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## **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1**

### **United States of America\***

The present report is a summary of 103 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Amnesty International (AI) recommended embarking upon a programme of ratification, and ensure implementation into domestic law, of human rights and other instruments, including CEDAW, CRC, ICESCR, OPCAT, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International court, the American Convention on Human Rights, and the Vienna Convention on the Law of Treaties.<sup>2</sup> The Inter-American Commission of Human Rights (IACHR) informed that the United States (US) has not yet ratified any of the regional human rights instruments.<sup>3</sup>
2. Four Freedoms Forum (FFF) recommended accepting the optional protocols and articles that allow for individual communications.<sup>4</sup>
3. First Peoples Human Rights Coalition (FPHRC), US Human Rights Network (USHRN) and Episcopal Diocese of Maine (EDM) recommended endorsing the UN Declaration on the Rights of Indigenous Peoples without qualification and, in partnership with Indigenous peoples, fully implement it.<sup>5</sup> USHRN called on the US to use the Declaration as a guide for interpretation of legally binding obligations vis-à-vis Indigenous Peoples.<sup>6</sup>
4. USHRN and AI recommended withdrawing all reservations, understandings and declarations that serve to undermine compliance with the treaties or undermine their object and purpose.<sup>7</sup>
5. AI and International Commission of Jurists (ICJ) recommended recognizing and giving effect to the extra-territorial application of international human rights law to actions by US personnel vis-à-vis territories and individuals over which they exercise effective control, at all times,<sup>8</sup> and; the dual applicability of human rights and international humanitarian law in case of armed conflicts.<sup>9</sup>
6. Conservation Centre of Environmental & Reserves in Iraq (CCERF) and other organizations stressed the responsibility of the US as an occupying power to fulfill its obligations deriving from human rights and humanitarian law, and to be held accountable for violations.<sup>10</sup>
7. Center for Economic and Social Rights (CESR) noted that in signing the ICESCR, CRC and CEDAW, the US has already indicated an intention to be bound by their provisions and not to violate their objective and purpose.<sup>11</sup>
8. USHRN noted the failure of the US to signal intent to ratify the CRC and CEDAW. While commending the signature of the Convention on the Rights of Persons with Disabilities, USHRN noted that it lingers without ratification.<sup>12</sup>

### **B. Constitutional and legislative framework**

9. AI indicated that in the domestic arena, the US has many laws, mechanisms and institutions to protect human rights and provide remedy for violations of the US Constitution. However, laws and practices fall short of international human rights standards, as noted by the treaty monitoring bodies.<sup>13</sup> USHRN indicated that while the Constitution incorporates ratified international treaties, treaties are non-self-executing.<sup>14</sup> The US issued a declaration that the federal government will only implement the treaties to

the extent that it “exercises jurisdiction” over the treaty provision, raising federalism as a barrier to implementation.<sup>15</sup>

10. Institute for Human Rights and Business (IHRB) recommended passing legislation for individuals to seek redress under US law for human rights abuses involving US registered companies at home and abroad.<sup>16</sup>

11. Disability Rights Education and Defense Fund indicated that legal and structural problems result in gaps in the enjoyment of their human rights by persons with disabilities.<sup>17</sup>

### **C. Institutional and human rights infrastructure**

12. USHRN noted that hampering the advancement of human rights in the US is the lack of an independent human rights commission to monitor compliance with human rights standards or an effective mechanism designed to ensure a coordinated approach towards the implementation of human rights at the federal, state and, local level.<sup>18</sup>

13. FFF indicated that there must be a national human rights institution in accordance with the Paris Principles and that the commission on civil rights could facilitate the national dialogue following the UPR review.<sup>19</sup>

14. AI recommended issuing an Executive Order to ensure that the administration’s Inter-Agency Working Group on Human Rights serves as a coordinating body among federal agencies and departments to enforce and implement the US human rights obligations; to make mandatory human rights impact assessments and studies to ensure government policies, pending legislation and regulations are consistent with US human rights obligations; to require that Inspectors General incorporate human rights obligations and analysis into their reviews and investigations of government agencies, policies and programmes; and to ensure collaboration between federal, state and local governments.<sup>20</sup>

15. CESR recommended establishing an effective and inclusive process to follow-up on the recommendations from the universal periodic review.<sup>21</sup>

### **D. Policy measures**

16. USHRN recommended adopting a National Action Plan on Racial Discrimination<sup>22</sup>, and a process by which policies and practices are reviewed for discriminatory impact.<sup>23</sup>

17. USHRN recommended adopting a human rights centered macro-economic and financial policy in the US.<sup>24</sup>

18. Accountability Counsel recommended improving the human rights corporate accountability mechanism.<sup>25</sup> IHRB recommended the development of a Business and Human Rights Policy.<sup>26</sup>

19. Center for Human Rights and Global Justice (CHRGJ) recommended adopting a human rights-based approach to international assistance.<sup>27</sup>

20. Global Justice Center (GJC) raised concerns on the Helms Amendment to the Foreign Assistance Act on the prohibition from supporting abortion as a method of family planning using U.S. funds.<sup>28</sup>

21. PIJIP-GAP reported on the US use of trade agreements and foreign aid to promote intellectual property and pharmaceutical regulations that restrict access to affordable medications in developing countries.<sup>29</sup>

22. LA Asociación Nacional de Economistas y Contadores (ANEC) citó el incumplimiento del compromiso de los Estados Unidos de América (EUA) con la ayuda al desarrollo, el cual es sólo 0.16% de su Producto Interno Bruto.<sup>30</sup>

23. La Asociación Cubana de las Naciones Unidas (ACNU) y ANEC se refirieron al impacto del bloqueo económico, financiero y comercial contra Cuba, el cual perjudica también al pueblo norteamericano.<sup>31</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **Cooperation with treaty bodies**

24. Meiklejohn Civil Liberties Institute noted the failure to report to treaty bodies on local conditions.<sup>32</sup> FFF recommended engaging civil society in the reporting process.<sup>33</sup>

### **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

25. USHRN noted the failure to address de facto and de jure discrimination<sup>34</sup> and the definition of discrimination is not in accordance with the ICERD.<sup>35</sup>

26. AI indicated that fully enjoyment of the treaty rights of those under US jurisdiction is affected by factors such as race, nationality, ethnicity, indigenous status, income and gender. US law falls short of international standards by generally protecting only against intentional discrimination, not policies or practices that have a discriminatory effect, as required under ICERD and other international human rights treaties.<sup>36</sup>

27. Despite extensive anti-discrimination and civil rights legislation, there remain wide inequalities in areas such as housing, employment, education, healthcare and the criminal justice system. Racial disparities continue to exist at every stage of the criminal justice system.<sup>37</sup> AI called on the US to address racial disparities in the criminal justice system and to pass legislation to bar racial profiling in law enforcement, with effective complaints and compliance procedures.<sup>38</sup>

28. Joint Submission-11 (JS-11) indicated that Indigenous Peoples continue to be subjected to widespread discrimination.<sup>39</sup>

