

United States Government Responses to the Universal Periodic Review: A Human Rights Reference Guide for Advocates and Activists

Introduction

This guide is intended as a guide for advocates and activists who are using, or who hope to use, a human rights framework to advance social justice domestically. We hope that the US government responses to the Universal Periodic Review will be used as a tool in your work— as new language in your advocacy materials, new information to support lobbying efforts, or connection to a new community of human rights activists who demand that their government remain accountable to its human rights commitments.

Whatever your issue area of focus, there are human rights at stake, and the Universal Periodic Review is a new and exciting mechanism to promote those rights. In the following pages you will find outlines the response of the United States Government to the recommendations made during the Universal Periodic Review (UPR) of November 2010. The official government responses are provided, coupled with the full text of the recommendations which they reference, with the country that made the recommendation included parenthetically. We have followed the categories that the US Government used in their response.

Many of the recommendations are the result of tireless organizing and lobbying by a variety of individuals and organizations. Some key recommendations have been accepted by the government, too many have been rejected. We encourage you to join the growing movement to promote domestic human rights by familiarizing yourself with the government responses, tying them to your work, and using this knowledge to hold the government accountable.

The full government response to the UPR can be found here: <http://www.state.gov/g/drl/upr/157986.htm>

The full list of recommendations can be found within the Report of the Working Group on the Universal Periodic Review: United States of America, here: <http://www.unhcr.org/refworld/pdfid/4d6b6d3e2.pdf>

Response Summaries

Below you will find the summaries of the US Government responses. These summaries are intended as a general overview, and do not address every recommendation. A more detailed report follows, with the summaries of each subject category duplicated for convenient reference

➡ **Economic, Social, and Cultural Rights (including environment):** The US Government accepted a number of recommendations that are related to economic, social and cultural rights including recommendations to take further measures to provide equal access to, and promote, decent work for women and people of color including undocumented migrants; to promote affordable housing and equal access to education; to reduce homelessness; to ensure realization of the rights to food and health; to expand social protection coverage; and to recognize the right to association for migrants, agricultural workers and domestic workers. Unfortunately, they also rejected key recommendations on paid maternity leave, and on the definition of discrimination as understood in CERD. They are rejected recommendations to ratify the International Covenant on Economic, Social and Cultural Rights (ICESR).

➡ **Civil Rights and Discrimination:** The US government accepted recommendations to continue existing anti-discrimination efforts and promote the human rights of all persons “without regard to sex, race, religion, colour, creed, sexual orientation, gender identity or disability”, with additional commitments to increase efforts to guarantee human rights to persons with disabilities, protect against violence and discrimination based on participation in sex work [“prostitution”], and engage in further efforts to combat discrimination based on sexual orientation or gender identity. They emphasize that profiling based on identity categories such as race is prohibited under existing US law, and claim to have “comprehensive Federal and State legislation and strategies to combat racial discrimination.” While they acknowledge that there is “always room for improvement” they claim that their “law is consistent with their CERD obligations.” They note that, with regards to discrimination, “a migrant’s eligibility for full benefits under certain programs may depend on his/her lawful status.”

➡ **Labor and Trafficking:** The US government accepted several important recommendations on labor and trafficking, including the prohibition and punishment of trafficking persons and child prostitution, providing more information and services to trafficking victims, preventing the slavery of agriculture workers, and recognizing agricultural and domestic workers’ rights to organize. They state that they have “comprehensive laws aimed at ensuring gender equality at work”, and “are taking further action through the President’s Equal Pay Taskforce.” Unfortunately, they state that undocumented migrant workers “may not be entitled to certain [anti-discrimination and labor protections]”. They refused to accept the recommendation of mandatory maternity leave.

➡ **Civil Rights and Discrimination:** The US government accepted recommendations to continue existing anti-discrimination efforts and promote the human rights of all persons “without regard to sex, race, religion, colour, creed, sexual orientation, gender identity or disability”, with additional commitments to increase efforts to guarantee human rights to persons with disabilities, protect against violence and discrimination based on participation in sex work [“prostitution”], and engage in further efforts to combat discrimination based on sexual orientation or gender identity. They emphasize that profiling based on identity categories such as race is prohibited under existing US law, and claim to have

“comprehensive Federal and State legislation and strategies to combat racial discrimination.” While they acknowledge that there is “always room for improvement” they claim that their “law is consistent with their CERD obligations.” They note that, with regards to discrimination, “a migrant’s eligibility for full benefits under certain programs may depend on his/her lawful status.” Responses to recommendations regarding CERD and other treaties related to discrimination can be found in the *Treaties and Other International Human Rights. Mechanisms* section.

➡ **Domestic Implementation of Human Rights:** The US government committed to continuing “consultations with non-governmental organizations and civil society in the follow up.” They claim that US laws are regularly reviewed “in light of [their] human rights obligations,” and the commit to strengthening human rights training programs. They state that they apply Leahy laws to all countries receiving security assistance, but that, with regards to cases of abuse, they “cannot make [their] decision-making public.”

➡ **Treaties and international human rights mechanisms:** The US government agreed to consider ratifying, and in some cases to ratify, ICESCR, CEDAW, and CRC , CRPD, and ILO Convention 111, (including a recommendation to “swiftly ratify CEDAW”, but refused to consider ratifying them without reservations, or to removing their reservations from existing treaty ratification. They did not accept a recommendation to change the definition of discrimination in existing law, stating that they believed the current definition was in line with their CERD obligations.

➡ **Criminal Justice Issues:** The US government accepted recommendations to improve living conditions in prison systems; to take appropriate measures to prevent racial bias in the criminal justice system, including reviewing the racial and ethnic disproportionalities in the application of the death penalty, minimum mandatory sentences, and excessive use of force. It accepted the recommendation to address sexual violence and overcrowding. It also accepted recommendations to prevent excessive violence or torture against detainees, with the notes that existing laws “prohibit torture in all prisons and detention facilities” and “prohibits mistreatment of detainees in U.S. custody.” They accepted the recommendation to prevent cruel or lethal force in immigrant control, but emphasized that “immigration officers are lawfully permitted to use deadly force under certain exceptional circumstances, e.g. self-defense or defense of another person.” They committed to “holding accountable persons responsible for human rights violations and war crimes “ in US prisons and prisons under US jurisdiction, but did not accept the recommendation to provide compensation and remedies to victims of violations, stating that “those are not always applicable.” They did not accept the recommendation to extend the right to vote to those deprived of liberty beyond existing laws, stating that most inmates and former felons do not have the right to vote. They supported recommendations that minors and “persons with certain intellectual disabilities” should be excluded from the death penalty, but did not extend this exclusion from execution to “all persons with any mental illness.” They committed to ensuring that “implementation of the death penalty complies with [their] international obligations”, but did not accept any recommendation or portion of recommendation that called for the abolition of or a moratorium on the death penalty.

➡ **Indigenous Issues** The US government supported the recommendation to “formulate goals and policy guidelines for the promotion of the rights of indigenous peoples”. They accepted other recommendations—to guarantee rights of indigenous Americans, implement measures to ensure participation of indigenous peoples in a variety of decision making areas, adopt the UN Declaration on the Rights of the Indigenous Peoples—only as “consistent with the ‘Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples—Initiatives

to Promote the Government-to Government Relationship & Improve the Lives of Indigenous Peoples.” They did not accept the recommendation that the UN Declaration of the Rights of Indigenous Peoples be used as a guide to interpret State obligations with respect to indigenous peoples.

➡ **Immigration:** The U.S. government accepted recommendations to increase efforts to eliminate discrimination and abuse of authority by police officers against migrants, to evaluate federal immigration legislation enforcement and to prohibit and punish the use of racial profiling therein, and to investigate cases of immigrant incarceration, to “reconsider alternatives to the detention of migrants” and to “marten security checks so as to take into account the frequent homonymy specific to Moslem names so as to avoid involuntary discrimination against innocent people with such names because of namesakes listed as members of terrorist groups.” They accepted recommendations to address racially-motivated acts perpetrated against migrants, but only “insofar as it involves enforcing [their] laws.” While they state that the administration does not support state efforts to criminalize mere immigration status, and are committed to addressing racial discrimination and excessive use of force in immigration enforcement, they make note that “certain immigration offenses are subject to criminal sanction, e.g., illegal entry.” They declined to reconsider undocumented migrants’ access to publicly supported healthcare, stating that “undocumented migrants in the U.S. already have access to publicly supported healthcare through an extensive network of Migrant Health Centers.”

