

STATEMENT
UPR Pre-session on the United States of America
Geneva, August 28, 2025
Delivered by: The ERA Coalition

1. Presentation of the Organization

This statement is delivered on behalf of the ERA Coalition, a non-governmental organization, comprised of over 300 national, state, and local partner organizations across the United States representing millions of advocates working for sex equality for all. The issues raised in this statement are done so in conjunction with Equality Now, The U.S. End FGM/C Network, Unchained At Last, and the Alliance for Universal Digital Rights.

2. National Consultations for the Drafting of the National Statement

To our knowledge, no national consultations were held in the United States for the drafting of its National Report.

3. Plan of the Statement

This statement addresses the following issues within the theme of women and girls' rights: (1) constitutional sex equality, (2) child marriage, (3) female genital mutilation/cutting, and (4) online sexual exploitation and abuse.

4. Statement

Lack of Implementation of Legal Equality on the Basis of Sex in the US Constitution

A. Follow-up to the third review

Despite meeting all constitutional requirements, the Equal Rights Amendment, which guarantees equality under the law on the basis of sex, remains unrecognized and unimplemented by the United States Government. As a result, sex- and gender-based claims are adjudicated at a lower level of judicial scrutiny than other protected classes, such as race. The absence of constitutional equality leaves key areas of law, including reproductive healthcare, workplace protections, protections against child marriage, and redress for gender-based violence, vulnerable to political shifts and judicial discretion.

The United States has never received a UPR recommendation calling for constitutional sex equality.

B. New developments since the third review

In January 2025, before leaving office, President Biden declared that the Equal Rights Amendment was the 28th Amendment to the US Constitution and the "law of the land."

However, the current administration has since archived the declaration from the White House webpage and failed to take action toward implementation. Although the recognition of the ERA as validly ratified has gained significant support, including from the American Bar Association, made up of the country's most respected legal scholars, it remains politically contested.

Without constitutional equality, the US is in direct violation of its human rights obligations. In 2023, the UN Human Rights Committee found that the US' failure to implement the ERA is a violation of the rights to equality and non-discrimination under the International Covenant on Civil and Political Rights (ICCPR).

C. Recommendations

We recommend that the Government of the United States:

- a. Take every step necessary to universally recognize and fully implement the ERA as the 28th Amendment to the US Constitution.

Lack of Protection Against Child Marriage

A. Follow-up to the third review

Child marriage remains legal in 34 US states, and more than 315,000 minors—most of them girls—have been legally entered into marriage in the US since 2000. In four states, there is no statutory minimum age for marriage, meaning a child of any age can be entered into marriage with judicial and/or parental consent. Tens of thousands of child marriages in the US are occurring at an age or with a spousal age differences that meet the definition of statutory rape. Child marriage is a harmful practice that increases the risk of sexual abuse, domestic violence, early pregnancy, poverty, and limited educational attainment. Access to justice is severely limited, as minors often cannot access domestic violence shelters, initiate divorce proceedings, or retain legal counsel.

In the 3rd UPR cycle, the US received one recommendation related to child marriage, but it focussed on foreign aid, not domestic law.

B. New developments since the third review

Since the last review, momentum to end child marriage in the United States has accelerated. Sixteen US states, most recently Maine, Missouri, and Oregon, have enacted legislation to raise the minimum age of marriage to 18 without exceptions. These wins reflect growing bipartisan consensus against child marriage. However, 34 states still allow marriage under 18, and multiple federal laws, including those governing immigration and military benefits, continue to facilitate such marriages. Such laws are in direct violation of the United States' obligations under the ICCPR.

C. Recommendations

We recommend the Government of the United States to:

- a. Enact laws at the state and federal levels that sets the minimum age of marriage at 18, without exceptions;
- b. Repeal all marital exceptions or defenses to the crime of statutory rape at the state and federal levels;
- c. Amend all federal laws that encourage, condone, or incentivise child marriage.

