

D. RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

The US Human Rights Network calls upon the government to take the following actions:

1. ***Federal, State And Local Implementation:*** The federal government must support, encourage and incentivize state and local human rights promotion, monitoring, and implementation, working across federal agencies and departments to identify avenues (a) for increased education and training for state and local agencies and officials on their human rights obligations, including U.N. recommendations.ⁱ Further, creating a national human rights body, in line with the Paris Principles,ⁱⁱ as well as a transparent and effective federal level inter-agency mechanism, such as an expanded and institutionalized Equality Working Group to coordinate implementation of human rights obligations.ⁱⁱⁱ The federal government should also adopt a National Plan of Action to fully implement ICERD.
2. ***Human Rights Education:*** all levels of government in the U.S. should immediately take steps to implement human rights education. In cooperation with governmental and civil society stakeholders, the U.S. should develop and implement a national action plan for HRE, as called for in the UN World Programme for Human Rights Education (WPHRE).
iv
3. ***Equality and Non-discrimination:*** ratify without delay CEDAW, CRC, CRPD, CESCRCMW, and all other human rights treaties to which the U.S. is not yet a party. U.S. should create a government entity such as a NHRI to monitor the human rights situation, including social and economic, of all groups including LGBT people and people of color.
4. ***Sexual Violence in the Military:*** ensure impartial and effective investigation, prosecution and redress of the allegation of sexual violence by removing the decision of whether to investigate, prosecute, and punish alleged perpetrators from the survivors' or perpetrators' Chain of Command. Provide access to U.S. federal courts so that survivors of sexual violence may seek civil remedies when the military violates their rights.^v
5. ***Racial Profiling and Police Brutality:*** the DOJ should revise its June 2003 guidance on racial profiling to clarify ambiguities, close loopholes, and eliminate provisions that allow for any form of profiling and the Obama administration should support, and Congress should pass, an anti-racial profiling law, such as the End Racial Profiling Act.^{vi}
6. ***Death Penalty:*** abolish the death penalty. In the interim, federal legislation should be adopted to ensure lethal injections are carried out via well-tested procedures that do not cause unnecessary pain using drugs approved by the U.S. FDA; with full oversight and transparency of the sourcing and administration of the drugs.^{vii}
7. ***Solitary Confinement:*** Prolonged solitary confinement (in excess of 15 days) in US prisons, jails, and detention centers should be banned, except under exceptional circumstances. The use of solitary confinement in pre-trial detention should end.^{viii}

8. ***Political Prisoners:*** adopt and implement previous related UPR Recommendations (92.94, 92.153 and 92.154) and ICCPR Committee List of Issues paragraph 16 to end the criminalization, isolation and incarceration/exile of COINTELPRO/Civil Rights Era political activists.^{ix}
9. ***Violence in Prison:*** PREA, while an important step to combat prison rape, requires more extensive implementation, and its standards should be extended to all places of detention. Implement true case-by-case analysis of safe housing, counteracting an apparent “default” to housing transgender people and other gender-nonconforming people according to their sex assigned at birth.^x
10. ***Criminalization of Sex Workers:*** repeal laws against prostitution and prostitution-related offenses, and eliminate policies, such as “zero tolerance” of prostitution, “prostitution free zones,” and “quality of life” measures, that undermine human rights of sex workers, people in the sex trade and other marginalized groups.^{xi}
11. ***Trafficking Victims:*** legally and effectively decriminalize children engaged in prostitution and adult victims of trafficking into the sex trade and ensure that no state prostitution law allows for the arrest and detention of individuals who have been trafficked into the sex trade.^{xii}
12. ***Criminalization of LGBT People with HIV:*** repeal of all HIV criminalization laws and/or the modernization of such statutes to reflect accurate, up-to-date medical information and science on the routes, risks, and consequences of HIV. This includes the passage of the Repeal Existing Policies that Encourage and Allow Legal HIV Discrimination (REPEAL) Act, currently being considered by Congress (H.R. 1843/S.1790).
13. ***Global Human Rights Obligations:*** improve the vetting system, make decisions transparent and better involve civil society in Leahy Law implementation while suspending military assistance to Israel until its implementation. Support an independent investigation into alleged IHL violations by Israel and suspend all arm sales until then.^{xiii}
14. ***The Right To Access To Justice:*** increase efforts to ensure meaningful access to legal representation in civil cases and promote state and local efforts to establish a right to counsel for individuals in civil.^{xiv} With regard to Migrant workers living in labor camps, use and enforce existing labor regulations, policies and practices that support the right of access for outreach workers, and utilize statutory authority found at 42 U.S.C. §14141 to investigate and monitor local law enforcement agencies.
15. ***Arab and Muslim Students’ Freedom of Expression:*** the DOE should affirm that expressive speech that condemns governments or nation states for committing human rights violations is protected by the U.S. Constitution and therefore provides, in itself, no basis for Title VI investigation. The DOE should dismiss pending appeals, investigations and new complaints resting on such protected grounds.^{xv}