➡ **National security:** The U.S. government accepted recommendations that they consider “inviting relevant mandate holders as followup” to the 2006 study and Administration’s decision to close the Guantanamo Bay detention facility, and stated that they have made their desire to close the facility clear, and will continue to “work with Congress, the courts, and other countries to do so in a responsible manner that is consistent with [their] international obligations.” They stated that they have “consistently” invited UN Special Rapporteurs to tour the Guantanamo Bay detention facility and that the invitation remains. They stated that “the Presedent has closed all CIA detention facilities and has prohibited CIA operation of such facilities.” However, they did not accept recommendations reagarding “reparation, redress, remedies, or compensation” for to victims of acts of torture in facilities under US control, stating that, while mechanisms are available in US court, outcomes cannot be guaranteed. They stated that they will and to respond to recommendations from the Special Rapporteur for the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism. They agreed to halt detainee transfers to third countries unless “adequate safeguards” for their treatment in accordance in international law are in place. They did not accept recommendations to “bring to justice those responsible for all war crimes and massacres against unarmed civilians, women, children as well as acts of torture carried-out in prisons”, nor did they accept a recommendation to “ guarantee that civilians be tried to be tried by their natural judge and not by military commissions.”

➡ **Other Recommendations:** The US government rejected additional recommendations that were not included in the above categories. They rejected numerous recommendations to end the blockade against Cuba and to end the incarceration of political prisoners such as Leonard Peltier and Mumia Abu-Jamal. They made little comment on these rejected recommendations, save for noting that extradition policies (related to recommendations to extradite or prosecute Luis Posada Carriles) are “made on a case-by-case basis, consistent with our international legal obligations, and the United States cannot prejudge the outcome of any particular case.”

Official Government Responses

Below you will find the official US government responses. The responses reference recommendations by number, so the full text of each recommendation is provided as well. Response summaries are included for convenient reference.

Economic, Social and Cultural Rights (including environment)

The US Government accepted a number of recommendations that are related to economic, social and cultural rights including recommendations to take further measures to provide equal access to, and promote, decent work for women and people of color including undocumented migrants; to promote affordable housing and equal access to education; to reduce homelessness; to ensure realization of the rights to food and health; to expand social protection coverage; and to recognize the right to association for migrants, agricultural workers and domestic workers. Unfortunately, they also rejected key recommendations on paid maternity leave, and on the definition of discrimination as understood in CERD. They are rejected recommendations to ratify the International Covenant on Economic, Social and Cultural Rights (ICESR)

They accepted the following recommendations:

- **92.109.** Promote equal socio-economic as well as educational opportunities for all both in law and in fact, regardless of their ethnicity, race, religion, national origin, gender or disability (Thailand);
- **92.113.** That further measures be taken in the areas of economic and social rights for women and minorities, including providing equal access to decent work and reducing the number of homeless people (Norway);
- **92.195.** Ensure the realization of the rights to food and health of all who live in its territory (Cuba);
- **92.196.** Expand its social protection coverage (Brazil);
- **92.197.** Continue its efforts in the domain of access to housing, vital for the realization of several other rights, in order to meet the needs for adequate housing at an affordable price for all segments of the American society (Morocco);
- **92.226.** Persevere in the strengthening of its aid to development, considered as fundamental, in particular the assistance and relief in case of natural disasters (Morocco);

Their official response:

The following enjoy our support:

- 109, 113, 197, and 226.
- 195, while noting that we are a non-party to the International Covenant on Economic, Social and Cultural Rights, and accordingly we understand the references to rights to food and health as references to rights in other human rights instruments that we have accepted. We also understand that these rights are to be realized progressively.
- 196, because the U.S. Government seeks to improve the safety net that our country provides for the less fortunate.

<u>They accepted the following recommendations “in part”</u> • 92.51. Comply with its international obligations for the effective mitigation of greenhouse gas emissions, because of their impact in climate change (Bolivarian Republic of Venezuela); • 92.221. Take positive steps in regard to climate change, by assuming the responsibilities arising from capitalism that have generated major natural disasters particularly in the most impoverished countries (Nicaragua); • 92.222. Implement the necessary reforms to reduce their greenhouse gas emissions and cooperate with the international community to mitigate threats against human rights resulting from climate change (Plurinational State of Bolivia);	<u>Their official response:</u> The following enjoy our support, in part: • 51, 221, and 222, as explained in paragraph 4, i.e., disagreeing with premises embedded in these recommendations, but agreeing with their essential objectives (reduce greenhouse gas emissions and cooperate internationally).
• Labor and Trafficking The US government accepted several important recommendations on labor and trafficking, including the prohibition and punishment of trafficking persons and child prostitution, providing more information and services to trafficking victims, preventing the slavery of agriculture workers, and recognizing agricultural and domestic workers’ rights to organize. They state that they have “comprehensive laws aimed at ensuring gender equality at work”, and “are taking further action through the President’s Equal Pay Taskforce.” Unfortunately, they state that undocumented migrant workers “may not be entitled to certain [anti-discrimination and labor protections]”. They refused to accept the recommendation of mandatory maternity leave.	
<u>They accepted the following recommendations:</u> • 92.168. Define, prohibit and punish the trafficking of persons and child prostitution (Bolivarian Republic of Venezuela); • 92.169. Insist more on measures aiming to combat the demand and provide information and services to victims of trafficking (Republic of Moldova); • 92.193. Prevent slavery of agriculture workers, in particular children and women (Bolivarian Republic of Venezuela); • 92.115. Consider taking further action to better ensure gender equality at work (Finland); • 92.192. Recognize the right to association as established by ILO, for migrant, agricultural workers and domestic workers (Plurinational	<u>Their official response:</u> The following enjoy our support: • 168, 169, and 193. • 115, as we have comprehensive laws aimed at ensuring gender equality at work, and we are taking further action through the President’s Equal Pay Taskforce. • 192, as we support the 1998 ILO Declaration on Fundamental Principles and Rights at Work, which reaffirms

State of Bolivia);	the commitment of all ILO member States to respect, promote, and realize principles concerning fundamental rights in four categories including freedom of association and collective bargaining. Although not a party to ILO conventions 87 and 98 on those topics, we have robust laws addressing their fundamental principles.
<u>They accepted the following recommendations “in part”</u> • 92.81. Take the necessary measures in favor of the right to work and fair conditions of work so that workers belonging to minorities, in particular women and undocumented migrant workers, do not become victims of discriminatory treatment and abuse in the work place and enjoy the full protection of the labour legislation, regardless of their migratory status (Guatemala);	<u>Their official response:</u> The following enjoys our support, in part: • 81. Members of minority groups enjoy important anti-discrimination and labor protections. While labor laws apply to undocumented migrant workers, such individuals may not be entitled to certain types of remedies.
• The rejected the following recommendation: • • 92.194. Decree maternity leave as mandatory (Bolivarian Republic of Venezuela);	<u>Their official response:</u> The following does not enjoy our support: • 194, as maternity leave is not “mandatory” for either mothers or employers, although employers of a certain size are required to allow certain leave that may be used in connection with the birth or adoption of a child.
 <u>Civil Rights and Discrimination:</u> The US government accepted recommendations to continue existing anti-discrimination efforts and promote the human rights of all persons “without regard to sex, race, religion, colour, creed, sexual orientation, gender identity or disability”, with additional commitments to increase efforts to guarantee human rights to persons with disabilities, protect against violence and discrimination based on participation in sex work [“prostitution”], and engage in further efforts to combat discrimination based on sexual orientation or gender identity. They emphasize that profiling based on identity categories such as race is prohibited under existing US law, and claim to have	

“comprehensive Federal and State legislation and strategies to combat racial discrimination.” While they acknowledge that there is “always room for improvement” they claim that their “law is consistent with their CERD obligations.” They note that, with regards to discrimination, “a migrant’s eligibility for full benefits under certain programs may depend on his/her lawful status.”

They accepted the following recommendations:

- **92.114.** Increase its efforts to effectively guarantee human rights of persons with disabilities, while welcoming the signing of the Convention and urging their prompt implementation (Costa Rica);
- **92.116.** Continue its intense efforts to undertake all necessary measures to ensure fair and equal treatment of all persons, without regard to sex, race, religion, colour, creed, sexual orientation, gender identity or disability, and encourage further steps in this regard (Israel);
- **92.167.** Take effective steps to put an end to child prostitution, and effectively combat violence against women and gun violence (Islamic Republic of Iran);
- **92.191.** Continue to create an enabling climate for religious and cultural tolerance and understanding at the grass roots level (Indonesia);
- **92.198.** Reinforce the broad range of safeguards in favour of the most vulnerable groups such as persons with disabilities and the homeless to allow them the full enjoyment of their rights and dignity (Morocco);
- **92.86.** Undertake awareness-raising campaigns for combating stereotypes and violence against gays, lesbians, bisexuals and transsexuals, and ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses (Uruguay);
- **92.107.** Adopt effective measures and an anti-discrimination Act to address racial problems (Ghana);
- **92.111.** Adopt a comprehensive national work-plan to combat racial discrimination (Qatar);
- **92.68.** Take legislative and administrative measures to ban racial profiling in law enforcement (Democratic People’s Republic of

Their official response:

The following enjoy our support:

- 114, 116, 167, 191, and 198.
- 86. We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution, as this recommendation suggests.
- 107 and 111. We have comprehensive Federal and State legislation and strategies to combat racial discrimination. We are working diligently toward better enforcement and implementation of these laws and programs.
- 68, 101, and 219, in that profiling — the invidious use of race, ethnicity, national origin or religion — is prohibited under the U.S. Constitution and numerous pieces of national legislation.
- 112. We have recently taken concrete steps to address discrimination on the basis of sexual orientation and gender identity, and are engaged in further efforts.