29. Joint Submission-10 (JS-10) reported that discrimination on the basis of sexual orientation and/or gender identity prevents LGBT people from accessing health care, education, relationship recognition and other benefits.<sup>40</sup>

#### **2. Right to life, liberty and security of the person**

30. USHRN referred to the discriminatory imposition of the *death penalty*; the lack of compliance with the International Court of Justice's judgment in *Avena and Other Mexican Nationals*; the execution of persons with mental disabilities; and the inhumane and degrading conditions of death row facilities.<sup>41</sup> ABA reported that some jurisdictions in the US continue to impose the death penalty in a manner that reflects racial disparities and fails to meet fundamental standards of competency of defense counsel and judicial review of constitutional claims following conviction. ABA indicated that post-conviction collateral review continues to be curtailed by the Antiterrorism and Effective Death Penalty Reform

Act of 1996.<sup>42</sup> AI indicated the US capital justice punishment is marked by arbitrariness, discrimination and error. AI noted that people with serious mental illness continue to be subjected to the death penalty, despite the 2002 US Supreme Court ruling that people with “mental retardation” be exempt from the death penalty. AI also referred to the harsh conditions on death rows in many states.<sup>43</sup> USHRN recommended adopting a moratorium on executions and on the imposition of new death sentences.<sup>44</sup> Advocates for Human Rights (AHR) recommended abolishing the death penalty and commuting all sentences to a life imprisonment term.<sup>45</sup>

31. Catholic Family & Human Rights Institute (C-FAM), referred to a Supreme Court decision, ruling that the mother’s right to privacy was superior to any right to life of the unborn child.<sup>46</sup>

32. AI indicated that there are frequent reports of ill-treatment and excessive force by police or custody officials. Officials are rarely prosecuted for abuses and some law enforcement agencies, as well as many prisons and jails, lack effective, independent oversight bodies.<sup>47</sup>

33. American Bar Association (ABA) noted that current US prohibitions of torture lack sufficient status in law, are unclear, and their implementation lacks transparency. In ratifying CAT and the ICCPR, the US attached reservations stating that it “*considers itself bound by the obligation ... to prevent ‘cruel, inhuman or degrading treatment or punishment,’ only insofar as [that] term ... means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments*” to the US Constitution. In the past these reservations were sometimes interpreted broadly to permit such harsh interrogation techniques as “water boarding,” considered by most experts to be a form of torture. In an effort to correct such abuses, the President has issued an Executive Order banning all torture, and mandating that all interrogations of persons in US custody or physical control be carried out only by techniques specified in the Army Field Manual. ABA indicated that it is unclear as to whether or not this policy restricts torture or CID outside the context of armed conflict.<sup>48</sup>

34. AI indicated that there are no binding national guidelines governing use of restraints or “less lethal” weapons such as electroshock weapons.<sup>49</sup> More than 12,000 US law enforcement agencies deploy electroshock weapons. Over 400 people have died in the USA since 2001 after being struck by police electroshock weapons, raising serious concern about the safety of such devices. Coroners have found the electroshock weapons played a role in more than 50 deaths, and there are other cases where the cause of death was unclear. electroshock weapons are widely used against individuals who do not pose a serious threat, including children, the elderly and people under the influence of drink or drugs.<sup>50</sup>

35. AI noted that more than 30 states and the federal government have introduced “supermaximum security” facilities for the control of prisoners who are considered disruptive or a security threat. Prisoners in the most restrictive units are typically confined for 23 to 24 hours a day in small, sometimes windowless, solitary cells, with no work or rehabilitation programs, or daily exercise. Although courts have ordered improvements to some supermaximum prisons, conditions remain extremely harsh in many states and often the review procedures for assignment to such facilities are inadequate.<sup>51</sup>

36. AI also noted that most US states have no laws to restrict the use of restraints on pregnant women inmates, including during labour, a practice which can endanger the health of the woman and her baby. AI indicated that the US has not implemented the Human Rights Committee recommendation in July 2006 to prohibit the shackling of detained women during childbirth.<sup>52</sup>

37. Human Rights First (HRF) reported that people of African descent, LGBT, migrants, Jews, Muslims and Christians continue to be subjected to violent acts motivated by racism,

bigotry and intolerance.<sup>53</sup> Council for Global Equality (CGE) noted that State and local jurisdictions must pass laws to protect victims, as well as report hate crimes to federal authorities.<sup>54</sup>

38. National Organization for Women referred to gun related violence and noted the inadequate gun control and firearms regulations.<sup>55</sup>

39. Human Rights Watch (HRW) recommended ensuring access protective and rehabilitative services by victims of domestic violence.<sup>56</sup> AHR recommended passing laws and developing guidelines for child custody determinations taking domestic violence concerns into account.<sup>57</sup>

40. EPOCH reported that parents are legally permitted to use physical punishment on children in all states, and that 223,190 children were subjected to corporal punishment in schools in 2006-2007, with many requiring medical treatment. Thirty states have banned corporal punishment in schools.<sup>58</sup>

41. Joint Submission-3 (JS-3) recommended revising the Trafficking Victims Protection Act to bring the definition of human trafficking in line with the Palermo Protocol.<sup>59</sup> JS 3 recommended increasing efforts to prosecute those responsible for trafficking and to assist victims, particularly victims of sexual exploitation.<sup>60</sup> JS5 recommended to provide comprehensive services and legal support for migrant sex workers.<sup>61</sup>

42. JDI recommended adopting national standards for addressing sexual violence and other abuses in prisons, jails and other detention facilities.<sup>62</sup>

43. HRW referred to the treatment of child farmworkers and recommended passing the Children's Act for Responsible Employment.<sup>63</sup>

44. JS-14 indicated that there is no integrated system for the protection of human rights defenders<sup>64</sup> and recommended establishing an independent federal office to prevent, investigate and prosecute violations against human rights defenders.<sup>65</sup>

### **3. Administration of justice, including impunity and the rule of law**

45. USHRN indicated that the US falls short of its human rights obligations in the administration of justice, particularly relating racially sentencing and sentencing of juveniles to life without parole<sup>66</sup>, conditions of confinement violating women's reproductive rights, and rights of prisoners with disabilities; treatment of individuals in high security facilities and of political prisoners.<sup>67</sup> Dui Hua Foundation (Dui Hua) recommended that US states with indeterminate parole systems establish independent parole boards with judiciary oversight.<sup>68</sup> HRAAlert referred to corruption in the courts and the legal profession, and discrimination of US law enforcement in California.<sup>69</sup>

46. USHRN made reference to prisoners who endure solitary confinement, poor medical health care and perfunctory parole hearings resulting in denial of release.<sup>70</sup>

47. Earth Rights International recommended ensuring that the interpretation of US law is consistent with the obligation to provide a remedy to victims of human rights abuses, and to hold those responsible for abuses accountable.<sup>71</sup> National Whistleblowers Center noted that the US has failed to protect whistleblowers.<sup>72</sup>

