

United States of America Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 1st July 2013 (with minor changes made on 16 July 2013)



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/united_States

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

102 stakeholders' reports were submitted for the UPR. 79 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. No National Human Rights Institution (NHRI) does exist.

24 NGOs responded to our enquiry. No UN agency did respond. The State under Review did not respond to our enquiry.

The following stakeholders took part in the report:

1. **NGOs:** (1) Accountability Counsel (AC) (2) Advocates for Human Rights (AHR) (3) Alberto Saldamando (AS) (4) Americans for Immigrant Justice (AIJ) (5) Best Practices Policy Project (BPPP) (6) Center for Effective Discipline (EPOCH-USA) (CED) (7) Charity and Security Network (CSN) (8) Council for Global Equality (CGE) (9) Diné Homeowners & Communities Association, Inc. (DHCA) (10) Disability Rights Education and Defense Fund (DREDF) (11) Geneva International Centre for Justice, International Organization for the Elimination of All Forms of Racial Discrimination, Union of Arab Jurists, the Arab Lawyers Union, General Arab Women Federation, Arab Lawyers Association- UK, The Iraqi Commission on Human Rights (joint1) (12) Heartland Alliance's National Immigrant Justice Center (NIJC) (13) Immigration Equality (IE) (14) International Indian Treaty Council (IITC) (15) Just Detention International (JDI) (16) National Indian Youth Council (NIYC) (17) Organization for Defending Victims of Violence (ODVV) (18) PEN American Center (PENAC) (19) Proceso de Comunidades Negras (PCN) (20) Reporters sans Frontières (RSF) (21) The Western Shoshone Defense Project (TWSDP) (22) US Human Rights Network (USHRN) (23) World Coalition Against the Death Penalty (WCADP) (24) Yamasi People (Yamasi)

IRI: 153 recommendations are not implemented, 28 recommendations are partially implemented, and 3 recommendations are fully implemented. No answer was received for 91 out of 280 recommendations and voluntary pledges (full list of unanswered recommendations is available at the end of this document).



2. Index

Hereby the issues which the MIA deals with:

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51	Algeria	International instruments	partially impl.	page 48
225	Algeria	Detention conditions,Justice	not impl.	page 77
15	Australia	ESC rights - general,International instruments	not impl.	page 38
42	Australia	International instruments,Women's rights	not impl.	page 46
45	Australia	International instruments,Rights of the Child	not impl.	page 46
47	Australia	Disabilities,International instruments	not impl.	page 47
142	Australia	Sexual Orientation and Gender Identity	partially impl.	page 84
159	Australia	Death penalty	not impl.	page 66
24	Austria	Disabilities,International instruments,Rights of the Child,Women's rights	partially impl.	page 39
31	Austria	International humanitarian law,International instruments,Justice	not impl.	page 44
63	Austria	Death penalty,International instruments	not impl.	page 52
80	Austria	International instruments,Torture and other CID treatment	not impl.	page 55
84	Austria	Detention conditions	not impl.	page 61
124	Austria	Justice,Racial discrimination	not impl.	page 63
235	Austria	Detention conditions,Justice	not impl.	page 82
276	Austria	Civil society,UPR process	not impl.	page 60
127	Bangladesh	ESC rights - general,Freedom of religion and belief,Migrants,Minorities	partially impl.	page 19
238	Bangladesh	General	not impl.	page 95
152	Belgium	Death penalty	not impl.	page 65
193	Belgium	Detention conditions,Torture and other CID treatment	partially impl.	page 72
206	Belgium	Detention conditions	partially impl.	page 74
50	Bolivia	International instruments	not impl.	page 47
76	Bolivia	Civil society,International instruments,Justice,Right to education,Right to health,Right to housing	not impl.	page 11
106	Bolivia	Indigenous peoples,International instruments	not impl.	page 18