Korea); • 92.101. Ban, at the federal and state levels, the use of racial profiling by police and immigration officers (Plurinational State of Bolivia); Prohibit expressly the use of racial profiling in the enforcement of immigration legislation (Mexico); • 92.219. Enact a national legislation that prohibits religious, racial and colour profiling particularly in context of the fight against terrorism (Qatar); • 92.112. Take measures to comprehensively address discrimination against individuals on the basis of their sexual orientation or gender identity (Australia);	
<u>They accepted the following recommendations “in part”</u> • 92.62. Review, reform and adequate its federal and state laws, in consultation with civil society, to comply with the protection of the right to nondiscrimination established by the Convention on the Elimination of all Forms of Racial Discrimination, especially in the areas of employment, housing, health, education and justice (Plurinational State of Bolivia); • 92.64. Review, with a view to their amendment and elimination, all laws and practices that discriminate against African, Arab and Muslim Americans, as well as migrants, in the administration of justice, including racial and religious profiling (Egypt); • 92.67. Take legislative and administrative measures to address a wide range of racial discrimination and inequalities in housing, employment and education (Democratic People’s Republic of Korea); • 92.94. End the discrimination against persons of African descent (Cuba); • 92.98. Devise specific programs aimed at countering growing Islamophobic and xenophobic trends in society (Egypt); • 92.100. End all forms of racial discrimination in terms of housing, education, health care, social security and labor (Libyan Arab	<u>Their official response:</u> The following enjoy our support, in part: • 62, as explained in paragraphs 3 and 4, i.e., we disagree with some of the premises embedded in this recommendation, but we are committed to the objectives it states, in this case combating discrimination and promoting tolerance. While we recognize there is always room for improvement, we believe that our law is consistent with our CERD obligations. Also see the explanations of 65, and of 107 and 111. • 64, 67, 94, 98, 100, and 189, as explained in paragraphs 3 and 4. The explanation above for 107 and 111 also applies here. • 99, as explained in paragraphs 3 and 4, while noting that a migrant’s eligibility for full benefits under certain programs may depend on his/her lawful status. • 103, as explained in paragraphs 3 and 4, and as it regards investigating and, where appropriate, prosecuting persons who violate criminal laws. We cannot support the part of the recommendation asking that we “guarantee ... fair

Jamahiriya); • 92.189. Consider discontinuing measures that curtail human rights and fundamental freedoms (Bangladesh); • 92.99. Eliminate discrimination against migrants and religious and ethnic minorities and ensure equal opportunity for enjoyment of their economic, social and cultural rights (Bangladesh); • 92.103. Ensure the prosecution and punishment, according to the law, of those responsible of racial hate and xenophobic criminal acts, as well as guarantee a fair compensation to the victims, such as the case of the Ecuadoreans Marcelo Lucero and Jose Sucuzhañay, murdered in the United States (Ecuador); • 92.190. Take effective measures to counter insults against Islam and Holy Quran, as well as Islamophobia and violence against Moslems, and adopt necessary legislation (Islamic Republic of Iran);	compensation.” Although mechanisms for remedies are available through our courts, we cannot make commitments regarding outcomes. • 190. We take effective measures to counter intolerance, violence and discrimination against all members of all minority groups, including Muslims. We cannot support this recommendation, however, to the extent that it asks us to take legislative measures countering insults. Insults (unlike discrimination, threats, or violence) are speech protected by our Constitution.
➔ <u>Domestic Implementation of Human Rights</u> The US government committed to continuing “consultations with non-governmental organizations and civil society in the follow up.” They claim that US laws are regularly reviewed “in light of [their] human rights obligations,” and the commit to strengthening human rights training programs. They state that they apply Leahy laws to all countries receiving security assistance, but that, with regards to cases of abuse, they “cannot make [their] decision-making public.”	
<u>They accepted the following recommendations:</u> • 92.225. Continue consultations with non-governmental organisations and civil society in the follow up (Austria); • 92.65. Review its laws at the Federal and State levels with a view to bringing them in line with its international human rights obligations (Egypt); • 92.74. That a human rights institution at the federal level be considered in order to ensure implementation of human rights in all states (Norway); • 92.87. Incorporate human rights training and education strategies in their public policies (Costa Rica);	<u>Their official response:</u> The following enjoy our support: • 225 • 65. We regularly engage in such reviews of our laws in light of our human rights obligations, including through the enforcement of our Federal civil rights laws and implementation of our domestic civil rights programs, litigation and judicial review, our reports to U.N. human rights treaty bodies, engagement with U.N. Special Procedures, and active discussions with civil society.

	Although the Federal government does not consistently or systematically review State laws, our civil rights mechanisms allow for review of State laws, as appropriate. • 74. There are Federal and State institutions to monitor human rights; we are considering whether this network of protection is in need of improvement. • 87. Programs at the Federal and State levels provide training on human rights, particularly on issues related to civil rights and non-discrimination; we are continuing to explore ways to strengthen such programs.
<u>They accepted the following recommendation in part:</u> • 92.227. That the model legal framework expressed by the Leahy Laws be applied with respect to all countries receiving US's security assistance, and that the human rights records of all units receiving such assistance be documented, evaluated, made available and followed up upon in cases of abuse (Norway);	<u>Their official response:</u> The following enjoys our support, in part. • 227. This recommendation enjoys our support except for the last part regarding making our decision-making publicly available. We apply the Leahy laws (which impose human rights-related restrictions on assistance to foreign security forces) to all countries receiving U.S. security assistance, and we respond appropriately in cases of abuse. However, to do so, we consider information from all sources, including classified sources, and cannot make our decision-making public.
<u>They rejected the following recommendations:</u> • 92.224. Abandon the State Department practice of qualifying other States according to its interpretation of human rights and	<u>Their official response:</u> The following do not enjoy our support: • 224, although we will continue to support fully the UPR and

contribute to the strengthening and effectiveness of the Universal Periodic Review as a fair and appropriate mechanism of the international community to evaluate the situation of human rights between States (Ecuador); • 92.72. Establish a national human rights institution, in accordance with the Paris Principles (Egypt, Germany, Ghana, Sudan, Bolivarian Republic of Venezuela); • 92.73. Implement recommendations of the United Nations human rights bodies concerning the establishment of an independent national human rights institute in line with the Paris Principles (Russian Federation); Taking necessary steps to establish an independent national human rights institution, in accordance with Paris Principles, in order to strengthen human rights at federal and state level in addition to the local level. (Qatar); Establish an independent national human rights institution in accordance with Paris Principles, to monitor compliance with international standards and to ensure coordination in implementing its human rights obligations between federal, state and local governments (Republic of Korea); Establishment of an independent national human rights institution compliant with Paris Principles at federal level with appropriate affiliated structures at state level (Ireland); • 92.84. Include and rank the human rights situation in the United States in the United States Annual Country Reports on Human Rights as was done for the annual report on trafficking of persons (Algeria); • 92.228. The removal of blanket abortion restrictions on humanitarian aid covering medical care given women and girls who are raped and impregnated in situations of armed conflict (Norway);	its strengthening • 72 and 73. Although we are reviewing whether domestic institutions that monitor human rights need improvement, we cannot now commit to a particular plan. • 84. The State Department’s annual human rights reports do not rank the human rights situations of countries. We do, however, engage in robust assessment of our own record of respecting human rights, as described in paragraph 25. • 228, due to currently applicable restrictions.
---	--

Treaties and international human rights mechanisms

The US government agreed to consider ratifying, and in some cases to ratify, ICESCR, CEDAW, and CRC , CRPD, and ILO Convention 111, (including a recommendation to “swiftly ratify CEDAW”, but refused to consider ratifying them without reservations, or to removing their

reservations from existing treaty ratification. They did not accept a recommendation to change the definition of discrimination in existing law, stating that they believed the current definition was in line with their CERD obligations.

