



**Statement**  
**UPR outcome report of the United States of America**  
**18 March 2011**

The Universal Periodic Review of the United States addressed a large number of important issues, such as the death penalty, mistreatment of migrants, racial disparities in education, access to health care and accountability for torture.

We note that the US government agreed to the recommendations to consider inviting Special Rapporteurs to visit and investigate conditions at Guantanamo Bay. However, we regret the US did not use this opportunity to directly issue an invitation to all relevant Rapporteurs, given that the conditions and duration of detention at Guantanamo Bay warrant their immediate attention. Moreover, any invitation extended to Special Rapporteurs would be hollow if the US denies access to detainees and certain facilities at the detention center as it has in the past. Any invitation to visit and investigate Guantanamo Bay should include full and unimpeded access to all detainees in private, all facilities, and all locations within facilities.

We acknowledge that the US has accepted, without reservation, the Norwegian recommendation to eradicate and investigate torture (139). We remind the US that investigation of torture involves seeking accountability at all levels, including the officials who ordered or acquiesced to torture.

We note with disappointment the US rejection of most recommendations related to the death penalty. We are however pleased to see the US government agree to study racial disparity in application of the death penalty. We urge the US government to recognize the almost-universally recognized racially disparate results of the capital sentencing process. We urge the US government to complete such a study without delay.

We are encouraged by the number of recommendations accepted by the US to improve detention conditions, improve treatment of migrants, and combat racial profiling. The US government should urgently assert its responsibility to reform the immigration system so as to prevent the mistreatment of immigrants occurring at the state and local level.

We are however disappointed with the rejection of the Swiss recommendation to allow parole for youth under age 18 who commit murder. By rejecting this recommendation, the US cements its position as a global outlier in the treatment of child offenders, refusing to grant them even a chance of rehabilitation.

Human Rights Watch would like to acknowledge the engagement by the US government with civil society throughout the UPR process. The US has sought input from civil society for many months prior to the November UPR session, and has continued to do so between that session and today.

As representatives from the US government have previously stated, today's report by the US is a gateway, not an endpoint. The recommendations accepted by the US will become meaningless without follow through. We therefore urge the US government to:

- Use the opportunity of implementation to explore ways to more fully engage state and local governments in the process. Beyond letters or regional hearings, we urge a dynamic, consistent exchange on implementing the recommendations closer to home.
- Make implementation of these recommendations not a process controlled by the State Department, but of equal import across Cabinet agencies.
- Continue its consultation with civil society in determining how best to move forward in implementation, on benchmarks to set, and on preparation for the second report three years from today.

Thank you.

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