Lack of Comprehensive Protections Against Female Genital Mutilation/Cutting

A. Follow-up to the third review

FGM/C is recognized in the US and internationally as a human rights violation and an extreme form of gender-based violence. Over 500,000 women and girls in the US are at risk of or have been subjected to FGM/C. This includes women and girls who are born in the US and live in the country, who may be subjected to FGM/C domestically or taken abroad for “vacation cutting.” Despite a federal criminal law, there have been no convictions for the offence of FGM/C. At the state level, only 41 states have specific laws against FGM/C, and not all are comprehensive or take a multi-sectoral approach. Survivors continue to face stigma, a lack of services, and limited legal remedies.

In the 3rd UPR cycle, the US received one recommendation related to FGM/C, but it focussed on foreign aid, not domestic action. This reflects the persistent misconception that FGM/C is not a domestic issue. In reality, FGM/C is practiced by local US-born communities and people from diaspora communities from countries where FGM/C is not widely prevalent.

B. New developments since the third review

Since the last UPR, the US enacted the STOP FGM Act of 2020, which strengthened the previous federal law against FGM/C and clarified its jurisdictional scope. However, implementation has been extremely limited, with only two federal prosecutions to date. Notably, several states have introduced or strengthened anti-FGM/C laws during this period, but nine states still lack specific legislation.

At the same time, there is a concerning rise in the political misuse of FGM/C legal frameworks to criminalize gender-affirming care for transgender youth. Legislative efforts to conflate gender-affirming care with FGM/C misrepresent the nature of both, undermine survivor protections and distort the purpose of anti-FGM laws. Such actions not only harm transgender individuals, but risk further stigmatization and reduced access to support for survivors of FGM/C.

C. Recommendations

We recommend the United States Government to:

- a. Effectively implement the federal law on FGM/C and oppose its misuse to criminalize gender-affirming care;
- b. Collect and publish regular, disaggregated data on prevalence rates;
- c. Encourage and support states to pass comprehensive laws, including civil remedies, vacation cutting provisions, education and awareness raising, funding for survivor services, and mandatory training for key sectors.

Lack of Protection from Online Sexual Exploitation and Abuse

D. Follow-up to the third review

Online sexual exploitation and abuse (OSEA) is growing rapidly in the United States and exists in a continuum with abuse in the physical realm, both stemming from the same system of violence rooted in gender-based inequality and systemic misogyny. OSEA encompasses a range of harms, including non-consensual image sharing, live-streamed abuse, sexual coercion and extortion, and AI-generated sexual content such as deepfakes. Women and girls are disproportionately affected, and survivors face significant legal and procedural barriers to justice, particularly when abuse is disseminated digitally. Current US laws do not adequately address emerging technologies, lack robust mechanisms for platform accountability and safety-by-design, and provide limited avenues for redress.

OSEA has not been raised to the US in previous UPR cycles.

E. New developments since the third review

Since the last UPR cycle, public awareness and government response to OSEA has grown significantly, but the proliferation of online harms has significantly outpaced legal responses. Passage of the Take It Down Act, which provides a tool to facilitate the removal of intimate images online, and the REPORT Act, which streamlines abuse reporting requirements and implements penalties for tech companies, are positive steps, but implementation remains to be seen. A number of bills have been introduced at the federal level, including the DEFIANCE Act and the SHIELD Act, but remain stalled in Congress.

At the state level, laws vary in scope and enforcement. This, along with the trans-jurisdictional nature of OSEA, has led to a fragmented patchwork of state responses and significant disparities in survivors' ability to access justice.

At the international level, the US has participated in negotiations for the Global Digital Compact and the upcoming UN Convention Against Cybercrime, but has yet to commit to ratification or meaningful domestic implementation.

F. Recommendations

Based on the above, we recommend that the United States Government:

- a. Adopt survivor-centered laws that address all forms of OSEA, including deepfake and AI-generated content, by passing legislation including the DEFIANCE Act and the SHIELD Act;
- b. Ensure legal frameworks embed survivor-centered responses that include civil remedies, strong platform accountability, and survivor support mechanisms;
- c. Sign and ratify the UN Convention Against Cybercrime when it opens for ratification, ensuring its provisions are incorporated into domestic law and enforcement practices.

Thank you for your attention.