They accepted the following recommendations:

- **92.10.** Consider ratifying ICESCR, CEDAW and CRC at the earliest (India);
- **92.11.** Consider undertaking necessary steps leading to ratification of the parent/umbrella United Nations Convention on the Rights of the Child and CEDAW respectively (Malaysia);
- **92.13.** Proceed with ratifying the CRPD and CRC (Qatar);
- **92.14.** Ratify, and ensure implementation into domestic law of CEDAW and CRC (Turkey);
- **92.20.** Consider ratifying the treaties to which it is not a party, including the CEDAW, CRC, ICESCR, and CRPD (Republic of Korea);
- **92.21.** Consider ratifying CEDAW, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities (Austria);
- **92.22.** Consider prioritizing acquiescence to the Convention of the Rights of the Child, CEDAW, the ILO Convention No. 111 on Discrimination in Respect of Employment and Occupation so as to further strengthen its national framework for human
- **92.26.** Consider ratifying ILO Convention 100 on equal remuneration for men and women for work of equal value, and ILO Convention 111 on discrimination in employment and occupation (India);
- **92.28.** Consider ratifying the Rome Statute of the International Criminal Court and the Additional Protocols I and II of the Geneva Conventions (Austria);
- **92.30.** Consider signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Turkey);
- **92.33.** Swiftly ratify CEDAW (Finland); Ratify CEDAW (Democratic People's Republic of Korea, Ghana, Netherlands, New Zealand); Become a party to CEDAW (Australia);
- **92.34.** Ratify the Convention on the Rights of the Child (Democratic

Their official response:

- 10, 11, 13, 14, 20, 21, 22, 26, 28, 30, 33, 34, 35, 39, 43, 47, 48, 49, and 93. We support the recommendations asking us to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the *Convention* on the Rights of Persons with *Disabilities*, and ILO Convention 111. We also support the recommendations that we ratify the Convention on the Rights of the Child, as we support its goals and intend to review how we could move toward its ratification. We also support recommendations urging deliberative treaty actions, such as that we “consider ratifying” them.
- 54. This recommendation is consistent with the longstanding U.S. policy of supporting the International Court of Justice and taking appropriate action to comply with judgments of the Court. The United States intends to continue to make best efforts to ensure compliance with the *Avena* judgment.

People's Republic of Korea, New Zealand); Become a party to the Convention on the Rights of the Child (Australia); • 92.35. Ratify the Convention on the Rights of Persons with Disabilities as a matter of priority (New Zealand); Become a party to the Convention on the Rights of Persons with Disabilities (Australia); • 92.39. Examine the possibility of ratifying the core human rights treaties to which the country is not yet a party and raising its reservations on those which it has ratified (Algeria); • 92.43. Consider the signing, ratification or accession, as corresponds, of the main international and Inter-American human rights instruments, especially the Convention on the Rights of the Child (Uruguay); • 92.47. Consider lifting reservations to a number of ICCPR articles (Indonesia); • 92.48. Take the necessary measures to consider lifting the United States reservation to article 5, paragraph 6 of the International Covenant on Civil and Political Rights that bans the imposition of the death penalty for crimes committed by persons under 18 (France); • 92.49. Consider the withdrawal of all reservations and declarations that undermine the objective and spirit of the human rights instruments, in particular reservation to article 6 paragraph 5 of the International Covenant on Civil and Political Rights that bans the imposition of the death penalty to those who committed a crime when they were minors (Uruguay); • 92.93. Consider extending a standing invitation to special procedures (Cyprus); (Denmark); (Republic of Korea); • 92.54. Take appropriate action to resolve the obstacles that prevent the full implementation of the <i>Avena</i> Judgment of the International Court of Justice and, until this occurs, avoid the execution of the individuals covered in said judgment (Mexico);	
<u>They accepted the following recommendations in part:</u> • 92.1. Ratify without reservations the following conventions and protocols: CEDAW; the ICESCR; the Convention on the Rights of	<u>Their official response:</u> • 1 through 9, 15 through 19, 23, 24, 25, 27, 37, 38, 40, 41, and

the Child; the Convention on the Rights of Persons with Disabilities; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Statute of the International Criminal Court; those of the ILO; the United Nations Declaration on Indigenous Peoples, and all those from the Inter-American Human Rights System (Bolivarian Republic of Venezuela); • 92.2. Continue the process to ratify CEDAW and adhere to the other human rights fundamental instruments, such as the Statute of Rome of the International Criminal Court, the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons against Enforced Disappearance (France); • 92.3. Ratify, until the next universal periodic review, ICESCR, the Convention on the Rights of the Child, Protocols I and II of the Geneva Conventions of 12 August 1949, ILO Conventions no. 87 (on freedom of association) and no. 98 (on the right to collective bargaining) as well as withdraw the reservation made to article 4 of the International Convention on the Elimination of Racial Discrimination (Russian Federation); • 92.4. Ratify ICESCR and its Optional Protocol; the first Optional Protocol to the International Covenant of Civil and Political Rights, CEDAW, the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance (Spain); • 92.5. Continue its efforts to realise universal human rights by a) ratifying CEDAW; b) becoming a party to the United Nations Convention on the Rights of the Child; c) acceding to ICESCR; d) ratifying the United Nations Convention on the Rights of	42. We support the parts of these recommendations asking us to ratify those treaties, identified above, of which the Administration is most committed to pursuing ratification. We cannot support the other portions. Nor can we support “without reservations” in 1. • 29. We support the second part (“observe international standards ...”), understanding such standards to mean applicable international human rights law. • 44 and 45, as explained in paragraph 4. We do not believe that any reservations, understandings, and declarations accompanying our ratification of international instruments undermine our obligations, or the treaty’s object or purpose. We cannot support the part of 45 regarding individual procedures. • 52, as explained in paragraph 4. The US Government complies with its international humanitarian law obligations, but we note that international humanitarian law governs conduct in the context of armed conflict, and cannot accept this recommendation’s implication that we are in an armed conflict with the Palestinian people.
---	--

Persons with Disabilities (Canada); • 92.6. Ratify the core human rights treaties, particularly the CRC, ICESCR, CEDAW and its Optional Protocol, the OP-CAT and the CMW and the CRPD with its Optional Protocol (Sudan); • 92.7. Ratify the ICESCR, CEDAW and the Convention of the Rights of the Child at an early stage together with other important human rights conventions (Japan); • 92.8. Ratify CEDAW, ICESCR, and CRC in token of its commitment to their implementation worldwide, as well as become party to other international human rights conventions as referred to in the OHCHR report (Indonesia); • 92.9. Ratify all core international instruments on human rights, in particular ICESCR, CEDAW, the Convention on the Rights of the Child (Viet Nam); • 92.23. Proceed with the ratification of Additional Protocols I and II of the Geneva Conventions of 1949, of the Convention on the Rights of the Child, of CEDAW as well as the Optional Protocol to the Convention against Torture (Cyprus); • 92.24. Ratify at its earliest opportunity other core human rights instruments, particularly, those to which it is already a signatory, namely CEDAW, A/HRC/WG.6/9/L.9 15 Convention on the Rights of the Child, ICESCR, and the Convention on the Rights of Persons with Disabilities (Thailand); • 92.25. Ratify the ICESCR, CEDAW, CRC the CRPD, the Additional Protocol I and II (1977), to the Geneva Conventions, the ICC Statute, as well as the 1st and 2nd Protocol to the Hague Convention 1954 (Hungary); • 92.27. Accede to ICESCR, the CRC and ILO convention No. 111 (Islamic Republic of Iran); • 92.37. Ratify the 12 international human rights instruments to which it is not a party (Nicaragua); • 92.38. Implement a program of ratification of all international human rights instruments, and then proceed to the incorporation of these in its internal legal system (Plurinational	
---	--