16. ***Voting Rights***: enforce all provisions of federal voting rights law, and urge Congress to pass a law that prevents the implementation of racially discriminatory voting changes. The U.S. Department of Justice (DOJ) should take action against states that have not integrated voter registration into the protocols of its covered agencies under the National Voter Registration Act (NVRA), as well as states that have done so only episodically.^{xvi}
17. ***Right to Work***: ensure that fiscal policy promotes human rights, strengthen Dodd-Frank Act, and include the right to work and to an adequate standard of living. Restore federal Emergency Unemployment Compensation for long-term unemployment relief.^{xvii}
18. ***Right to Family***: all states should recognize both parents in LGBT parent families as legal parents and should recognize adoptions and parentage judgments issued by other states, without regard to a parent's sexual orientation, gender, gender identity, or marital status. Adopt the place-of-celebration rule, recognizing all marriages that were valid where celebrated.^{xviii}
19. ***Housing and Homelessness***: make permanent the Protecting Tenants At Foreclosure Act to ensure no one is evicted without a place to go. Prohibit evictions of persons living in homeless encampments without providing adequate alternative housing. Increase funding for homelessness prevention and affordable housing programs.^{xix}
20. ***Right to Healthcare***: ensure that public funds distribution by the US are used to provide actual healthcare, and allow states with innovative plans to use those funds to provide a non-insurance-based system of universal healthcare. Decouple healthcare from employment so that the human right to healthcare is not tied to employment status and health coverage is not subject to an employers religious views.^{xx}
21. ***Women with Disabilities and Healthcare***: promulgate regulations reflecting the Access Board's proposed requirements for accessible medical equipment for health facilities including those offering obstetric and gynecological services.^{xxi}
22. ***LGBT and People Living with HIV***: DHHS should evaluate existing non-discrimination protections that bind healthcare providers and ensure that LGBTQI people are included alongside other protected classes.^{xxii} All US states should expand Medicaid .^{xxiii}
23. ***Migrants, Refugees and Asylum Seekers***: halt the practice of prosecuting, in the criminal justice system, people charged with immigration offenses such as unlawful entry or re-entry and stop policies and procedures such as Operation Streamline.^{xxiv}
24. ***African American Girls in Foster Care***: require the Department of Health and Human Services, state, and local governments to collect data concerning psychotropic medication use and prescription categorized by race and ethnic origin and disaggregated by age and gender-identity for foster care children.^{xxv}

25. **Youth Criminally Tried and Incarcerated as Adults:** adopt measures to ensure that all youth in conflict with the law are not subjected to adult criminal procedures that fail to take into account their age and cognitive development and the desirability of promoting rehabilitation. Create meaningful incentives and penalties to ensure that states comply with PREA.^{xxvi}
26. **Child Agricultural Workers:** remove the agriculture exemption in the Fair Labor Standards Act, to raise the age for harvesting, and hazardous work for hired children taking care to distinguish between farm owner and farm worker children.^{xxvii}
27. **Southeast Indigenous Peoples** work with Indigenous Peoples and Original Nations surviving to end development-related conflict.
28. **Uranium Mining:** cease permitting new uranium mining and processing operations until waste from historic uranium mining and processing has been remediated to standards consistent with the human rights to life and health. Repeal the General Mining Law of 1872, 30 U.S.C. 22, or amend it to clarify that it is subject to the provisions of all other domestic laws protecting public health, cultural and religious rights, and the environment.^{xxviii}

ⁱ Columbia Law School Human Rights Institute & The International Association of Official Human Rights Agencies (IAOHRA): *Federal Outreach and Mechanisms to Ensure Human Rights Implementation and the Federal, State and Local Levels*.

ⁱⁱ The Williams Institute, University of California Los Angeles School of Law: *Human Rights Violations of LGBT People in the United States*.

ⁱⁱⁱ The Williams Institute, University of California Los Angeles School of Law: *Human Rights Violations of LGBT People in the United States*.

^{iv} Human Rights Educators USA and US Human Rights Network: *Human Rights Education*.

^v Cornell Law School's Avon Global Center for Women and Justice and Global Gender Justice Clinic: *Sexual Violence In The U.S. Military*.