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129	Bolivia	Human rights violations by state agents,Racial discrimination	partially impl.	page 12
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242	Bolivia	Freedom of association and peaceful assembly,Labour,Migrants	not impl.	page 10
251	Bolivia	Indigenous peoples,International instruments	not impl.	page 58
252	Bolivia	Indigenous peoples,International instruments	not impl.	page 58
54	Brazil	International instruments	not impl.	page 49
59	Brazil	International instruments,Torture and other CID treatment	not impl.	page 51
189	Brazil	Detention conditions,Torture and other CID treatment	not impl.	page 70
246	Brazil	ESC rights - general	fully impl.	page 14
262	Brazil	Migrants,Right to health	not impl.	page 16
263	Brazil	Detention conditions,Migrants	not impl.	page 24
264	Brazil	Migrants	not impl.	page 25
6	Canada	Disabilities,ESC rights - general,International instruments,Rights of the Child,Women's rights	partially impl.	page 33
20	China	Disabilities,ESC rights - general,International instruments,Rights of the Child,Women's rights	not impl.	page 41
192	China	Human rights violations by state agents,Minorities	partially impl.	page 71
19	Costa Rica	International instruments,Justice,Rights of the Child,Torture and other CID treatment,Women's rights	not impl.	page 40
110	Costa Rica	Human rights education and training	not impl.	page 12
144	Costa Rica	Disabilities,International instruments	partially impl.	page 20
122	Cuba	Racial discrimination	not impl.	page 12
178	Cuba	Detention conditions,Extrajudicial executions,Torture and other CID treatment	partially impl.	page 67
181	Cuba	Extrajudicial executions,International humanitarian law	not impl.	page 94
245	Cuba	Right to food,Right to health	not impl.	page 14
249	Cuba	Indigenous peoples	not impl.	page 22
258	Cuba	Migrants	not impl.	page 23
26	Cyprus	International humanitarian law,International instruments,Rights of the Child,Torture and other CID treatment	not impl.	page 42
48	Cyprus	International instruments,Justice	not impl.	page 47
119	Cyprus	Special procedures	not impl.	page 56
158	Cyprus	Death penalty	not impl.	page 65



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114	Denmark	International instruments	not impl.	page 55
120	Denmark	Special procedures	not impl.	page 56
13	DPR Korea	ESC rights - general, International instruments	not impl.	page 38
38	DPR Korea	International instruments, Women's rights	not impl.	page 46
43	DPR Korea	International instruments, Rights of the Child	not impl.	page 46
82	DPR Korea	Racial discrimination	not impl.	page 12
177	DPR Korea	Detention conditions, Extrajudicial executions, International humanitarian law	not impl.	page 66
191	DPR Korea	Detention conditions, Human rights violations by state agents, Torture and other CID treatment	not impl.	page 71
209	DPR Korea	Women's rights	not impl.	page 85
140	Ecuador	Racial discrimination	partially impl.	page 13
261	Ecuador	Migrants	not impl.	page 23
275	Ecuador	Other	not impl.	page 60
32	Egypt	International instruments, Migrants	not impl.	page 45
33	Egypt	Migrants	-	page 16
36	Egypt	ESC rights - general, International instruments	not impl.	page 45
78	Egypt	Freedom of religion and belief, Migrants, Racial discrimination	not impl.	page 11
79	Egypt	International instruments	not impl.	page 53
86	Egypt	NHRI	not impl.	page 90
179	Egypt	Extrajudicial executions, International humanitarian law, Public security	partially impl.	page 93
37	Finland	International instruments, Women's rights	not impl.	page 45
145	Finland	Women's rights	not impl.	page 85
254	Finland	Indigenous peoples, International instruments	not impl.	page 59
3	France	Enforced disappearances, International instruments, Justice, Rights of the Child, Torture and other CID treatment, Women's rights	not impl.	page 29
61	France	Death penalty, International instruments, Rights of the Child	not impl.	page 52
123	France	Death penalty, Racial discrimination	-	page 63
87	Germany	NHRI	not impl.	page 90
14	Ghana	ESC rights - general, International instruments	not impl.	page 38