State of Bolivia); • 92.40. Accede to international human rights instruments which is not yet acceded to (Libyan Arab Jamahiriya); • 92.41. Continue the process to ratify and implement into domestic law the several international human rights instruments that still wait for this formal acceptance (Holy See); • 92.42. Accede to the universal core treaties on human rights and those of inter-American system, in particular the recognition of the jurisdiction of the Inter-American Court on Human Rights (Brazil); • 92.29. Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and observe international standards in this regard (Egypt); • 92.44. Withdraw all reservations and declarations on the international instruments to which it is a party that undermine its obligations or the purpose of the treaty (Spain); • 92.45. Withdraw reservations, denunciations, and interpretations of the Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture, that undermine their compliance, and accept their individual procedures (Bolivarian Republic of Venezuela); • 92.52. Ensure the implementation of its obligations under international humanitarian law vis-à-vis Palestinian people. (Islamic Republic of Iran);	
<u>They rejected the following recommendations:</u> • 92.12. Ratify ICESCR (Democratic People's Republic of Korea, Ghana); Become a party to the ICESCR (Australia); • 92.31. Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala); • 92.32. Complement its signature of ICESCR by ratifying it and recognizing the justiciability of these rights in its domestic legal	<u>Their official response:</u> • The following do not enjoy our support: • 12, 31, 32, 36, 46, 50, 91, and 92. • 53. Following discussions between the two governments, the Government of Nicaragua decided not to pursue any further action based on this case, and the International Court of Justice accordingly removed the case from its list

systems (Egypt); • 92.36. Proceed with the ratification process of the Rome Statute of the International Criminal Court at the earliest possible (Cyprus); • 92.46. Withdraw reservations to the Convention against Torture (Brazil) • 92.50. Withdraw the reservation to article 6, paragraph 5 of the International Covenant of Civil and Political Rights and consider further to abolish the death penalty in all cases (Austria) • 92.91. Accept individual applications procedures provided for in human rights instruments (Denmark) • 92.92. In view of its positive cooperation with special procedures of the Human Rights Council, extend an open standing invitation to these procedures (Costa Rica); Issue a standing invitation to the Special Procedures of the Human Rights Council (Austria); Issue an open and standing invitation to the Special Procedures (Spain); Extend a standing invitation to all special procedures (Netherlands); • 92.53. Respect the ruling of the International Court of Justice of the Hague, of 27 June 1986, which orders the United States Government to compensate Nicaragua for the terrorist acts that the people of Nicaragua suffered on those years from the part of the American President Ronald Reagan (Nicaragua); • 92.63. Modify the definition of the discrimination in the law to bring it in line with the ICERD and other international standards (China); • 92.71. Consider raising to 18 years the minimum age for the voluntary recruitment to the armed forces, and explicitly define as a crime the violation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);	on September 26, 1991. • 63. We believe that our law is consistent with our CERD obligations. • 71, while noting that the United States takes all reasonable measures, consistent with the Optional Protocol, to prevent servicemembers under 18 years of age from engaging directly in hostilities
--	---



Criminal Justice Issues

The US government accepted recommendations to improve living conditions in prison systems; to take appropriate measures to prevent racial bias in the criminal justice system, including reviewing the racial and ethnic disproportionalities in the application of the death penalty, minimum mandatory sentences, and excessive use of force. It accepted the recommendation to address sexual violence and overcrowding. It also accepted recommendations to prevent excessive violence or torture against detainees, with the notes that existing laws “prohibit torture in all prisons and detention facilities” and “prohibits mistreatment of detainees in U.S. custody.” They accepted the recommendation to prevent cruel or lethal force in immigrant control, but emphasized that “immigration officers are lawfully permitted to use deadly force under certain exceptional circumstances, e.g. self-defense or defense of another person.” They committed to “holding accountable persons responsible for human rights violations and war crimes “ in US prisons and prisons under US jurisdiction, but did not accept the recommendation to provide compensation and remedies to victims of violations, stating that “those are not always applicable.” They did not accept the recommendation to extend the right to vote to those deprived of liberty beyond existing laws, stating that most inmates and former felons do not have the right to vote. They supported recommendations that minors and “persons with certain intellectual disabilities” should be excluded from the death penalty, but did not extend this exclusion from execution to “all persons with any mental illness.” They committed to ensuring that “implementation of the death penalty complies with [their] international obligations”, but did not accept any recommendation or portion of recommendation that called for the abolition of or a moratorium on the death penalty.

They accepted the following recommendations:

- **92.70.** Take appropriate legislative and practical measures to improve living conditions through its prisons systems, in particular with regard to access to health care and education (Austria)
- **92.95.** Undertake studies to determine the factors of racial disparity in the application of the death penalty, to prepare effective strategies aimed at ending possible discriminatory practices (France)
- **92.96.** Take appropriate legislative and practical measures to prevent racial bias in the criminal justice system (Austria)
- **92.97.** Review the minimum mandatory sentences in order to assess their disproportionate impact on the racial and ethnic minorities (Haiti)
- **92.151.** Strengthen oversight with a view to ending excessive use of

Their official response:

- The following enjoy our support:
- 70, 95, 96, 97, 151, 162, 163, 177, and 179.
- 145, as U.S. law prohibits torture in all prisons and detention facilities under its control.
- 208 and 209, noting that law enforcement and immigration officers are lawfully permitted to use deadly force under certain exceptional circumstances, e.g., self-defense or defense of another person.
- 152, as U.S. law prohibits mistreatment of detainees in U.S. custody, requires investigations of credible mistreatment allegations, and prescribes accountability measures for violations.

force by law enforcement bodies, particularly when it is directed to the racial minorities and bring those responsible for violation of laws to justice (China) • 92.162. Redouble its efforts to address sexual violence in correction and detention facilities as well as to address the problem of prison conditions, with a view to preserving the rights and dignity of all those deprived of their liberty (Thailand) • 92.163. Reduce overcrowding in prisons by enlarging existing facilities or building new ones and/or making more use of alternative penalties (Belgium) • 92.177. Ensure the full enjoyment of human rights by persons deprived of their liberty, including by way of ensuring treatment in maximum security prisons in conformity with international law (Sweden) • 92.179. Review of alternative ways to handle petty crime and of measures to improve the situation of inmates in prisons (Algeria) • 92.145. Guarantee the complete prohibition of torture in all prisons under its control (Islamic Republic of Iran) • 92.208. Prohibit, prevent and punish the use of lethal force in carrying out immigration control activities (Mexico) • 92.209. Guarantee the prohibition of use of cruelty and excessive or fatal force by law enforcement officials against people of Latin American or African origin as well as illegal migrants and to investigate such cases of excessive use of force (Sudan) • 92.152. Prevent and repress the illegitimate use of violence against detainees (Belgium)	
--	--

They accepted the following recommendations “in part:

- **92.118.** A national moratorium on the death penalty is introduced with a view to completely abolish the penalty and, before such a moratorium is introduced, to take all necessary measures to ensure that any use of the death penalty complies with minimum standards under international law relating to the death penalty such as under article 6 and 14 of the International Covenant on Civil and Political Rights (Sweden);
- **92.134.** End the prosecution and execution of mentally-ill persons and minors (Cuba);
- **92.135.** Extend the exclusion of death penalty to all crimes committed by persons with mental illness (Ireland);
- **92.150.** Take measures with a view to prohibiting and punishing the brutality and the use of excessive or deadly force by the law enforcement officials and to banning torture and other ill-treatment in its detention facilities at home and abroad (Democratic People’s Republic of Korea);
- **92.173.** Comply with the principles of international cooperation, as defined in Resolution 3074 of the General Assembly, for the extradition of persons accused of crimes against humanity and proceed to extradite former Bolivian authorities that are legally accused of such crimes, in order to be brought to trial in their country of origin (Plurinational State of Bolivia);
- **92.174.** Make those responsible for gross violations of human rights in American prisons and prisons under the jurisdiction of America outside its territory accountable, compensate victims and provide them with remedies (Libyan Arab Jamahiriya);
- **92.175.** Put on trial its gross violators of human rights and its war criminals and accede to ICC (Islamic Republic of Iran);
- **92.178.** Ensure the enjoyment of the right to vote both by persons deprived of their liberty and of persons who have completed their prison sentences (Sweden);
- **92.186.** Ensure the right to habeas corpus in all cases of detention (Austria);

Their official response:

The following enjoy our support, in part:

- 118, in that we will continue to ensure that implementation of the death penalty complies with our international obligations; the portion asking that we end capital punishment does not enjoy our support.
- 134 and 135. We cannot support recommendation 134 with respect to prosecution. We support both recommendations with respect to executions regarding minors and persons with certain intellectual disabilities, but not regarding all persons with any mental illness.
- 150, as explained in paragraphs 3 and 4. The explanations above for 145, and for 208 and 209, also apply.
- 173. The first part of this recommendation enjoys our support; we cannot support the recommendation’s second part (“proceed to extradite former Bolivian authorities ...”). See notes on extradition in paragraph 31.
- 174 and 175, as explained in paragraph 4. We are committed to holding accountable persons responsible for human rights violations and war crimes. We cannot, however, support the portion of 174 regarding compensation and remedies, because those are not always applicable. Nor can we support the part of 175 that we accede to the Rome Statute, although we are engaging with State Parties to the Rome Statute on issues of concern.
- 178. We support this recommendation to the extent that some State laws conform with it. Most inmates do not have the right to vote, however, and former felons do not have the right to vote in some States.

