace and Development

<https://iapd.international/en/>



International Alliance for Peace and Development

The IAPDA seeks to promote for peace and sustainable development all over the world. The IAPDA works to counter hatred, violence and extremism and to work side by side with the UN mechanism and other affective institutions all over the world. The association is based on international human rights conventions adopted by the UN General Assembly, as well the recommendations and commentaries of the international bodies established by these conventions or any other mechanism based on the UN charter

Summary

In United States Last Universal Periodic Review by the Human Rights Council in May 2015, it received 343 recommendations and it accepted 150 recommendations, so more than half of these recommendations were not accepted by the United States.

This submission focus on status of United States from human rights mechanisms, violations of human rights defenders, discrimination, violations of women rights and violations of right of life.

Although international human rights law provides an important framework for guaranteeing the rights of all people in all countries, human rights standards generally do not become enforceable in the United States unless and until they are implemented through local, state, or federal law. International treaties define rights very generally, and international courts and monitoring bodies typically lack the ability to directly enforce their decisions in the United States. Because the greatest capacity for protection lies in domestic law, one of the best ways to improve human rights in the United States is to strengthen domestic legal protections for human rights by passing laws recognizing those rights and ensuring the implementation of those rights by the government and U.S. courts is consistent with international standards.

Human rights mechanisms

Today, the United States is still not fully committed to the international human rights system. The government has yet to ratify important human rights related treaties and opposes some forms of international cooperation on human rights such as the International Criminal Court. Till now United States don't ratify on International Convention for the Protection of All Persons from Enforced Disappearance, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families , Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities¹

¹ The advocates for human rights

http://www.theadvocatesforhumanrights.org/human_rights_and_the_united_states

On June 19, 2018, the United States withdrew from the UN Human Rights Council.

Discrimination

The United States is and always has been a very multicultural country. Nevertheless, minority groups in the US are unfortunately often subject to discrimination, ranging from racist comments to violent hate crimes. Although the United States has come a long way since the days of slavery, and huge steps were made towards granting equal rights on the basis of race in the 1960s, racism is still a very pressing problem in the US today. Sometimes it is blatant and open, but often it can be more subtle, or even built into the system, as seen by racial profiling by law enforcement officers and other government officials

Last of 2017 and according poll of “Discrimination in America “which focuses on personal experiences with discrimination across more than a dozen areas of daily life, nearly half (45%) of African Americans experienced racial discrimination when trying to rent an apartment or buy a home. 18% of Asian Americans say they have experienced discrimination when interacting with police. Indian-Americans are much more likely than Chinese-Americans to report unfair police stops or treatment. And nearly 1 in 5 Latinos have avoided medical care due to concern of being discriminated against or treated poorly.²

Although America is by nature a country of immigrants, US anti-immigrant sentiment is deeply rooted in American history, and continues to the present day. Xenophobia has risen over the past years as the topic of illegal immigration has come to the forefront of American politics. Anti-immigration groups patrol the border, making sure no more prospective immigrants cross over, and racial profiling is used to question the legal status of anyone “foreign-looking”, some Americans fear that their jobs are being given away to immigrants.³

In 2017, President Donald Trump issues two executive orders both titled “Protecting the Nation from Foreign Terrorist Entry into the United States” aimed

² Robert Wood Johnson Foundation , available on <https://www.rwjf.org/en/library/research/2017/10/discrimination-in-america--experiences-and-views.html>

³ Inter Nations , <https://www.internations.org/usa-expats/guide/29460-safety-security/racism-and-discrimination-in-the-us-16290>

at curtailing travel and immigration from six majority Muslim countries (Chad, Iran, Libya, Syria, Yemen, Somalia) as well as North Korea and Venezuela.⁴

On 12 August 2019, the Trump administration issued a final rule that allows federal officials to deny green cards to legal immigrants who have received certain public benefits or who are deemed likely to do so in the future.⁵

And these actions contravened with article 2 of the International Covenant on Civil and Political Rights.

Women's rights

Over nine decades, efforts to amend the U.S. Constitution to recognize women's rights have faced major challenges. Congress finally passed such legislation, known as the Equal Rights Amendment, in 1972. The amendment would recognize women's equal rights to men under the law.⁶

During its second UPR, United States received numbers of recommendations related to women's rights and prevent discriminations against women and achieve gender equality and ratify on Convention on the elimination of All forms of discrimination against women, but till now don't ratify on it and still there are violations against women in United States

However, more democrat women are running for office in the 2018 midterm elections than ever before, but there are some fundamental rights for American women remain at risk. here are five items in which women's rights are under threat in United States

-Reproductive Choice: The International Covenant for Civil and Political Rights spells out the right to access abortion services, and US ratified on this covenant But today, the US imposes illegal abortion policies that violated its obligations under the Covenant, US abortion restrictions on foreign assistance, including the global gag rule and Helms and Siljander amendments, breach these fundamental obligations, domestic gag rule," which would ban any healthcare facility that

⁴ Inside History Newsletters, available <https://www.history.com/topics/immigration/immigration-united-states-timeline>