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88	Ghana	NHRI	not impl.	page 90
255	Ghana	Indigenous peoples, International instruments	not impl.	page 59
35	Guatemala	International instruments, Migrants	not impl.	page 45
102	Guatemala	Migrants, Racial discrimination	partially impl.	page 17
103	Guatemala	Migrants	partially impl.	page 17
207	Guatemala	Detention conditions, Migrants	not impl.	page 74
234	Guatemala	Detention conditions, Justice, Migrants	not impl.	page 81
18	Haiti	International instruments, Migrants, Rights of the Child	not impl.	page 38
125	Haiti	Minorities	not impl.	page 64
53	Holy See	International instruments	not impl.	page 48
28	Hungary	International instruments	not impl.	page 43
160	Hungary	Death penalty	not impl.	page 66
11	India	ESC rights - general, International instruments, Rights of the Child, Women's rights	not impl.	page 38
29	India	International instruments, Labour, Women's rights	not impl.	page 44
9	Indonesia	ESC rights - general, International instruments, Rights of the Child, Women's rights	not impl.	page 36
60	Indonesia	CP rights - general, International instruments	not impl.	page 52
241	Indonesia	Freedom of religion and belief	not impl.	page 10
30	Iran	ESC rights - general, International instruments, Labour, Rights of the Child	not impl.	page 44
66	Iran	International humanitarian law	not impl.	page 89
72	Iran	Counter-terrorism	not impl.	page 61
73	Iran	Freedom of the press	not impl.	page 9
74	Iran	International humanitarian law	not impl.	page 90
111	Iran	Detention conditions, Special procedures	not impl.	page 55
186	Iran	Detention conditions, Torture and other CID treatment	not impl.	page 68
210	Iran	Rights of the Child, Women's rights	not impl.	page 86
220	Iran	Justice	not impl.	page 77
221	Iran	International instruments, Justice	not impl.	page 56



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250	Iran	Indigenous peoples,International instruments	not impl.	page 56
268	Iran	International humanitarian law,Counter-terrorism	-	page 95
94	Ireland	NHRI	not impl.	page 91
154	Italy	Death penalty	not impl.	page 65
8	Japan	ESC rights - general,International instruments,Rights of the Child,Women's rights	not impl.	page 36
52	Libya	International instruments	not impl.	page 48
218	Libya	Detention conditions,Justice	not impl.	page 76
219	Libya	Detention conditions,Justice	-	page 76
253	Libya	Indigenous peoples	not impl.	page 58
12	Malaysia	International instruments,Rights of the Child,Women's rights	partially impl.	page 38
68	Mexico	Justice	not impl.	page 53
130	Mexico	Racial discrimination	fully impl.	page 13
138	Mexico	Racial discrimination	partially impl.	page 13
208	Moldova	Migrants,Rights of the Child,Women's rights	not impl.	page 85
212	Moldova	Trafficking	partially impl.	page 75
247	Morocco	Right to housing	fully impl.	page 15
248	Morocco	Disabilities,Right to housing	partially impl.	page 21
21	Netherlands	Disabilities,Enforced disappearances,ESC rights - general,International instruments,Rights of the Child	not impl.	page 41
40	Netherlands	International instruments,Women's rights	not impl.	page 46
157	Netherlands	Death penalty	not impl.	page 65
41	New Zealand	International instruments,Women's rights	not impl.	page 46
44	New Zealand	International instruments,Rights of the Child	not impl.	page 46
46	New Zealand	Disabilities,International instruments	not impl.	page 47
156	New Zealand	Death penalty	not impl.	page 65
256	New Zealand	Indigenous peoples,International instruments	not impl.	page 59
49	Nicaragua	International instruments	not impl.	page 47
67	Nicaragua	Justice	not impl.	page 53
257	Nicaragua	Indigenous peoples,International instruments	not impl.	page 59