^{vi} The Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights with the Lawyers' Committee for Civil Rights Under Law and the National Association for the Advancement of Colored People (NAACP): *Slow Progress: Combating Discrimination and Pushing for Domestic Implementation of Human Rights Obligations*.

^{vii} The Advocates for Human Rights, The Greater Caribbean for Life and The Puerto Rican Coalition against the Death Penalty: *United States' Compliance With Its Human Rights Obligations With Regard To Its Use Of The Death Penalty*. (Not Official Title).

^{viii} Center for Constitutional Rights (CCR), Legal Services for Prisoners with Children (LSPC), California Prison Focus (CPF): *The Use Of Prolonged Solitary Confinement In United States Prisons, Jails, And Detention Centers*.

^{ix} Malcolm X Center For Self Determination (MXC) and Jericho Movement For Amnesty & Freedom Of All (U.S.) Political Prisoners: *No Access To Justice: Political Repression – Political Prisoners; Imprisoned COINTELPRO / U.S. Civil Rights Era HR Defenders, Political Activists*.

^x Lambda Legal: *Human Rights Abuses Related To The Criminalization And Incarceration Of LGBT People And People With HIV In The United States*.

^{xi} Best Practices Policy Project, Desiree Alliance, Sex Workers Outreach Project – NYC Chapter (SWOP-

-
- NYC): *Addressing the Human Rights Violations of Sex Workers and People Impacted by the Sex Trade in the United States*.
- xii International Women’s Human Rights Clinic, City University of New York and Trafficking Victims Advocacy Project, Legal Aid Society New York: *Criminalization of Trafficking Victims*
- xiii American Friends Service Committee (AFSC), Center for Constitutional Rights (CCR), Rachel Corrie Foundation for Peace and Justice (RCF), US Campaign to End the Israeli Occupation: *U.S. Human Rights Obligations With Respect To The Protection Of The Palestinian People And Human Rights Defenders*.
- xiv Columbia Law School Human Rights Institute: *Access To Counsel In Civil Cases*.
- xv Asian Americans Advancing Justice – Asian Law Caucus (Advancing Justice – ALC); Center for Constitutional Rights (CCR); Council on American Islamic Relations – San Francisco Bay Area (CAIR – SFBA); American Muslims for Palestine (AMP); National Lawyers Guild International Committee (NLG – IC): *Arab and Muslim Student Freedom of Expression*.
- xvi The Leadership Conference Education Fund, The Leadership Conference on Civil and Human Rights, Lawyers’ Committee for Civil Rights Under Law, & National Association for the Advancement of Colored People: *Falling Further Behind: Combating Racial Discrimination in America*.
- xvii “Towards a Human Rights-Centered Macroeconomic and Financial Policy in the US. “ Center for Women’s Global Leadership Rutgers University. 2010. <http://cwgl.rutgers.edu/program-areas-151/economic-a-social-rights/united-nations-advocacy>
- xviii National Center for Lesbian Rights (NCLR): *Report on the United States’ Compliance with Its Human Rights Obligations in the Area of The Family Relationships of Lesbian, Gay, Bisexual, and Transgender People*.
- xix National Law Center on Homelessness & Poverty, Chair, US Human Rights Network UPR Housing Working Group: *Housing and Homelessness in the United States of America*.
- xx The Vermont Workers Center (VWC): *The Human Right to Healthcare*.
- xxi Women Enabled International (WEI) and the Center for Reproductive Rights (CRR): *Discrimination Based on Gender and Disability* (not official title).
- xxii Lambda Legal: *Human Rights Abuses Related To The Criminalization And Incarceration Of LGBT People And People With HIV In The United States*.
- xxiii Ibid.
- xxiv The Advocates for Human Rights and Detention Watch Network: *Rights of Refugees, Asylum Seekers and Other Non-Citizens* (Not Official Title) and The Advocates for Human Rights: *Moving from Exclusion to Belonging: Immigrant Rights in Minnesota Today*.
- xxv The Franklin Law Group: *Over-Medication of Psychotropic Drugs & African-American Girls in Foster Care*.
- xxvi International Women’s Human Rights Clinic, City University of New York Law School: Southeast Indigenous Peoples’ Center: *Youth Criminally Tried and Incarcerated as Adults*.
- xxvii Julia Perez, MSEE, Associate Director, *The Harvest*, and former child laborer in the U.S.: *Legal Child Labor in U.S. Agriculture*.
- xxviii Multicultural Alliance for a Safe Environment (MASE) with the assistance of the New Mexico Environmental Law Center: *No Start Up Until Clean Up: Human Rights and the Impacts of Uranium Mining and Processing in the United States*.