	186. We support this recommendation to the extent provided for under the U.S. Constitution and U.S. laws, and consistent with our international obligations.
<u>They rejected the following recommendations:</u> 92.56. Repeal the norms that limit freedom of expression and require journalists to reveal their sources, under penalty of imprisonment (Bolivarian Republic of Venezuela); 92.180. Incorporate in its legal system the possibility of granting parole to offenders under 18 sentenced to life imprisonment for murder (Switzerland); Renounce to life in prison without parole sentences for minors at the moment of the actions for which they were charged and introduce for those who have already been sentenced in these circumstances the possibility of a remission (Belgium); Prohibit sentencing of juvenile offenders under the age of 18 without the possibility of parole at the federal and state level (Austria); Cease application of life imprisonment without parole for juvenile offenders and to review all existing sentences to provide for a possibility of parole (Slovakia); 92.181. Enact legislation to ensure that imprisonment is only used as a last resort when sentencing all juvenile offenders and provide systematic resocialisation support (Austria) 92.119. Consider the possibility of announcing moratorium on the use of the death penalty (Russian Federation); 92.120. Establish a moratorium on the use of the death penalty at the federal and state level as a first step towards abolition (United Kingdom); Establish a moratorium on executions on the entire American territory, with a view to a definitive abolition of the death penalty (Belgium); Establish, at all levels, a moratorium on	<u>Their official response:</u> The following do not enjoy our support: 56, 180, and 181. 119 through 133 (capital punishment).

executions with a view to completely abolish the death penalty (Switzerland); Adopt a moratorium on the use of the death penalty with a view to abolishing capital punishment in federal and national legislations (Italy); Establish a moratorium to the death penalty with a view to its abolition (Uruguay); Impose a moratorium on executions with a view to abolishing the death penalty nationwide (New Zealand); Work towards a moratorium on executions with the view to abolishing the death penalty, in conformity with General Assembly resolution 62/149, adopted on 18 December 2007 (Netherlands); • 92.121. Take all necessary measures in order to impose a moratorium on the use of the death penalty, with a view to abolishing it both at the federal and State levels (Cyprus); • 92.122. Abolish the death penalty and in any event, establish a moratorium as an interim measure towards full abolition (Australia); Abolish capital punishment and, as a first step on that road, introduce as soon as practicable a moratorium on the execution of death sentences (Hungary); That steps be taken to set federal and state-level moratoria on executions with a view to abolish the death penalty nationwide (Norway); • 92.123. Impose a nationwide moratorium on executions and commute existing death sentences to imprisonment term with a view to abolish the capital punishment entirely (Slovakia); • 92.124. Consider abolishing death penalty (Turkey); • 92.125. Abolish the death penalty (Germany); • 92.126. Implement at the federal level a moratorium on executions (France); • 92.127. Begin a process leading to the ending of the death penalty punishment (Ireland); Pursuing the process to abolishing the death penalty (Holy See); • 92.128. Abolish as soon as possible the death penalty in the 35 Federal States where this brutal practice is authorized (Nicaragua); • 92.129. Study the possibility for the Federal Government of campaigning in favour of applying the United Nations Moratorium	
--	--

on the death penalty (Algeria); • 92.130. Establish a de jure moratorium of the death penalty at the federal level and in the military justice, in view of its abolition and as an example for the States that still retain it (Spain); • 92.131. That, until a moratorium is applied, steps be taken to restrict the number of offences carrying the death penalty (Denmark); • 92.132. A review of federal and state legislation with a view to restricting the number of offences carrying the death penalty (Norway); • 92.133. Abolish the death penalty, which is also applied to persons with mental disabilities and commute those which have already been imposed (Bolivarian Republic of Venezuela);	
--	--



<u>Indigenous Issues:</u> The US government supported the recommendation to “formulate goals and policy guidelines for the promotion of the rights of indigenous peoples”. They accepted other recommendations—to guarantee rights of indigenous Americans, implement measures to ensure participation of indigenous peoples in a variety of decision making areas, adopt the UN Declaration on the Rights of the Indigenous Peoples—only as “consistent with the ‘Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples—Initiatives to Promote the Government-to Government Relationship & Improve the Lives of Indigenous Peoples.’” They did not accept the recommendation that the UN Declaration of the Rights of Indigenous Peoples be used as a guide to interpret State obligations with respect to indigenous peoples.	
<u>They accepted the following recommendations:</u> • 92.85. Formulate goals and policy guidelines for the promotion of the rights of indigenous peoples and cooperation between government and indigenous peoples (Finland) • 92.83. Implement concrete measures consistent with the Covenant on Civil and Political Rights, to ensure the participation of indigenous peoples in the decisions affecting their natural environment, measures of subsistence, culture and spiritual practices (Plurinational State of Bolivia); • 92.200. Guarantee the rights of indigenous Americans, and to fully	<u>Their official response:</u> The following enjoy our support: • 85. • 83, 200, 202, 203, 205, and 206, consistent with the “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples – Initiatives to Promote the Government-to-Government Relationship & Improve the Lives of Indigenous Peoples” (Announcement). •

implement the United Nations Declaration on the Rights of Indigenous Peoples (Islamic Republic of Iran) • 92.202. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (Libyan Arab Jamahiriya) • 92.203. Endorse the United Nations Declaration on the Rights of Indigenous Peoples when completing its national review process (Finland) • 92.205. Continue its forward movement on the Declaration of the Rights of Indigenous Peoples (New Zealand) • 92.206. Guarantee the full enjoyment of the rights on natives of America in line with the United Nations Declaration on the Rights of Indigenous Peoples (Nicaragua);	
<u>They accepted the following recommendations “in part:</u> • 92.199. End the violation of the rights of indigenous peoples (Cuba) • 92.201. Recognize the United Nations Declaration on the Rights of Indigenous Peoples without conditions or reservations, and implement it at the federal and state levels (Plurinational State of Bolivia)	<u>Their official response:</u> The following enjoy our support, in part: • 199, as explained in paragraph 4. • 201. We cannot accept its first part (“recognize ... without conditions”), but its second part (“implement ...”) enjoys our support, consistent with the Announcement
<u>They rejected the following recommendation:</u> • 92.204. That the United Nations Declaration on the Rights of Indigenous People be used as a guide to interpret the State obligations under the Convention relating to indigenous peoples (Ghana)	<u>Their official response:</u> The following does not enjoy our support: • 204.



National security

The U.S. government accepted recommendations that they consider “inviting relevant mandate holders as followup” to the 2006 study and Administration’s decision to close the Guantanamo Bay detention facility, and stated that they have made their desire to close the facility clear, and will continue to “work with Congress, the courts, and other countries to do so in a responsible manner that is consistent with [their] international obligations.” They stated that they have “consistently” invited UN Special Rapporteurs to tour the Guantanamo Bay detention facility and that the invitation remains. They stated that “the Presedent has closed all CIA detention facilities and has prohibited CIA operation of such facilities.” However, they did not accept recommendations reagarding “reparation, redress, remedies, or compensation” for to victims of acts of torture in facilities under US control, stating that, while mechanisms are available in US court, outcomes cannot be guaranteed. They stated that they will and to respond to recommendations from the Special Rapporteur for the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism. They agreed to halt detainee transfers to third countries unless “adequate safeguards” for their treatment in accordance in international law are in place. They did not accept recommendations to “bring to justice those responsible for all war crimes and massacres against unarmed civilians, women, children as well as acts of torture carried-out in prisons”, nor did they accept a recommendation to “guarantee that civilians be tried to be tried by their natural judge and not by military commissions.”

They accepted the following recommendations:

- **92. 89.** Consider the possibility of inviting relevant mandate holders as followup to the 2006 joint-study by the 5 special procedures, in view of the decision of the current Administration to close the Guantanamo Bay detention facility (Malaysia);
- **92.90.** Respond and follow-up appropriately the recommendations formulated to the United States by the Special Rapporteur for the Protection of Human Rights and Fundamental Freedoms while Countering Terrorism (Mexico)
- **92.139.** That measures be taken to eradicate all forms of torture and illtreatment of detainees by military or civilian personnel, in any territory of jurisdiction, and that any such acts be thoroughly investigated (Norway)
- **92.161.** Halt all transfer detainees to third countries unless there

Their official response:

The following enjoy our support:

- 89, 90, 139, and 161.
- 58 and 176, insofar as they recommend compliance with our international law obligations.
- 66 and 146, because existing Federal criminal laws comply with our obligations under the Convention against Torture.
- 149, although noting that some of the referenced points may not be fully applicable in every context.
- 159 and 160. We have made clear our desire to close the Guantánamo Bay detention facility and will continue to work

are adequate safeguards to ensure that they will be treated in accordance with international law requirements (Ireland) • 92.58. Make fully consistent all domestic anti-terrorism legislation and action with human rights standards (Islamic Republic of Iran) • 92.176. Respect the human rights of prisoners of war, guaranteed by the penal norms (Nicaragua) • 92.66. Enact a federal crime of torture, consistent with the Convention, and also encompassing acts described as ‘enhanced interrogation techniques’ (Austria) • 92.146. Define torture as a federal offense in line with the Convention against Torture and investigate, prosecute and punish those responsible of crimes of extraterritorial torture (Plurinational State of Bolivia) • 92.149. Observe the Amnesty International 12 points program to prevent torture perpetrated by government agents (Ecuador) • 92.159. Close without any delay all detention facilities at the Guantanamo Bay as President Barack Obama has promised (Viet Nam); • 92.160. Find for all persons still detained in the Guantanamo Bay detention center a solution in line with the United States obligations regarding the foundations of international and human rights law, in particular with the International Covenant on Civil and Political Rights (Switzerland) • 92.188. Adopt a set of legislative and administrative measures aimed at ensuring prohibition of the use by state and local authorities of modern technology for excessive and unjustified intervention in citizens’ private life (Russian Federation) • 92.218. Do not prosecute those arrested for terrorist crimes or any other crime in exceptional tribunals or jurisdictions, but bring them to judicial instances legally established, with the protection of due process and under all the guarantees of the American Constitution (Ecuador)	with Congress, the courts, and other countries to do so in a responsible manner that is consistent with our international obligations. Until it is closed, this Administration will continue to ensure that operations there are consistent with our international legal obligations. • 188, because our Constitution’s Fourth Amendment and existing U.S. law prohibit the use of modern technology for excessive and unjustified interference in individuals’ private lives. • 218. Persons who are charged with terrorist-related crimes are tried under legally established processes in either civilian courts or military commissions, depending on the nature of the crime and the individual. They are afforded all applicable protections under domestic and international law.
--	--

<u>They accepted the following recommendations “in part:</u> • 92.59. Legislate appropriate regulations to prevent the violations of individual privacy, constant intrusion in and control of cyberspace as well as eavesdropping of communications, by its intelligence and security organizations (Islamic Republic of Iran) • 92.88. Invite United Nations Special Rapporteurs to visit and investigate Guantanamo Bay prison and United States secret prisons and to subsequently close them (Islamic Republic of Iran) • 92.60. Take effective legal steps to halt human rights violations by its military forces and private security firms in Afghanistan and other States (Islamic Republic of Iran) • 92.137. Prosecute the perpetrators of tortures, extrajudicial executions and other serious violations of human rights committed in Guantanamo, Abu Ghraib, Bagram, the NAMA and BALAD camps, and those carried out by the Joint Special Operations Command and the CIA (Cuba) • 92.138. Heed the call of the High Commissioner to launch credible independent investigations into all reliable allegations made to date of violations of international human rights law committed by American forces in Iraq, including extrajudicial killings, summary executions, and other abuses (Egypt) • 92.140. Stop the war crimes committed by its troops abroad, including the killings of innocent civilians and prosecute those who are responsible (Cuba) • 92.155. Close Guantanamo and secret centers of detention in the world, punish agents that torture, disappear and execute persons who have been arbitrarily detained, and compensate victims (Bolivarian Republic of Venezuela) • 92.166. Take effective measures to put an end to gross human rights abuses including violence against women, committed for decades by the United States military personnel stationed in foreign bases (Democratic People’s Republic of Korea) • 92.217. Halt serious violations of human rights and humanitarian law including covert external operations by the CIA, carried out on	<u>Their official response:</u> The following enjoy our support, in part: • 59, as explained in paragraph 4. Our Constitution and laws contain appropriate rules to protect the privacy of communications, consistent with our international human rights obligations. • 88, as explained in paragraph 4. The United States has consistently invited United Nations Special Rapporteurs to tour the detention facility at Guantánamo, to observe detention conditions, and to observe military commission proceedings. That invitation remains. • 60, 137, 138, 140, 155, 166, and 217, as explained in paragraph 4. The U.S. supports recommendations calling for prohibition and vigorous investigation and prosecution of any serious violations of international law, as consistent with existing U.S. law, policy and practice. We reject those parts of these recommendations that amount to unsubstantiated accusations of ongoing serious violations by the United States. • 136, 147, 148, 156, and 157. We intend to close the Guantánamo Bay detention facility. The President has closed all CIA detention facilities and has prohibited CIA operation of such facilities. We allow the International Committee of the Red Cross access to individuals detained by the United States pursuant to armed conflict. We investigate allegations of torture, and prosecute where appropriate. We cannot accept portions of these recommendations concerning reparation, redress, remedies, or compensation. Although mechanisms for remedies are available through U.S. courts, we cannot make commitments regarding their outcome. We cannot accept the
--	---

the pretext of combating terrorism (Islamic Republic of Iran) • 92.136. Take legal and administrative measures to address civilian killings by the US military troops during and after its invasion of Afghanistan and Iraq by investigating and bringing perpetrators to justice and remedying the victims and to close its detention facilities in foreign territories like Guantanamo, including CIA secret camps (Democratic People's Republic of Korea) • 92.147. Conduct thorough and objective investigation of facts concerning use of torture against imprisoned persons in the secret prisons of United States of America and detainees of the detention centres in Bagram and Guantanamo, bring those who are responsible for these violations to justice, and undertake all necessary measures to provide redress to those whose rights were violated, including payment of necessary compensation (Russian Federation) • 92.148. Take measures to ensure reparation to victims of acts of torture committed under United States' control and allow access to the International Committee of the Red Cross to detention facilities under the control of the United States (Brazil) • 92.156. Expedite efforts aimed at closing the detention facility at Guantanamo Bay and ensure that all remaining detainees are tried, without delay, in accordance with the relevant international standards (Egypt); Proceed with the closure of Guantanamo at the earliest possible date and bring to trial promptly in accordance with the applicable rules of international law the detainees held there or release them (Ireland); • 92.157. Quickly close down Guantanamo prison and follow the provision of the United Nations Charter and the Security Council Resolution by expatriating the terrorist suspect to their country of origin (China) • 92.142. Halt selective assassinations committed by contractors, and the privatization of conflicts with the use of private military companies (Bolivarian Republic of Venezuela); • 92.143. End the use of military technology and weaponry that have	part of 136 that we close <i>all</i> detention centers; the United States maintains certain internment facilities abroad, consistent with applicable U.S. and international law. We cannot agree to the part of 156 that we release all individuals detained pursuant to an armed conflict who are not promptly brought to trial. Regarding recommendation 157, transfers of detainees to their home countries will only be conducted in accordance with our humane treatment policies. • 142, as explained in paragraph 4. Our contractors are not authorized to engage in direct hostilities or offensive operations or to commit assassinations. Like U.S. Government personnel, contractors may only use force consistent with our international and domestic legal obligations. We have expressed support for the International Code of Conduct for Private Security Service Providers. • 143, as explained in paragraph 4. In U.S. military operations, great care is taken to ensure that only legitimate objectives are targeted and that collateral damage is kept to a minimum. • 187, as explained in paragraph 4, and noting that we collect information about our citizens only in accordance with U.S. law and international obligations.
---	--

proven to be indiscriminate and cause excessive and disproportionate damage to civilian life (Egypt) • 92.187. Guarantee the right to privacy and stop spying on its citizens without judicial authorization (Bolivarian Republic of Venezuela);	
<u>They rejected the following recommendations:</u> • 92. 141. Halt immediately the unjustified arms race and bring to justice those responsible for all war crimes and massacres against unarmed civilians, women, children as well as acts of torture carried-out in prisons such as Abu Ghraib, Bagram and Guantanamo (Nicaragua) • 92.158. The closure of Guantanamo prison as the detention conditions violate the UDHR and ICCPR and the European Convention on Human Rights (ECHR) and all other related human rights instruments (Sudan) • 92.170. Guarantee civilians to be tried by their natural judge and not by military commissions (Bolivarian Republic of Venezuela)	<u>Their official response:</u> The following do not enjoy our support: • 141, 158, and 170.

Immigration:

The U.S. government accepted recommendations to increase efforts to eliminate discrimination and abuse of authority by police officers against migrants, to evaluate federal immigration legislation enforcement and to prohibit and punish the use of racial profiling therein, and to investigate cases of immigrant incarceration, to “reconsider alternatives to the detention of migrants” and to “marten security checks so as to take into account the frequent homonymy specific to Moslem names so as to avoid involuntary discrimination against innocent people with such names because of namesakes listed as members of terrorist groups.” They accepted recommendations to address racially-motivated acts perpetrated against migrants, but only “insofar as it involves enforcing [their] laws.” While they state that the administration does not support state efforts to criminalize mere immigration status , and are committed to addressing racial discrimination and excessive use of force in immigration enforcement, they make note that “certain immigration offenses are subject to criminal sanction, e.g., illegal entry.” They declined to reconsider undocumented migrants’ access to publicly supported healthcare, stating that “undocumented migrants in the U.S. already have access to publicly supported healthcare through an extensive network of Migrant Health Centers.”