rec. n°	Rec. State	Issue	IRI	page
95	Norway	NHRI	not impl.	page 92
180	Norway	Detention conditions, Human rights violations by state agents, International humanitarian law, Torture and other CID treatment	partially impl.	page 68
278	Norway	Technical assistance	not impl.	page 96
16	Qatar	Disabilities, International instruments, Rights of the Child	not impl.	page 39
92	Qatar	NHRI	not impl.	page 91
141	Qatar	National plan of action, Racial discrimination	not impl.	page 14
23	Republic of Korea	Disabilities, ESC rights - general, International instruments, Rights of the Child, Women's rights	partially impl.	page 41
93	Republic of Korea	NHRI	not impl.	page 91
121	Republic of Korea	Special procedures	not impl.	page 56
4	Russian Federation	International instruments	not impl.	page 30
91	Russian Federation	NHRI, Treaty bodies	not impl.	page 91
150	Russian Federation	Death penalty	not impl.	page 65
188	Russian Federation	Detention conditions, Human rights violations by state agents, Torture and other CID treatment	not impl.	page 69
237	Russian Federation	Other	not impl.	page 10
22	Slovakia	International instruments	not impl.	page 41
5	Spain	International instruments	not impl.	page 31
56	Spain	International instruments	not impl.	page 49
7	Sudan	International instruments	not impl.	page 34
89	Sudan	NHRI	not impl.	page 90
148	Sweden	Death penalty	not impl.	page 65
149	Sweden	Death penalty, International instruments	-	page 66
223	Sweden	Detention conditions	not impl.	page 77
224	Sweden	Elections	not impl.	page 77
153	Switzerland	Death penalty	not impl.	page 65
231	Switzerland	Justice, Migrants	not impl.	page 77
232	Switzerland	Justice, Migrants	not impl.	page 78
233	Switzerland	Detention conditions	not impl.	page 79
27	Thailand	Disabilities, ESC rights - general, International instruments, Rights of the Child, Women's rights	not impl.	page 42



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205	Thailand	Detention conditions	partially impl.	page 73
25	Trinidad & Tobago	International instruments, Labour, Rights of the Child, Women's rights	partially impl.	page 42
17	Turkey	International instruments, Rights of the Child, Women's rights	not impl.	page 39
34	Turkey	International instruments, Migrants	not impl.	page 45
151	United Kingdom	Death penalty	not impl.	page 65
274	United Kingdom	Other	not impl.	page 82
55	Uruguay	International instruments, Rights of the Child	partially impl.	page 49
62	Uruguay	Death penalty, International instruments	not impl.	page 52
109	Uruguay	Human rights education and training, Sexual Orientation and Gender Identity	partially impl.	page 83
135	Uruguay	Human rights education and training, Human rights violations by state agents, Migrants	not impl.	page 64
155	Uruguay	Death penalty	not impl.	page 65
265	Uruguay	Migrants	not impl.	page 26
1	Venezuela	International instruments	not impl.	page 26
2	Venezuela	International instruments	not impl.	page 27
57	Venezuela	CP rights - general, International instruments, Racial discrimination, Torture and other CID treatment	not impl.	page 50
58	Venezuela	CP rights - general, International instruments, Racial discrimination, Torture and other CID treatment	not impl.	page 51
90	Venezuela	NHRI	not impl.	page 91
105	Venezuela	Freedom of religion and belief, Migrants, Minorities, Racial discrimination	partially impl.	page 18
183	Venezuela	Extrajudicial executions, International humanitarian law, Public security	partially impl.	page 94
196	Venezuela	Detention conditions, Enforced disappearances, Extrajudicial executions, Human rights violations by state agents, Torture and other CID treatment	not impl.	page 72
211	Venezuela	Rights of the Child, Trafficking	not impl.	page 87
236	Venezuela	Other	not impl.	page 9
243	Venezuela	Rights of the Child, Women's rights	not impl.	page 88
10	Viet Nam	ESC rights - general, International instruments, Rights of the Child, Women's rights	not impl.	page 37
134	Viet Nam	Migrants, Minorities	not impl.	page 20

3. Feedbacks on recommendations

CP Rights

Recommendation n°73: *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 (Recommended by Iran)*

IRI: *not implemented*

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Recommendation n°236: *Guarantee the right to privacy and stop spying on its citizens without judicial authorization (Recommended by Venezuela)*

IRI: *not implemented*

PEN American Center (PENAC) response:

The United States has taken no significant legislative action to limit the scope of expanded (post-9/11) surveillance powers in the last two years. Efforts to further amend the records provision allowing access to bookstore and library records have failed, and the FISA Amendments Act (FAA), which authorizes the massive National Security Agency Internet and telephone surveillance program remains in effect. A legal challenge by PEN American Center and a number of other human rights organization challenging the FAA failed when the Supreme Court dismissed the lawsuit this past year on the Kafkaesque grounds that plaintiffs could not show that their communications are being monitored under the secret program, and therefore lack standing to sue.