48. International Human Rights Law Society (IHRLS) noted that there is no uniform minimum age for criminal prosecution in state criminal codes and the sentence is set by each states' own laws.<sup>73</sup> Two states prohibit sentencing juveniles to life without the possibility of parole (JLWOP) and five permit such sentences but make offenders eligible for parole. The remaining 43 states have some form of mandatory or discretionary JLWOP.<sup>74</sup> AI recommended to end the use of life imprisonment without parole for

offenders under 18 years old at the time of the crime, and to review all existing sentences in order to ensure that any such convicted offender has the possibility of parole.<sup>75</sup>

49. ACNU, MOVPAZ y FMC hicieron referencia al caso de 5 cubanos presos en cárceles norteamericanas<sup>76</sup>, a las medidas carcelarias a las que son sometidos y la negativa de visado para ingresar al país a las esposas de dos de ellos para visitarlos.<sup>77</sup>

50. RCF voiced concern over the failure to initiate independent investigations into violations of the rights of US citizens abroad.<sup>78</sup>

#### **4. Right to privacy, marriage and family life**

51. PEN recommended restoring full privacy protections; end dragnet and warrantless surveillance.<sup>79</sup>

52. JS-10 noted that in state and federal law, the terms “family,” “parent,” and “spouse” commonly exclude LGBT families.<sup>80</sup> JS-10 recommended prohibiting discrimination against LGBT parents in adoption.<sup>81</sup>

#### **5. Freedom of religion or belief, expression, association<sup>82</sup> and peaceful assembly and right to participate in public and political life**

53. JS-11 reported that the US courts provide little protection to Indigenous People’s traditional religious practices.<sup>83</sup>

54. Conscience and Peace Tax International reported on compulsory registration for military services, recruitment of persons under 18, difficulties encountered by serving members who develop a conscientious objection and the use of taxes of persons with a conscientious objection for military expenditures.<sup>84</sup>

55. USHRN noted that US security laws and policies create unnecessary and unreasonable barriers to the activities of civil society organizations.<sup>85</sup>

#### **6. Right to work and to just and favourable conditions of work**

56. USHRN noted that the National Labor Relations Act intended to encourage collective bargaining, however its provisions only apply to the private sector, offer inadequate protection for workers and are poorly enforced.<sup>86</sup> USHRN noted that there are five states that completely prohibit collective bargaining in the public sector.<sup>87</sup> CESR referred to disparities in wage levels among ethnic groups and between men and women.<sup>88</sup>

57. USHRN indicated that the Pregnancy Discrimination and the Family and Medical Leave Acts offer incomplete protection for pregnant women in the workplace. Furthermore, the US is the only industrialized country with no mandated maternity leave policy.<sup>89</sup>

58. USHRN indicated that domestic and agricultural workers, and independent contractors, are exempt from the full protection of labour laws, in particular regarding minimum wages, the payment of overtime and safe and healthy work environment.<sup>90</sup>

#### **7. Right to social security and to an adequate standard of living**

59. USHRN noted that around 30% of the population lacks an adequate income to meet basic needs, with 24.7% of African Americans and 14.5% of women living below the federal poverty level.<sup>91</sup> CESR noted that one in five children live in poverty.<sup>92</sup> JS-11 indicated that most Indigenous communities suffer grave economic and social deprivation.<sup>93</sup> AI indicated that there is an unequal access in the US to basic amenities such as adequate food, shelter, work, healthcare, and education. There is also a lack of affordable housing, job shortages and income insecurity, particularly among minorities and women.<sup>94</sup>

60. USHRN reported that 101,000 people are estimated to die each year because of the way the health system is organized, and 45,000 deaths per year are attributed to the lack of health insurance.<sup>95</sup> CESR referred to maternal mortality rates, highlighting ethnic disparities.<sup>96</sup> Unfortunately, the health reform law of 2010 continues to rely on the market-based system.<sup>97</sup> AI indicated that although legislation has recently been passed that will extend healthcare, millions will remain without coverage. AI noted that healthcare, along with housing and employment, is still not recognized in the US as a universal right.<sup>98</sup>

61. USHRN<sup>99</sup> and National Advocates for Pregnant Women reported on laws and policies that create barriers to abortion and other reproductive health care.<sup>100</sup> AI indicated that hundreds of women die each year from preventable pregnancy-related complications, with wide disparities in access to health care based on race, ethnicity, immigration or indigenous status and income.<sup>101</sup> AI called on the US to ensure that all women have access to maternal health care services.<sup>102</sup>

62. JS-10 recommended to prioritize/adequately fund HIV prevention efforts.<sup>103</sup>

63. EMF Sensitivity.org reported on the widespread use of electromagnetic fields and their harmful effects on health.<sup>104</sup>

64. Centre on Housing Rights and Evictions indicated that the lack of adequate housing is exacerbated by an increase in evictions, particularly in the context of the financial crisis and the privatization of public housing.<sup>105</sup>

65. JS-3 referred to the effect of genetic engineering technology on the right to food and recommended to use a sustainable rights-based approach to agriculture,<sup>106</sup> making sure that food requiring the labelling of genetically engineered food, is nutritionally adequate and free from any adverse substance.<sup>107</sup>

66. Joint Submission-13 referred to the obligation of the US to reduce national greenhouse gas emissions and to cooperate with the international community to mitigate threats to human rights due to climate change.<sup>108</sup>

## **8. Right to education and to participate in the cultural life of the community**

67. USHRN indicated that the education system is highly segregated.<sup>109</sup> Lack of adequate funding and zero-tolerance discipline policies push young people out of school.<sup>110</sup> USHRN called on the US to implement the recommendations of CERD regarding school segregation and discrimination in educational opportunities.<sup>111</sup> CESR referred to gaps in educational achievements among ethnic groups.<sup>112</sup>

68. FFF encouraged the creation of a national human rights education curriculum.<sup>113</sup>

## **9. Minorities and indigenous peoples**

69. Nation of Hawai'i recommended securing the rights of all indigenous peoples under ICCPR.<sup>114</sup> FPHRC noted that, as a Member of the Human Rights Council, the US should set a positive example in upholding Indigenous people's human rights.<sup>115</sup>

70. According to the Navajo Nation, and the Navajo Nation Human Rights Commission (NNHRC) the US continues to deprive indigenous peoples of their right to equal protection under law.<sup>116</sup>

71. International Indian Treaty Council (IITC) recommended questioning the US about: the failure to comply with the CERD and the IACHR decision regarding the Western Shoshone; the destruction, desecration of, and denial of access to Indigenous Sacred Areas; the failure to consult with Indigenous Peoples and to acquire their free, prior and informed consent regarding matters that directly affect their interests; the unilateral termination of



Treaties with Indigenous Peoples; and the failure to implement a process to address violations of these Treaties.<sup>117</sup>

72. Southeast Indigenous Peoples' Center (SIPC) noted that though the Constitution says that it will deal with 'Indian Tribes' as nations, the US does not negotiate with indigenous peoples.<sup>118</sup>

73. The Society for Threatened Peoples (STP) noted that the Havasupai and Hualapai tribes have struggled for decades for the protection of their land from mining and expressed concern at the risk of radioactive pollution.

