

Gender equality & protection gaps in the United States of America

50th Session of the Universal Periodic Review

Overview

- Despite its obligations under international law, particularly the International Covenant on Civil and Political Rights, the United States continues to fall short in protecting the rights of women and girls.
- Gender equality is under sustained attack. Legal and political shifts have eroded hard-won protections for women, girls, and LGBTQ+ individuals.
- Supreme Court decisions have rolled back reproductive rights; presidential orders have dismantled federal safeguards; and anti-rights groups have targeted gender frameworks.
- As the US has ratified few international human rights treaties and there is infrequent opportunity for UPR recommendations, this Review is a rare and urgent opportunity to hold the US accountable.
- We urge Member States to issue strong, specific recommendations across four key areas.

Lack of constitutional equality - Equal Rights Amendment (ERA)

Impact: Without explicit constitutional protections from sex and gender-based discrimination, courts often fail to provide redress in cases of gender-based violence, workplace inequality, reproductive rights, and more. The ERA, an amendment that prohibits discrimination on the basis of sex, has met all constitutional requirements, yet remains unrecognized and unimplemented by the current US Government. The ERA is urgently needed to safeguard human rights and prevent further backsliding.

Recommendation:

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

Child marriage remains legal

Impact: Nearly 300,000 minors—mostly girls—have been legally married in the US since 2000, and the practice remains legal in 34 states. Child marriage is a harmful practice that increases the risk of sexual abuse, early pregnancy, poverty, and limited educational attainment. Survivors face insurmountable legal barriers to leaving marriages and accessing support, due to being minors.

Recommendations:

- Encourage states to enact laws that set the minimum age of marriage at 18, without exceptions.
- Amend all federal laws that encourage, condone, or incentivise marriage before age 18.
- Repeal all marital exceptions or defenses to the crime of statutory rape.

UNCHAINED
at last

EN Equality
Now

A just world for all women and girls

ERACoalition

END FGM/C
U.S. NETWORK

Alliance For

Universal

Digital Rights

Inadequate protections against female genital mutilation/cutting (FGM/C)

Impact: Over 500,000 women and girls in the US are at risk of or have been subjected to FGM/C. Despite a federal law and laws in 41 states, there have never been any convictions for the offence of FGM/C. Nine states still lack specific laws against FGM/C. Survivors face stigma, a lack of services, and limited legal remedies. At the same time, FGM/C frameworks are increasingly being coopted to criminalize gender-affirming care, undermining survivor protections and trans rights.

Recommendations:

- Effectively implement the federal law on FGM/C.
- Collect regular, comprehensive disaggregated data on the prevalence of FGM/C in the US.
- Encourage states to enact laws that define, prohibit, and criminalize all forms of FGM/C, including education, awareness raising, and mandatory training.
- Condemn and prevent the harmful conflation of FGM/C with gender-affirming care, ensuring legal frameworks are not misused to target trans communities or restrict access to healthcare.

Failure to address online sexual exploitation and abuse (OSEA)

Impact: OSEA is growing rapidly and exists in a continuum with abuse in the physical realm, as a part of the same system of violence rooted in gender-based inequality and systemic misogyny. 40% of trafficking victims in the US are recruited online. Survivors, disproportionately women and girls, have limited legal options when abuse is shared or generated digitally. Current laws do not adequately address AI-generated sexual abuse, deepfakes, or platform accountability.

Recommendations:

- Enact laws that address the root causes of OSEA, in particular gender and sex-based discrimination, intersecting inequalities, and the proliferation of misogyny and abuse of power online and through the use of digital technologies.
- Pass legislation to criminalize all forms of OSEA, including AI-generated and non-consensual content, including the DEFIANCE Act and SHIELD Act.
- Fully implement existing legislation, including the Take It Down Act and the REPORT Act.

Please refer to the full joint submission for further information on these issues and a list of partner organizations.



A just world for all women and girls

 equalitynow.org

 alaw@equalitynow.org



 eracoalition.org

 bhager@eracoalition.org