Organization for Defending Victims of Violence (ODVV) response:

Despite accepting recommendations based on the adoption of appropriate laws for the prevention of the violation of individual privacy, the US Government is on a daily basis increasing the monitoring of the internet and telephone conversations by intelligence agencies, and also the surveillance and body search of individuals is on the increase.

Documents that have been published by American civil society organizations warn that police related agencies have notably increased the monitoring of digital communications of Americans, and even use military drones to spy on citizens. (ACLU 27 September 2012).

Between 2009 and 2011 the numbers of Justice Department warrants for the use of phone tapping equipment have increased by 60 percent. American journalists are also worried about the tightening of laws regarding the mass media. [...]



Reporters sans Frontières (RSF) response:

La proposition de la loi Cybersecurity ct of 2012 (CSA) a été rejetée par le Sénat américain malgré le soutien du président Barack Obama. Cette dernière aurait permis un contournement des lois protégeant la vie privée pour permettre aux entreprises d'échanger les données personnelles avec gouvernement, sans décision de justice. De plus, certains amendements avaient comme but de donner les rênes du système américain de cybersécurité à une agence secrète d'intelligence militaire, comme la NSG qui ne rendrait pas compte au public de ses activités concernant les données secrètes.

Yamasi People (Yamasi) response:

not implemented: US intimidates its citizens to prevent them from considering the benefits of indigenous forms of governments and discussing with us changes to the way humans interact with our waters, winds, and lands.

Recommendation n°237: *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 (Recommended by Russian Federation)*

IRI: *not implemented*

Yamasi response:

Not implemented: US intimidates its citizens with technology to keep them from non-violently participating in ending the US occupation of indigenous lands through dialogue and sustainable development.

Recommendation n°241: *Continue to create an enabling climate for religious and cultural tolerance and understanding at the grass roots level (Recommended by Indonesia)*

IRI: *not implemented*

Yamasi response:

Not implemented: US prevents indigenous religious practices in schools, hospitals, prisons, and open space. US methodically and with deliberate intent desecrates our sacred sites and encourages its citizens to believe that desecrating the sacred sites of Indigenous Peoples is an appropriate and desired show of US patriotic fervor.

Recommendation n°242: *Recognize the right to association as established by ILO, for migrant, agricultural workers and domestic workers (Recommended by Bolivia)*

IRI: *not implemented*

Best Practices Policy Project (BPPP) response:

The failure to reform immigration and labor laws to address abuse and exploitation of workers in a broad range of sectors undermines the US government's claims of leadership to address these issues. The most recent immigration law proposals, for example, include provisions for "guest worker" programs that would likely lead to widespread abuse of migrant workers including violations meeting the definition of human trafficking.



ESC Rights

Recommendation n°76: 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 (Recommended by Bolivia)

IRI: not implemented

US Human Rights Network (USHRN) response:

Multiple recommendations address the need for a domestic human rights infrastructure to improve international human rights implementation. Over a dozen call for the creation of an NHRI and several countries also recommend mechanisms to review and reform federal, state and local laws to ensure compliance with international human rights standards. The need for greater coordination and comprehensive review of state and local laws is evident also in the numerous recommendations relating to substantive areas within state and local jurisdiction, including: criminal sentencing (i.e., death penalty and juvenile life without parole), racial profiling, gender discrimination and discrimination in housing, education and employment). Since the UPR, the federal government has taken some steps to bring together federal agencies to discuss human rights. Namely, the U.S. Department of Justice and the Department of State have convened an Equality Working Group. However, there is no publicly available information on the Working Group's mandate, membership, or activities, and to date, it has not engaged with state and local governments. The United States continues to lack transparent and effective federal mechanisms to encourage, coordinate and support state and local efforts to monitor and implement human rights. Because there is no national human rights infrastructure, many federal, state and local officials are unaware of the treaties the U.S. has ratified and their obligations with respect to treaty implementation. As far as we are aware, no action has been taken to create an NHRI or similar human rights monitoring mechanism. Little has been done to publicize the UPR recommendations or Concluding Observations of treaty bodies to state and local officials, or the public more generally. Further, there are no federal funds, resources or other initiatives to collect and analyze data on state and local human rights compliance or facilitate subnational implementation. Finally, the United States lacks a focal point for state and local governments interested in engaging in these efforts.