74. American Indians Rights and Resources Organization made reference to the impact of the disenrollment and banishment of Indians from their tribes.<sup>119</sup>

75. Akiak Native Community indicated that the indigenous people are still devastated by the culture and traditions forcibly induced to the indigenous people.<sup>120</sup>

#### **10. Migrants, refugees and asylum-seekers**

76. USHRN called on the US to reform its immigration system, to ensure due process and to protect family unity.<sup>121</sup> HRW referred to the detention of large number of non-citizens.<sup>122</sup> Lutheran Immigration and Refugee Service (LIRS), reported on conditions of immigration detention, where freedom of movement is restricted; detainees wear prison uniforms and are kept in a punitive setting.<sup>123</sup>

77. Dui Hua called for increased monitoring and accountability in Immigration and Customs Enforcement and noted that detainees should have access to legal representation.<sup>124</sup> Edmund Rice International raised concerns on the lack of access to medical benefits and family visas for workers under the Guestworker Programmes.<sup>125</sup>

78. Seton Hall University reported on restrictive immigrant eligibility for publicly supported health care, which has resulted in hospitals deporting immigrant patients without due process.<sup>126</sup> Atlanta Public Sector Alliance reported on racial disparities in access to health care services with respect to undocumented immigrants in Georgia.<sup>127</sup>

79. Joint Submission-15 recommended restoring judicial discretion in cases involving the deportation of lawful permanent residents who have US citizen children.<sup>128</sup>

80. USHRN recommended reforming the US refugee and asylum system, to ensure that it meets obligations under the 1951 Convention, and in particular, elimination of the one-year filing deadline for asylum claims, and of the Tier 3 "terrorism" category; reform the immigrant detention system to end arbitrary detention and ensure that those who are detained are afforded humane treatment<sup>129</sup>

81. RI recommended identifying the scope of statelessness on US territories and to refrain from detention of persons who pose no risk to the community.<sup>130</sup> RI recommended that the US become a party to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>131</sup>

#### **11. Internally displaced persons**

82. AI indicated that nearly five years after Hurricane Katrina, there is a continued lack of access to housing and health care in the region, as well as resource problems within parts of the criminal justice system, preventing many displaced persons from returning home and compromising the rights of those who have returned. Not enough has been done at the federal, state or local level to replace affordable rental units and demolished public housing, as well as schools and hospitals, failings which have disproportionately impacted on the poor and communities of colour. AI called on the US to abide by the UN Guiding Principles on Internal Displacement and recognize that all internally displaced persons have

the right to return to their homes or places of origin; and to ensure that the principles of equality and non-discrimination are applied to resettlement and return.<sup>132</sup>

83. Diné Homeowners & Communities Association recommended prohibiting forced relocation of indigenous people in the Americas.<sup>133</sup>

## 12. Human rights and counter-terrorism

84. CHRGI indicated that since September 11, 2001, the US has institutionalized discriminatory profiling against members of Muslim, Arab, South Asian, and Middle-Eastern communities.<sup>134</sup> CHRGI called for *inter alia* federal legislation that prohibits profiling on *all* grounds, with no exceptions for national security and an in-depth audit of government databases/watchlists.<sup>135</sup>

85. While welcoming developments since 2009, the International Commission of Jurists (ICJ) referred to the persistent impunity and lack of accountability for serious human rights violations and crimes under international law.<sup>136</sup> International Centre for Transitional Justice (ICTJ) noted that accountability measures should include full disclosure, analysis of the facts pertaining to the nature and extent of counterterrorism detainee abuses; meaningful access to redress for victims and institutional reforms ensuring restoration of due process.<sup>137</sup>

86. HRF, as well as ICJ and other organizations, expressed concern about detainees in military facilities at Guantanamo Bay<sup>138</sup> and in Afghanistan without charge or trial and in US facilities in Iraq.<sup>139</sup> ICJ recommended closing the facility at Guantanamo Bay; try those that may be charged with a recognizable offence under international law in accordance with international standard of fair trial; end the system of administrative detention without charge or trial; provide independent and impartial judicial review to challenge detention in Afghanistan and Iraq; allow for the right to legal representation and; review all definitions of ‘unprivileged enemy belligerent’ to bring them into full compliance with the requirements of international humanitarian law.<sup>140</sup>

87. HRF also reported on the failure to provide adequate information about detainees reportedly in a “black site” in Afghanistan.<sup>141</sup> The Organization for Defending Victims of Violence expressed concern that the ICRC does not have access to secret detention facilities.<sup>142</sup>

88. ICJ referred to US counter-terrorism laws, policies and practices since the new administration took office in 2009.<sup>143</sup> ICJ indicated that the Executive Order on Ensuring Lawful Interrogations recommitted the US to respecting the absolute prohibition on torture as regards all persons within US custody. In the Executive Order the CIA was mandated that no individual detained by the US in an armed conflict may be subjected to any interrogation technique not listed in the Army Field Manual. ICJ noted that although the Manual prohibits a range of abusive interrogation methods, it permits several physically and psychologically coercive techniques. These techniques – especially when used in combination – violate the prohibition of torture and cruel, inhuman and degrading treatment.<sup>144</sup> ICJ also remained concerned about narrow definitions of torture and cruel or inhuman treatment under US law and referred to provisions in the Torture Act and the War Crimes Act.<sup>145</sup> ICJ recommended revising the Army Field Manual; to bring the definitions of torture and cruel or inhuman treatment in all legislative acts in compliance with the CAT requirements, and to withdraw relevant reservations to CAT.<sup>146</sup> Joint Submission-7 (JS-7) reported on the failure to supervise military prisons and recommended giving access to the ICRC and the UN.<sup>147</sup> Physicians for Human Rights (PHR) indicated that during the period 2002 through 2008 the Bush Administration authorized so-called “enhanced” interrogation techniques, resulting in physical and psychological torture of detainees in US military and

CIA custody. PHP indicated the US has a responsibility to prosecute alleged perpetrators, as well as to ensure that victims receive reparations and assistance.<sup>148</sup>

89. ICJ urged the Human Rights Council to request to the US information on: transfers/renditions that may still be practiced, and to call for the full respect of the principle of *non-refoulement*.<sup>149</sup>

90. ICJ recommended repealing the system of military commissions; granting exclusive jurisdiction to civilian courts, prohibiting the extensions of military jurisdiction to civilians and ensuring that the right to be tried in full compliance with ICCPR article 14 is respected.<sup>150</sup> ABA referred to doubts whether persons allegedly responsible for the terrorist attacks on the US on 11 September may now be tried before military commissions.<sup>151</sup>