⁵ Politico , <https://www.politico.com/story/2019/08/12/trumop-immigration-public-benefits-1413690>

⁶ THE CONVENTION, <http://theconversation.com/in-2019-womens-rights-are-still-not-explicitly-recognized-in-us-constitution-108150>

receives federal funding from advising on or providing abortions, a series of bills recently passed in the U.S. in particular, Alabama's highly restrictive abortion law.⁷

-Sexual harassment at work: Donald Trump rolled back the fair pay and safe workplaces executive order in 2017, which in part aimed to help sexual harassment victims at federal companies from being forced into secret arbitration proceedings with their employers. And while #MeToo, the movement has brought allegations of sexual harassment across many industries into the spotlight, the problem remains pervasive. 40 percent of women said they'd been harassed

- domestic violence: Intimate partner violence affects millions of women each year in the United States. In 2017 that proposed cuts to federal spending by the government would probably have catastrophic consequences for women who'd survived domestic violence, including limiting the funding for the National Domestic Violence Hotline and the Violence Against Women Act. Healthcare cuts could also mean that insurers could stop supporting domestic violence counseling

- women's health: according to Trump's proposed 2019 budget that national funding for women's health is seriously under threat. It decimates the Medicaid program which not only provides access to vital care for over 17 million nationwide women enrolled in the program, and proposed changes to health insurance could leave millions of women uninsured or facing inflated premiums⁸

- equal pay: 41% of women report being discriminated against in equal pay and promotion opportunities.⁹

The history of the US disregarding international human-rights standards should not be accepted as the status quo. As attacks on women's rights escalate worldwide, it is more critical than ever that we take the US to task on standards it has promised to adhere to as a law-abiding country.

Violations to right of life

American gun violence is a human rights crisis, Americans make up less than 5 percent of the world's population, yet they own roughly 45 percent of all the world's privately held firearms and the US government's refusal to pass gun

⁷ Pass Blue, 14/3/2019, <https://www.passblue.com/2019/03/14/us-abortion-restrictions-violate-womens-human-rights/>

⁸ Bustle, 24/8/2018, available on <https://www.bustle.com/p/5-womens-rights-issues-in-danger-in-the-us-right-now-10188642>

⁹ Robert Wood Johnson Foundation, Ibid

control laws represents a violation of its citizens' right to life. The USA is failing to protect individuals and communities most at risk of gun violence, in violation of international human rights law, this crisis leaves about 38,000 Americans dead and 116,000 wounded each year,

To address this crisis the requirement of a valid license to buy a gun, no gun purchases for those under 21, a ban on certain military-style weapons and ammunition, and the creation of a digitized national gun registry.

The gun violence crisis disproportionately burdens Americans of color, and particularly young black men, despite strong evidence that some community-based programs can reduce urban gun violence, but lack of funding and lack of political will have blocked successful programs from being widely implemented¹⁰

However, tighter gun control laws and so-called "intelligent" background checks fail to protect the public from the most egregious perpetrator of gun violence in America: the U.S. government. If you're a black American, you've got a greater chance of being shot by police. If you're an unarmed black man, you're four times more likely to be killed by police than an unarmed white man. Most people killed by police are young men. Since 2015, police have shot and killed an average of 3 people per day.¹¹

- on September 2016 In California, police opened fire on and killed a mentally challenged unarmed black man within minutes of arriving on the scene, allegedly because he removed a vape smoking device from his pocket and took a "shooting stance."¹²
- On March 2018, Police in Arizona shot a man who was running away from U.S. Marshals after he refused to drop an object that turned out to be a cellphone. Similarly, police in Sacramento fired 20 shots at an unarmed, 22 year-old black man who was standing in his grandparents' backyard after mistaking his cellphone for a gun.¹³

¹⁰ TheGuardian ,2018 <https://www.theguardian.com/us-news/2018/sep/12/us-gun-control-human-rights-amnesty-international>

¹¹ Global Recherche , <https://www.globalresearch.ca/who-inflicts-most-gun-violence-america-u-s-government-police-forces/5686280>

¹² The Washington Post , <https://www.washingtonpost.com/news/morning-mix/wp/2016/09/28/police-shoot-black-man-in-san-diego-suburb-sparking-protests-circumstances-remain-unclear/>

¹³ USA Today , <https://www.usatoday.com/story/news/nation-now/2018/03/22/sacramento-police-shooting/448405002/>

And these actions contravened with article 6 of the International Covenant on Civil and Political Rights

Recommendations for action by the state under review

International Alliance for Peace and Development calls on the government of United States to:

- Follow its own rules and existing international human rights obligations under the American Convention, such as the right to humane treatment in Article 5 and the right to personal liberty in Article 7.
- United States should ratify on Convention on the Elimination of All Forms of Discrimination against Women and on International Convention on the Protection of the Rights of All Migrant Workers.
- To abolish the rule governing the deny of green cards to legal immigrants who have received certain public benefits or who are deemed likely to do so in the future.