Recommendation n°78: 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 (Recommended by Egypt)

IRI: not implemented

Immigration Equality (IE) response:

We continue to see foreign nationals from Muslim countries treated differently under U.S. immigration law. For example, a person in the U.S. on a student visa is much



more likely to be arrested and detained for falling out of status if he is from a Muslim or Arab country than if he is from another part of the world.

Recommendation n°82: *Take legislative and administrative measures to ban racial profiling in law enforcement* (Recommended by DPR Korea)

IRI: not implemented

IE response:

We continue to see people of color targeted by law enforcement, especially in states which have passed laws allowing state law enforcement officials to enforce immigration laws.

Recommendation n°110: *Incorporate human rights training and education strategies in their public policies* (Recommended by Costa Rica)

IRI: not implemented

Heartland Alliance's National Immigrant Justice Center (NIJC) response:

A proposed rule has been issued to comply with the Prison Rape Elimination Act (PREA) - a law enacted in 2003 with the goal of eliminating sexual assault in prisons. Migrants in immigration detention represent a wide variety of backgrounds that are not typically represented in the general inmate population. Since the Department of Homeland Security (DHS) contracts out to private prisons and county jails, the staff does not receive adequate cultural sensitivity training. DHS must ensure human rights training is incorporated into the final regulations.

BPPP response:

The US government severely lacks public policy initiatives addressing -- and fails to provide adequate resources for -- training of law enforcement officials in protection of human rights, awareness-building, and implementation of a best practices approach when engaging with marginalized communities, in particular, communities of color, the sex worker community, and the LGBT community. The US Government continues to train and urge law enforcement to use sweeping raid and arrest methods for combating human trafficking in the sex sector, which has proven to result in criminalizing victims of trafficking and police misconduct, abuse and discrimination toward individuals in the sex trade.

Recommendation n°122: *End the discrimination against persons of African descent* (Recommended by Cuba)

IRI: not implemented

BPPP response:

The US government has failed to take action on the widely reported "Stop and Frisk" policy in New York City despite its documented discriminatory application to persons of African descent, among others. Additionally, the administration has not addressed documented discrimination in the application of policing against persons of African descent in Illinois under felony prostitution charges or in Louisiana under Sexual Crime Against Nature charges, although the courts did strike down the latter.

Recommendation n°129: *Ban, at the federal and state levels, the use of racial profiling by police and immigration officers* (Recommended by Bolivia)

IRI: partially implemented



Americans for Immigrant Justice (AIJ) response:

Efforts are currently underway in the U.S. Congress to create and pass comprehensive immigration reform legislation. A current proposal includes a ban on racial profiling by immigration authorities. However, there are exceptions built into the ban. Furthermore, undocumented immigrants often come to the attention of federal immigration authorities after being stopped by state law enforcement (e.g. local police), who will not be covered by a federal ban on racial profiling.

BPPP response:

While technically "banned", the federal government continues to promote policies and practices that result in de facto racial profiling by police and immigration officers such as Secure Communities and 287(g), while failing to address state level de facto and documented racial profiling in the form of, for example, "Stop and Frisk" in New York City or "Prostitution Free Zones" in Washington, DC.

Recommendation n°130: *Prohibit expressly the use of racial profiling in the enforcement of immigration legislation* (Recommended by Mexico)

IRI: fully implemented

AIJ response:

Efforts are currently underway in the U.S. Congress to create and pass comprehensive immigration reform legislation. A current proposal includes a ban on racial profiling by immigration authorities. However, there are exceptions built into the ban. Furthermore, undocumented immigrants often come to the attention of federal immigration authorities after being stopped by state law enforcement (e.g. local police), who will not be covered by a federal ban on racial profiling.

BPPP response:

The use of racial profiling in the enforcement is legally expressly prohibited -- but de facto continues as documented throughout the country.