91. CHRGI recommended incorporating gender considerations into counter-terrorism programs and policies.<sup>152</sup>

92. Joint Submission-2 recommended that the US re-assess its national security and counter-terrorism laws as applied to civil society organizations.<sup>153</sup>

### **III. Achievements, best practices, challenges and constraints**

93. ABA commended the US for recent steps to improve compliance with international human rights commitments. Among other measures, the President has banned torture and cruel, inhuman or degrading treatment or punishment by all agencies of the U.S. government; closed secret interrogation centers formerly operated by the Central Intelligence Agency; announced his intention to close the detention center at the U.S. Naval Base at Guantanamo Bay, Cuba; and signed a law enhancing procedural safeguards for persons accused of war crimes in trials before military commissions. ABA believes and indicated that more should be done to enhance US respect for human rights.<sup>154</sup>

94. Heritage Foundation noted that while admittedly not perfect, the US system of government and its judicial system are on the whole exemplary in observing and protecting human rights and serve as a model of best practice.<sup>155</sup>

### **IV. Key national priorities, initiatives and commitments**

#### **A. Pledges by the State**

95. CGE referred to the US commitment to the United Nations General Assembly Statement on human rights sexual orientation and gender identity, but noted that it must ensure that those same protections are afforded to LGBT Americans in the country.<sup>156</sup>

#### **B. Specific recommendations for follow-up**

96. AI recommended reviewing all outstanding recommendations from treaty bodies and experts with a view to implementing them.<sup>157</sup>

97. JS-11 noted that the US has ignored the recommendations of human rights bodies with regard to the rights of Indigenous Peoples.<sup>158</sup>

98. USHRN noted that the US has not taken measures to address CERD recommendations vis-à-vis Indigenous, or those made by the Human Rights Committee.<sup>159</sup>

## V. Capacity-building and technical assistance

99. JS 14 indicated that the US should work with the UN Commission on Narcotic Drugs and Office on Drugs and Crime, and the International Narcotics Control Board to create a *care model* for drug abuse treatment based on human rights principles.<sup>160</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

ABA	American Bar Association*, USA;
AC	Accountability Counsel, USA
ACNU	Asociación Cubana de las Naciones Unidas*, Cuba;
AFRE	All For Reparations and Emancipation*, USA;
AHR	Advocates for Human Rights*, Minnesota, USA;
AI	Amnesty International*, UK;
AIJ	The Association of Iraqi Jurists, Iraq;
AIRRO	American Indians Rights and Resources Organization, USA;
AMSI-ABMA	Joint submission No. 22 - Human Rights Division of the Association of Muslims Scholars in Iraq - Al-Basaer Media Association, Iraq;
ANC	Tribal Council of the Akiak Native Community, USA;
ANEC	Asociación Nacional de Economistas y Contadores, Cuba;
APSA	Atlanta Public Sector Alliance, USA;
Beckett Fund	The Beckett Fund for Religious Liberty*, USA;
CCERF	Conservation Centre of Environmental and Reserves in Iraq, Iraq;
CEA	Centro de Estudios sobre América, Cuba;
CESR	Center for Economic and Social Rights*, USA;
C-FAM	Catholic Family & Human Rights Institute, USA;
CGE	Joint Submission No. 1 – The Council for Global Equality, USA;
CHRGJ	Center for Human Rights and Global Justice, USA;
CISV	Charitable Institute for Social Victims*, Iran;
COHRE	Centre on Housing Rights and Evictions*, Geneva (Switzerland);
CONFEDERACY	Haudenosaunee Confederacy Grand Council, USA;
CPTI	Conscience and Peace Tax International*, Leuven (Belgium);
CSN	Joint Submission No. 2 - Charity and Security Network, USA;
CURE	Citizens United for Rehabilitation of Errants*, USA;
DHCA	The Diné Homeowners & Communities Association, USA;
DREDF	Disability Rights Education and Defense Fund, USA;
Dui Hua	The Dui Hua Foundation*, USA;
Earth Rights	Earth Rights International*, USA;
EDM	Episcopal Diocese of Maine, USA;
EMF	EMF Sensitivity.org, USA;
EPOCH	EPOCH-USA, USA;
ERI	Edmund Rice International, Geneva (Switzerland);
FFF	Four Freedoms Forum, USA;
FLOC-OXFAM	Joint Submission No. 21 – Farm Labor Organizing Committee (FLOC) and OXFAM, USA;
FMC	Federación de Mujeres Cubanas, Cuba;
FPHRC	First Peoples Human Rights Coalition, USA;
GFIW- GWAF	Joint submission No. 23- General Federation of Iraqi Women and General Arab Women Federation, Iraq;
GJC	Global Justice Center, USA;
HAWAII	Nation of Hawaii, USA;

Heritage	The Heritage Foundation, USA;
HRA	Human Rights Advocates*, USA;
HRAlert	Human Rights Alert, USA;
HRF	Human Rights First*, USA;
HRW	Human Rights Watch*, New York (USA);
ICHR	Iraqi Commission for Human Rights, Baghdad (Iraq);
ICJ	International Commission of Jurists*, Geneva (Switzerland);
ICTJ	International Center for Transitional Justice, New York (USA);
IHRB	Institute for Human Rights and Business, Geneva (Switzerland);
IHRLS	International Human Rights Law Society, Indiana (USA);
IITC	International Indian Treaty Council*, USA;
ITHACA	Ithaca rights, USA;
JDI	Just Detention International, USA;
JS-3	Joint Submission No. 3 - Franciscans International* ; the International Presentation Association of the Sisters of the Presentation of the Blessed Virgin Mary and UNANIMA International*, USA;
JS-4	Joint Submission No. 4 - Black Communities Process (Proceso de Comunidades Negras –PCN), Colombia and AFRODES USA;
JS-5	Joint Submission No. 5 - Best Practices Policy Project, Desiree Alliance, and the Sexual Rights Initiative;
JS-6	Joint Submission No. 6 - Indigenous Peoples and Nations Coalition and the Koani Foundation;
JS-7	Joint Submission No. 7 - Institute for Redress & Recovery, The Institute for Study of Psychosocial Trauma and the Heartland Alliance Marjorie Kovler Center , USA;
JS-9	Joint Submission No. 9 - Minnesota Tenants Union , Minnesota Chapter of the National Lawyers Guild, Minnesota Coalition for a Peoples’ Bailout, St. Paul Branch of the NAACP, USA;
JS-10	Joint Submission No. 10 - National Coalition for LGBT Health and the Sexuality Information and Education Council of the United States, USA;
JS-12	Joint Submission No. 12 - International Association against Torture* and the December 12 <sup>th</sup> Movement International Secretariat *, USA;
JS-13	Joint Submission No. 13 – Earthjustice*, Greenpeace USA; Human Rights Advocates*; and Many Strong Voices USA;
JS-14	Joint Submission No. 14 - Medical Whistleblower Stakeholder Advocacy Network, USA;
JS-19	Joint Submission No. 19 - Heartland Alliance’s National Immigrant Justice Center (NIJC); American Friends Service Committee (AFSC) The Center for Victims of Torture (CVT); Chad Doobay (attorney doing pro-bono representation to asylum seekers at National Immigrant Justice Center); Florida Immigrant Advocacy Center (FIAC); Denise Gilman (professor at the University of Texas School of Immigration Clinic); Immigration Equality; Jewish Council on Urban Affairs (JCUA); King Hall Immigrant Detention Project at University of California Davis School of Law; Legal Aid Justice Center’s Immigrant Advocacy Program; Michigan Immigrant Rights Center (MIRC); Midwest Coalition for Human Rights Physicians for Human Rights (PHR); Dr. Mary White (volunteer with Physicians for Human Rights); World Relief, USA;
JS-24	Joint submission No. 24 - Organization for Justice and Democracy in Iraq (OJDI) and The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Iraq;
JS-25	Joint submission No. 25 - The Iraqi Association Against War (IAAW) and The Indian Movement (TUPAJ AMARU)*;