<u>They accepted the following recommendations:</u> • 92.80. Spare no efforts to constantly evaluate the enforcement of the immigration federal legislation, with a vision of promoting and protecting human rights (Guatemala) • 92.104. Make further efforts in order to eliminate all forms of discrimination and the abuse of authority by police officers against migrants and foreigners, especially the community of Vietnamese origin people in the United States (Viet Nam) • 92.108. Prohibit and punish the use of racial profiling in all programs that enable local authorities with the enforcement of immigration legislation and provide effective and accessible recourse to remedy human rights violations occurred under these programs (Mexico) • 92.165. Further foster its measures in relation to migrant women and foreign adopted children that are exposed to domestic violence (Republic of Moldova) • 92.183. Investigate carefully each case of immigrants’ incarceration (Switzerland) • 92.212. Reconsider alternatives to the detention of migrants (Brazil) • 92.220. Smarten security checks so as to take into account the frequent homonymy specific to Moslem names so as to avoid involuntary discrimination against innocent people with such names because of namesakes listed as members of terrorist groups (Algeria) • 92.106. Take administrative and legal measures against perpetrators of racially motivated acts, targeting migrants and minority communities (Bangladesh) • 92.144. Increases its efforts to eliminate alleged brutality and use of excessive force by law enforcement officials against, inter alia, Latino and African American persons and undocumented migrants, and to ensure that relevant allegations are investigated and that perpetrators are prosecuted (Cyprus) • 92.164. Ensure that detention centers for migrants and the treatment they receive meet the basic conditions and universal	<u>Their official response:</u> The following enjoy our support: • 80, 104, 108, 165, 183, 212, and 220. • 106, insofar as it involves enforcing our laws, e.g., hate crimes legislation, and taking appropriate administrative actions. • 144, insofar as it allows for the exercise of prosecutorial discretion. • 164, 184, and 210, insofar as they recommend compliance with our obligations under international human rights law. • 185, insofar as “entitled” to counsel means that a migrant in removal proceedings in immigration court enjoys the right to counsel at his/her own expense, and “fully understand their rights” means to have been provided information in a language they understand. • 213, understanding “consular assistance” to mean access consistent with Article 36 of the Vienna Convention on Consular Relations and similar provisions in bilateral consular agreements. • 214, understanding that “basic services” refers to services such as primary education and emergency health services that are provided to migrants regardless of status. • 223, because this recommendation comports with the United States’ general practice of widely disseminating information on its consular notification and access outreach and training efforts, including to foreign missions in the United States.
---	--

human rights law (Guatemala) • 92.184. Adapt the detention conditions of immigrants in line with international human rights law (Switzerland) • 92.210. Protect the human rights of migrants, regardless of their migratory status (Ecuador) • 92.185. Ensure that migrants in detention, subject to a process of expulsion are entitled to counsel, a fair trial and fully understand their rights, even in their own language (Guatemala) • 92.213. Ensure access of migrants to consular assistance (Brazil) • 92.214. Make greater efforts to guarantee the access of migrants to basic services, regardless of their migratory status (Uruguay) • 92.223. Inform Foreign Missions regularly of efforts to ensure compliance with consular notification and access for foreign nationals in United States custody at all levels of law enforcement (United Kingdom)	
<u>They accepted the following recommendations “in part:</u> • 92.79. Attempt to restrain any state initiative which approaches immigration issues in a repressive way towards the migrant community and that violates its rights by applying racial profiling, criminalizing undocumented immigration and violating the human and civil rights of persons (Guatemala) • 92.105. Avoid the criminalization of migrants and ensure the end of police brutality, through human rights training and awareness-raising campaigns, especially to eliminate stereotypes and guarantee that the incidents of excessive use of force be investigated and the perpetrators prosecuted (Uruguay) • 92.82. Adopt a fair immigration policy, and cease xenophobia, racism and intolerance to ethnic, religious and migrant minorities (Bolivarian Republic of Venezuela) • 92.102. Revoke the national system to register the entry and exit of citizens of 25 countries from the Middle-East, South Asia and North Africa, and eliminate racial and other forms of profiling and stereotyping of Arabs, Muslims and South Asians as recommended by CERD	<u>Their official response:</u> The following enjoy our support, in part: • 79 and 105, as explained in paragraph 4. We will continue to both conduct human rights training and awareness campaigns and, where appropriate, bring civil or criminal actions regarding racial profiling, police brutality, and excessive use of force, and other actionable civil rights violations against immigrants. While unlawful presence in the U.S. is not a crime, and the federal government does not support state initiatives that aim to criminalize mere status, we cannot support the parts related to the “criminalization” of migrants, as certain immigration offenses are subject to criminal sanction, e.g., illegal entry. • 82, as explained in paragraph 4. It is consistent with our continuing efforts to improve our immigration policies and to eliminate xenophobia, racism, and intolerance in our society.

• 92.207. End violence and discrimination against migrants (Cuba)	• 102, as explained in paragraph 4, and as our Constitution and numerous statutes prohibit the invidious use of race or ethnicity. The registration requirements of the <i>National Security Entry-Exit Registration System</i> are under review at this time. • 207, as explained in paragraphs 3 and 4.
<u>They rejected the following recommendations:</u> • 92.110. Repeal and do not enforce discriminatory and racial laws such as Law SB 1070 of the State of Arizona (Ecuador) • 92.182. Incarcerate immigrants only exceptionally (Switzerland) • 92.211. Reconsider restrictions on undocumented migrants' access to publicly supported healthcare (Brazil)	<u>Their official response:</u> The following do not enjoy our support: • 110, as the Federal Executive Branch lacks the authority to repeal or refuse to enforce laws enacted at the State level. • 182, as we endeavor not to detain irregular immigrants unnecessarily, but our statutes, policies, and practices result in detention other than in "exceptional circumstances." • 211. Nevertheless, we note that undocumented migrants in the U.S. already have access to publicly supported healthcare through an extensive network of Migrant Health Centers.



Other Recommendations

The U.S. government rejected additional recommendations that were not included in the above categories. They rejected numerous recommendations to end the blockade against Cuba and to end the incarceration of political prisoners such as Leonard Peltier and Mumia Abu-Jamal. They made little comment on these rejected recommendations, save for noting that extradition policies (related to recommendations to extradite or prosecute Luis Posada Carriles) are "made on a case-by-case basis, consistent with our international legal obligations, and the United States cannot prejudge the outcome of any particular case."

<u>They rejected the following recommendations:</u> • 92. 55. Repeal the amendment which allows for slavery as a punishment (Bolivarian Republic of Venezuela) • 92.57. Abolish its extrajudicial and extraterritorial laws and refrain from the application of unilateral measures against other countries (Islamic Republic of Iran) • 92.61. Unconditionally abolish its extraterritorial legislation on human rights and other related matters against other countries including the ‘North Korea Human Rights Act’, as these legislations represent flagrant breach of their sovereignty and insulting violations of the dignity and the rights of the people (Democratic People’s Republic of Korea) • 92.69. Take legislative and administrative measures to end defamation of religion (Democratic People’s Republic of Korea) • 92.75. End the blockade against Cuba² (Cuba); Put an end to the infamous blockade against Cuba (Bolivarian Republic of Venezuela); Lift the economic, financial and commercial blockade against Cuba, which affects the enjoyment of the human rights of more than 11 million people (Plurinational State of Bolivia) • 92.76. Lift the infamous economic, commercial and financial blockade as well as liberate immediately the five Cubans held in prison for 12 years (Nicaragua) • 92.77. Put an end to the economic financial and commercial embargo against Cuba and Sudan (Sudan); • 92.78. Unconditionally lift its measures of economic embargoes and sanctions unilaterally and coercively imposed upon other countries, as these measures are inflicting severe and negative impact on the human rights of the peoples (Democratic People’s Republic of Korea) • 92.117. Respect the Cuban people’s right to self-determination and cease its actions of interference and hostility against Cuba (Cuba) • 92.153. Release the five Cuban political prisoners – arbitrarily detained, as acknowledged by the Working Group on Arbitrary Detentions in its Opinion No. 19/2005, serving unjust sentences	<u>Their official response:</u> We received a few recommendations that do not fit neatly into specific categories. Some call on the U.S. Government to extradite particular individuals. Decisions on extradition cases are made on a case-by-case basis, consistent with our international legal obligations, and the United States cannot prejudge the outcome of any particular case. The following do not enjoy our support. • 55, 57, 61, 69, 75, 76, 77, 78, 117, 153, 154, 171, 172, and 215.
--	--

that resulted from a politically manipulated trial in open disregard for the rules of due process (Cuba); • 92.154. End the unjust incarceration of political prisoners, including Leonard Peltier and Mumia Abu-Jamal (Cuba) • 92.171. Prosecute or extradite for trial Luis Posada Carriles and dozens of other well-known terrorists living in impunity in the United States³ (Cuba); • 92.172. Extradite the confessed terrorist Luis Posada Carriles (Bolivarian Republic of Venezuela) • 92.215. Put an end to its actions against the realization of the rights of peoples to a healthy environment, peace, development and self-determination (Cuba)	
---	--