Recommendation n°138: *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* (Recommended by Mexico)

IRI: partially implemented

BPPP response:

The US government took important steps to address state-led initiatives addressing immigration including Arizona's SB1070. However, the government continues to promote and implement policies and programs such as Secure Communities and 287(g) that incentivize states to use local law enforcement as de facto immigration enforcement.

Recommendation n°140: *Repeal and do not enforce discriminatory and racial laws such as Law SB 1070 of the State of Arizona* (Recommended by Ecuador)

IRI: partially implemented

AIJ response:

The U.S. federal government, through its Department of Justice, filed a lawsuit against Arizona over SB1070. Portions of the statute have been struck down,



including a provision making it a state crime for an undocumented individual not to carry an alien registration document or to work or apply for work, and a provision allowing state and local police to arrest individuals without a warrant based on probable cause that the person committed a deportable offense. A fourth provision, allowing state and local police to check the immigration status of individuals they stop, detain or arrest on reasonable suspicion that they are in the country without authorization was upheld, but is still open to challenge in the future.

IE response:

The U.S. Supreme Court struck down some provisions of SB 1070 but not all. Some of these state-level immigration laws also adversely affect LGBT families as they criminalize "harboring" undocumented immigrants. Harboring can include living with or transporting in a car, which essentially criminalizes same-sex relationships where it is currently impossible under U.S. law for the U.S. citizen spouse or partner to sponsor her foreign spouse or partner for immigration benefits.

BPPP response:

The administration took important steps to address state-led initiatives addressing immigration including Arizona's SB1070, however the federal government continues to promote and implement policies and programs such as Secure Communities and 287(g) which incentivize states to use local law enforcement as de facto immigration enforcement.

Recommendation n^o141: *Adopt a comprehensive national work-plan to combat racial discrimination* (Recommended by Qatar)

IRI: *not implemented*

BPPP response:

The US government has not adopted such a plan, although a plan has been proposed by the US Human Rights Network.

Recommendation n^o245: *Ensure the realization of the rights to food and health of all who live in its territory* (Recommended by Cuba)

IRI: *not implemented*

Yamasi response:

Not implemented: US prevents Yamasi People from cultivating lands or harvesting food from our waters.

Recommendation n^o246: *Expand its social protection coverage* (Recommended by Brazil)

IRI: *fully implemented*

Disability Rights Education and Defense Fund (DREDF) response:

Congress should make appropriate changes in federal legislation pertaining to Social Security, Medicaid, savings, asset building, and the relevant aspects of the federal tax code to address work and asset-building disincentives in order to provide tools that may begin to reverse widespread poverty in the disability community.

The Administration should: 1) develop an Executive order calling for all agencies to identify policy barriers to income generation, and 2) facilitate a consistent,



coordinated, and comprehensive approach to advance opportunities for full community participation and economic self-sufficiency as a means to eradicate poverty among people with disabilities.

President Obama signed into law "The Patient Protection and Affordable Care Act" (PPACA) or the Affordable Care Act (ACA) on March 23, 2010. The ACA provides many new protections benefiting people with disabilities:

- job-based and new individual plans are no longer allowed to deny or exclude coverage to any child under age 19 based on a pre-existing condition, including a disability. And starting in 2014, these same plans won't be able to exclude anyone from coverage or charge a higher premium for a pre-existing condition including a disability.
- Insurance companies can no longer drop individuals when they get sick
- Insurance companies can no longer impose lifetime dollar limits on coverage
- Medicaid covers many people with disabilities now, and in the future it will provide insurance to even more low-income Americans.
- Starting in 2014, most adults under age 65 with incomes up to about \$15,000 per year for single individual (higher income for couples/families with children) will qualify for Medicaid in every state.
- State Medicaid programs will also be able to offer additional services to help those who need long-term care at home and in the community.

Recommendation n°247: 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 (Recommended by Morocco)

IRI: fully implemented

DREDF response:

On January 4, 2011, President Barack Obama signed into law the Frank Melville Supportive Housing Investment Act of 2010. The legislation will revitalize and reform the U.S. Department of Housing and Urban Development (HUD) Section 811 Supportive Housing for Persons with Disabilities Program.