LIRS	Lutheran Immigration and Refugee Service, USA;
LPDOC	Leonard Peltier Defense Offense Committee, USA;
MCLI	Meiklejohn Civil Liberties Institute, USA;
MICJ	Maria Iñamagua Campaign for Justice, USA;
MITA- CMP	Joint Submission No. 20 - Indian Movement Tupaj Amaru *, Geneva (Switzerland) and Consejo Mundial por la Paz,
MOVPAZ	Movimiento Cubano por la Paz y la Solidaridad, * La Habana, Cuba;
NACG	Native American Church of the Ghost Dancers, USA;
NAPW	National Advocates for Pregnant Women , USA;
NAVAJO	The Navajo Nation Department of Justice, USA;
NCBL	National Conference of Black Lawyers, USA;
NIYC	The National Indian Youth Council,* USA;
NNHRC	Navajo Nation Human Rights Commission, USA;
NOW	West Virginia National Organization for Women ,* USA;
NWC	National Whistleblowers Center, USA;
OAK	Joint Submission No. 16 - Organizations Associating for the Kind of Change America Really Needs, USA;
ODVV	Organization for Defending Victims of Violence,* Iran;
OSPAAAL	Organización de Solidaridad de los Pueblos de África, Asia y América Latina, Cuba;
PEN	International Pen*, London (United Kingdom) and PEN American Center, USA;
PHR	Physicians for Human Rights.* USA;
RCF	The Rachel Corrie Foundation for Peace and Justice, USA;
RI	Refugees International,* USA;
SCHRD	Studies Center of Human Rights and Democracy, Iraq;
SIPC	Southeast Indigenous Peoples' Center , USA;
STP	Society for Threatened Peoples*, Göttingen (Deutschland);
The 5-11 Campaign	The 5-11 Campaign, USA;
USHRN	Joint Submission No. 17 - US Human Rights Network (23 annexes), USA;
WILD	The Women's Institute for Leadership Development for Human Rights, USA;
WR	Worldrights, USA;
WWA-OWO	Joint submission No. 26 - Women's Will Association and the Organization for Widows and Orphans, Iraq;
YAMASI	Yamasi People, USA;
YAMASSE	At-sik-hata Nation of Yamasse Moors, USA;
<i>Academic</i>	
JS-8	Joint Submission No. 8 - International Human Rights Law Clinic, University of California, Berkeley, School of Law; Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California, Berkeley, School of Law; Immigration Law Clinic, University of California, Davis, School of Law, USA;
JS-11	Joint Submission No. 11 - University of Arizona, Indigenous Peoples Law & Policy Program; Western Shoshone Defense Project; Human Rights Research Fund; First Peoples Human Rights Coalition, USA;
JS-15	Joint Submission No. 15 - International Human Rights Law Clinic, University of California, Berkeley, School of Law; Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity, University of California, Berkeley, School of Law; Immigration Law Clinic, University of California, Davis, School of Law, USA;
PIJIP-GAP	Joint submission No. 18 - American University Washington College of Law's Program on Information Justice and Intellectual Property (PIJIP) and Health Global Access Project (Health GAP), USA;

SHUSL Center for Social Justice of the Seton Hall University School of Law,  
USA;

*Regional organizations*

IACHR

Inter-American Commission of Human Rights, USA  
Annexe 1 - Report No. 63/08, Case 12.534, Admissibility and Merits (Publication), Andrea Mortlock, United States, July 25, 2008.  
Annexe 2 - Report No. 90/09, Case 12.644, Admissibility and Merits (Publication), Medellín, Ramirez and Leal García, United States, August 7, 2009.  
Annexe 3 - Report No. 26/06, Petition 434-03, Isamu Carlos Shibayama et al., United States, March 16, 2006.  
Annexe 5 - Report No. 57/06, petition 526-03, Hugo Armendariz, United States, July 20, 2006.  
Annexe 4 - Report No. 56/06, Petition 8-03, Wayne Smith, United States, July 20, 2006.  
Annexe 6 - Report No. 52/07, petition 1490-05, Jessica González and Others, United States, July 24, 2007.  
Annexe 7 - Report No. 60/09, Case 12.706, Frank Enwonwu, United States, July 20, 2009.  
Annexe 8 - Report No. 77/09, petition 1349-07, Orlando Cordia Hall, United States, August 5, 2009.  
Annexe 9 - Report No. 78/08, Petition 478-05, undocumented migrant, Legal Resident, and the US Citizen Victims of Anti-Immigrant vigilantes, United States, August 5, 2009.  
Annexe 10 - Report No. 100/09, Petition 1177-04, Warren Wesley Summerline et al., United States, October 29, 2009.  
Annexe 11 - Access to justice for women victims of violence in the Americas  
Annexe 12 - Precautionary Measures granted by the IACHR in 2009 PM 385-09 - 31 Undocumented Immigrants Residing in Atlanta, Georgia, United States  
Annexe 13 - IACHR Table of ratifications: USA

- <sup>2</sup> AI, Appendix 1. See also USHRN, page 3 and USHRN separate documents on *Treaty Ratification, Toward Economic and Social Rights in the United States: From Market Competition to Public Goods; Political Repression: Continuum of Domestic Repression and Right to Adequate Housing*; FFF page 1; DREDF, page 1; JS 14, page 3; CHRGI, paragraph 6; IHRB, page 2; COHRE, paragraph 22; CESR page 1; MCLI, pages 1-2.
- <sup>3</sup> IACHR, annexe 13.
- <sup>4</sup> FFF, page 2. See also submission from JDI, page 1.
- <sup>5</sup> FPHRC, page 5; USHRN, paragraph 40; EDM, page 5; NIYC, page 5; Yamassee, page 5; NNHRC report annex 1, page 3-4; CONFEDERACY, page 1.
- <sup>6</sup> USHRN, paragraph 40. See also submission from NIYC, page 5 and Yamassee, page 5; JS 11, page 8.
- <sup>7</sup> USHRN, paragraph 3. See also USHRN separate document on *Treaty Ratification* and AI, page 8.
- <sup>8</sup> AI, page 8. See also ICJ.
- <sup>9</sup> ICJ, page 1. See also submission from AI.
- <sup>10</sup> CCERF, page 1. See also submission from AIJ, SCHRD, ICHR, JS24, AMSI-ABMA, WWA-OWO, GFIW-GWAF, ICJ, AI.
- <sup>11</sup> CESR, page 1.
- <sup>12</sup> USHRN, page 2.
- <sup>13</sup> AI, page 2.
- <sup>14</sup> USHRN, paragraph 3. See also USHRN separate document on *Treaty Ratification*. See also JS 10.
- <sup>15</sup> USHRN, paragraph 3. See also JS-10 and USHRN separate documents on *Treaty Ratification; Racial Discrimination and Civil Rights* and *From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination*.

- <sup>16</sup> IHRB, page 4.
- <sup>17</sup> DREDF, paragraphs 4-5. See also submissions from ITHACA; JS14, page 1; and USHRN separate document on *Human Rights of Persons with Disabilities*.
- <sup>18</sup> USHRN, page 3.
- <sup>19</sup> FFF, page 2. See also submission from USHRN, paragraph 5 and separate document on *Right to Adequate Housing*; NIYC; Joint Submission 11; JS14, page 1 and CESR, paragraph 18
- <sup>20</sup> AI, Appendix 1. See also submission from MICJ, pages 1-5.
- <sup>21</sup> CESR, page 5.
- <sup>22</sup> USHRN, paragraph 34. See also submission form USHRN separate document on *Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination*.
- <sup>23</sup> USHRN, paragraph 34.
- <sup>24</sup> USHRN separate document *Towards a Human Rights-Centered Macro-Economic and Financial Policy in the US*, page 10.
- <sup>25</sup> AC, page 5. See also COHRE, paragraph 21 and USHRN separate document on *US Obligations to Respect, Protect and Remedy Human Rights in the Context of Business Activities*.
- <sup>26</sup> IHRB, page 4. See also COHRE, paragraph 21. *US Obligations to Respect, Protect and Remedy Human Rights in the Context of Business Activities*.
- <sup>27</sup> CHRGI, paragraph 6. See also submission from RCF and USHRN separate document on *The Negative Impact of US Foreign Policy on Human Rights in Colombia, Haiti and Puerto Rico* and JS4, page 2.
- <sup>28</sup> GJC, pages 1-5.
- <sup>29</sup> PIJIP-GAP, pages 1-4. See also USHRN separate document on *The Negative Impact of US Foreign Policy on Human Rights in Colombia, Haiti and Puerto Rico*.
- <sup>30</sup> ANEC, page 3.
- <sup>31</sup> ACNU, paragraph 7; ANEC, paragraph 11.
- <sup>32</sup> MCLI, pages 1-2.
- <sup>33</sup> FFF, pages 1-2.
- <sup>34</sup> USHRN, page 4. See also submissions from APSA; JS-5, page 2; and submission form USHRN separate document on *Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination*.
- <sup>35</sup> USHRN, paragraph 20. See also submission form USHRN separate document on *Racial Discrimination and Civil Rights and From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination*.
- <sup>36</sup> AI, page 1.
- <sup>37</sup> AI, page 1.
- <sup>38</sup> AI, Appendix 1. See also Joint Submission 12, page 2; HRW, page 1; USHRN, paragraph 13 and USHRN separate document on *The Persistence, in the United States, of Discriminatory Profiling Based on Race, Ethnicity, Religion and National Origin*.
- <sup>39</sup> JS 11, paragraph 19. See also USHRN separate document on *Environmental Justice*.
- <sup>40</sup> JS 10, page 1. See also submission GCE, page 1.
- <sup>41</sup> USHRN, paragraphs 10-11. See also USHRN separate document on *The Application of the Death Penalty in the United States* and submissions from ABA, AI.
- <sup>42</sup> ABA, page 2. See also submission from AI and IACHR annexes 2 and 10.
- <sup>43</sup> AI, page 4.
- <sup>44</sup> USHRN, paragraph 35. See also submissions from The Dui Hua Foundation and AI.
- <sup>45</sup> AHR, pages 1-2. See also submission from AI, Appendix 1.
- <sup>46</sup> C-FAM, paragraph 8. See submission for case *Roe v. Wade* (1973) cited. See also submission from NAPW and WILD.
- <sup>47</sup> AI, page 3.
- <sup>48</sup> ABA, page 2.
- <sup>49</sup> AI, page 3.
- <sup>50</sup> AI, page 4.



- 51 AI, page 4.
- 52 AI, page 3.
- 53 HRF, pages 1, 2, 4, 5. See also submission from IACHR, annexe 9.
- 54 GCE, pages 1-10. See submission for cases cited.
- 55 NOW, pages 1-5.
- 56 HRW, page 2. See also NOW and IACHR, annexe 6.
- 57 AHR, pages 2-3. See submission for cases cited.
- 58 EPOCH, pages 1-2.
- 59 JS 3, paragraphs 15 to 23. See also submission from AHR.
- 60 JS 3, paragraph 23. See also submission from AHR.
- 61 JS 5, page 5. See also USHRN separate document on *Migrants, Refugees and Asylum Seekers*.
- 62 JDI, pages 1-5. See also submission from ODVV.
- 63 HRW, page 2.
- 64 JS14, page 1.
- 65 JS14, page 59. See also submission from ITHACA.
- 66 See also submissions from AI, as well as cases cited in STP and LPDOC; separate document of USHRN on *Criminal and Juvenile Justice*.
- 67 USHRN, paragraph 12 and separate document on *Political Repression-Political Prisoners*. See also submission from CURE; NCBL; JS 16; IACHR annexe 8.
- 68 Dui Hua, page 2. See also case cited in submissions from LPDOC; STP, other cases cited in NCBL and USHRN separate document on *The Negative Impact of US Foreign Policy on Human Rights in Colombia, Haiti and Puerto Rico*.
- 69 HRAAlert, pages 1-5. See submission for cases cited.
- 70 USHRN paragraph 14. See also USHRN separate document on *Political Repression and Political Prisoners*, and Joint Submission on *Domestic Repression*.
- 71 EarthRights, page 1. See submission for cases cited.
- 72 NWC, page 1. See submission for cases cited.
- 73 IHRLS, page 2. See submission for cases cited. See also submission from HRW.
- 74 IHRLS, page 2. See submission for cases cited.
- 75 AI, Appendix 1.
- 76 ACNU, page 3 ; MOVPAZ, page 3 ; FMC, page 2.
- 77 ACNU, page 3.
- 78 RCF, pages 1-5. See submission for case cited.
- 79 PEN, page 5. See also submissions from The 5-11 Campaign, pages 1 – 4 and JS-12, page 2.
- 80 JS 10, pages 3-4. See also GCE, pages 1-10 and for cases cited.
- 81 JS 10, pages 3-4.
- 82 See USHRN separate document on *Labor Rights*.
- 83 JS 11, paragraph 9.
- 84 CPTI, pages 1-5. See submission for cases cited.
- 85 USHRN, paragraph 15.
- 86 USHRN, paragraph 24. See USHRN separate document on *Labor Rights*.
- 87 USHRN, paragraph 24. See USHRN separate document on *Labor Rights*.
- 88 CESR, paragraph 12. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Good, on Labor Rights and on the Right to Work*.
- 89 USHRN, paragraph 21.
- 90 USHRN, paragraph 22.
- 91 USHRN, paragraphs 25-26. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.
- 92 CESR, paragraph 6.
- 93 JS 11, paragraph 19. See also USHRN separate document on *Environmental Justice*.
- 94 AI, page 5.
- 95 USHRN, paragraph 27. See also USHRN separate documents *Toward Economic and Social Rights in the United States: From Market Competition to Public Good* and *Racial Health Disparities and Discrimination*; CESR, paragraph 9.
- 96 CESR, paragraph 11.
- 97 USHRN, paragraph 27.

- <sup>98</sup> AI, page 5.
- <sup>99</sup> USHRN, paragraph 27.
- <sup>100</sup> NAPW, pages 1-5. See also USHRN separate document on *The United States' Compliance with its Human Rights Obligations in the Area of Women's Reproductive and Sexual Health and Criminal and Juvenile Justice*.
- <sup>101</sup> AI, page 5.
- <sup>102</sup> AI, Appendix 1. See also submission from C-FAM, paragraph 8; and USHRN separate document on *Criminal and Juvenile Justice*.
- <sup>103</sup> JS 10, paragraph 16.
- <sup>104</sup> EMF, pages 1-5. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.
- <sup>105</sup> COHRE, paragraphs 1-2. See also JS 9; AI; JS 3; CESR; USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods and Right to Adequate Housing*.
- <sup>106</sup> SJ 3, paragraphs 31-41. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.
- <sup>107</sup> SJ 3, paragraphs 31-41. See also USHRN separate document *Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.
- <sup>108</sup> JS13, pages 1-5. See also USHRN separate document on *Environmental Justice*.
- <sup>109</sup> USHRN, paragraph 29. See also USHRN separate document on *Education and Toward Economic and Social Rights in the United States: From Market Competition to Public Goods*.
- <sup>110</sup> USHRN, paragraph 28. See also USHRN separate document on *Education*.
- <sup>111</sup> USHRN, paragraph 39.
- <sup>112</sup> CESR, paragraph 10.
- <sup>113</sup> FFF, page 2.
- <sup>114</sup> Hawaii, pages 2-3. See also Joint Submission 6.
- <sup>115</sup> FPHRC, page 5. See also submissions from Navajo, page 1; NNHRC, annexes 1 to 3; NIYC; USHRN separate document on *Environmental Justice*.
- <sup>116</sup> Navajo, page 1. NNHRC, annexes 1 to 3. See also submission from NIYC.
- <sup>117</sup> IITC, page 5. See also Joint Submission 6; Joint Submission 3; SIPC, 1-2; USHRN, paragraph 40; NNHRC annexes 1 to 3; STP, pages 1-3; and, EDM, page 1, including cases cited.
- <sup>118</sup> SIPC, 1-2. See also submission from USHRN, paragraph 40; NNHRC annexes 1 to 3; and, EDM, page 1, including cases cited.
- <sup>119</sup> AIRRO, pages 1-5.
- <sup>120</sup> ANC, pages 1-4. See also submissions from AFRE, DHCA and CONFEDERACY.
- <sup>121</sup> USHRN, paragraph 41. See also Joint Submission No. 19; IACHR, annexes 4 and 5 and USHRN separate document on *Migrants, Refugees and Asylum Seekers*.
- <sup>122</sup> HRW, page 2.
- <sup>123</sup> LIRS, page 2. See also USHRN separate document on *Migrants, Refugees and Asylum Seekers*.
- <sup>124</sup> Dui Hua, pages 3-4. See also LIRS; AI and USHRN separate document on *Migrant Labor Rights*
- <sup>125</sup> ERI, pages 1-5. See USHRN separate document on *Migrant Labor Rights*.
- <sup>126</sup> SHUSL, pages 1-5. See submission for cases cited and IACHR, annexe 1.
- <sup>127</sup> APSA, pages 3-4. See submission for cases cited and IACHR, PM 385-09.
- <sup>128</sup> JS 15, pages 1-5. See also submission from IACHR annexe 7.
- <sup>129</sup> USHRN, paragraph 41. See also Joint Submission No. 19 and HRF, pages 1-3.
- <sup>130</sup> RI, page 4.
- <sup>131</sup> RI, page 4.
- <sup>132</sup> AI, Appendix 1. See also USHRN separate document on *The Human Rights Crisis in the Aftermath of Hurricane Katrina*;
- <sup>133</sup> DHCA, page 4.
- <sup>134</sup> CHRGI, paragraph 13.
- <sup>135</sup> CHRGI, paragraph 17.
- <sup>136</sup> ICJ, page 1. See also submission from AI and ICTJ.
- <sup>137</sup> ICTJ, page 1.
- <sup>138</sup> HRF, pages 1, 3, 4. See also submission from ACNU, page 2, including cases cited and CISV.
- <sup>139</sup> ICJ, page 5. See also submission from AI and ICTJ.

- <sup>140</sup> ICJ, page 5. See also submission from AI and ICTJ.
- <sup>141</sup> HRF, pages 1-5. See also submission from ODVV; CISV; ICTJ.
- <sup>142</sup> ODVV, page 1.
- <sup>143</sup> ICJ, page 1.
- <sup>144</sup> ICJ, page 1.
- <sup>145</sup> ICJ, page 1.
- <sup>146</sup> ICJ, page 4. See also submissions from HRF, pages 1, 3, 4; ICTJ; CEA and MOVPAZ.
- <sup>147</sup> JS 7, pages 1-3.
- <sup>148</sup> PHR, pages 1-5. See also submission from ABA, paragraphs 4-8.
- <sup>149</sup> ICJ, page 4. See also submission from AI.
- <sup>150</sup> ICJ, page 5.
- <sup>151</sup> ABA, page 3. See submission for cases cited.
- <sup>152</sup> CHRGI, page 4.
- <sup>153</sup> JS2, page 1.
- <sup>154</sup> ABA, page 1.
- <sup>155</sup> Heritage, page 5.
- <sup>156</sup> CGE, page 1.
- <sup>157</sup> AI, Appendix 1. USHRN, paragraph 28.
- <sup>158</sup> JS 11, paragraphs 15 to 18.
- <sup>159</sup> USHRN, paragraph 31. See also submission form USHRN separate documents on *Racial Discrimination and Civil Rights* and *From Civil Rights to Human Rights: Implementing US Obligations under the International Convention on the Elimination of All Forms of Racial Discrimination*.
- <sup>160</sup> JS14, page 1.
-