Under the Obama Administration the US Department of Justice (DOJ) has increased its enforcement of disability rights laws in housing. For example, the DOJ sued and settled with a large construction company responsible for building thousands of units of inaccessible multi-family housing in 26 states. The DOJ investigated and found multiple accessibility barriers. Under the terms of the settlement, the company began retrofitting units in 2012.

Congress and the Administration should:

- 1) call for a moratorium on demolition of public housing until accessible, affordable replacement units are ensured,
- 2) substantially increase rent subsidies, known as Housing Choice Vouchers,
- 3) fully fund the National Housing Trust Fund,
- 4) pass HR 1675, the Frank Melville Supportive Housing Investment Act, which would increase supportive housing,



- 5) substantially increase targeted housing for very low income people with disabilities,
- 6) significantly step up enforcement of disability rights laws related to housing, and
- 7) enact the Community Choice Act, which will help fund homes of their own for institutionalized people with disabilities and ward off unnecessary institutionalization for those living in the community who need assistance to live independently.

Yamasi response:

not implemented: US has never replaced the houses that it burned when it invaded our territory. US military was defeated by Yamasi and withdrew but they never rebuilt what they destroyed and we are without safe shelter. US prevents Yamasi from providing housing to displaced Indigenous Peoples.

Recommendation n°262: *Reconsider restrictions on undocumented migrants' access to publicly supported healthcare* (Recommended by *Brazil*)

IRI: *not implemented*

Advocates for Human Rights (AHR) response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

IE response:

We are concerned about access to health care for those living with HIV without lawful status. Good public health mandates that people receive routine HIV testing and early treatment. This benefits both individuals who may be HIV-positive and society at large.

Minorities

Recommendation n°33: *Observe international standards in the regard of migrant workers and members of their families* (Recommended by *Egypt*)

IRI: -

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. [...]



Recommendation n^o102: *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 (Recommended by Guatemala)*

IRI: *partially implemented*

BPPP response:

The US government took important steps to address state-led initiatives addressing immigration including Arizona's SB1070. However, the government continues to promote and implement policies and programs such as Secure Communities and 287(g), which incentivize states to use local law enforcement as de facto immigration enforcement.

IE response:

We see terrible conditions in immigration detention. Although this detention is considered "civil" rather than criminal, in reality, immigration detainees are held in jail-like conditions or in actual jails. Because of the legal fiction that this is not criminal detention, there is no right to counsel. It is often prohibitively expensive for immigration detainees to make phone calls to the outside world which are needed to gather evidence to prove their cases.

Recommendation n^o103: *Spare no efforts to constantly evaluate the enforcement of the immigration federal legislation, with a vision of promoting and protecting human rights (Recommended by Guatemala)*

IRI: *partially implemented*

IE response:

The U.S. government is currently discussing Comprehensive Immigration Reform legislation. There should be a greater emphasis on human rights and due process under U.S. immigration law. Currently, many foreign nationals are detained and removed simply for being here without authorized status. The system is in many ways random. The U.S. government has also greatly expanded federal prosecutions of foreign nationals who re-enter the U.S. without authorization after being removed. In many cases people come back to be with family or to escape persecution. We worked with a Latin American transgender woman who was granted withholding of removal only after serving a six month federal prison sentence for illegal re-entry. This is approach results in an enormous waste of resources and traumatizes those fleeing harm in their countries.

AHR response:

Streamlined immigration procedures fail to guarantee non-citizens' rights to due process, access to counsel, presentation of their case before a judge, and other fundamental safeguards of fairness. Automatic prosecutorial programs belie the right to an individualized, case-by-case assessment of the need to detain and criminally prosecute. Operation Streamline, begun in 2005, has criminalized illegal entry and stripped judges of discretion in immigration cases. For the past three consecutive years, immigration cases made up the largest category of federal convictions. Problems with the asylum and refugee protection systems have resulted in denial of protection to bona fide refugees. United States law denies asylum to bona fide refugees who fail to file their asylum claims within one year of arriving in the United



States. Rather than preventing fraud, which was the stated purpose behind the filing deadline, in practice the deadline penalizes bona fide asylum seekers and disproportionately affects those most in need of protection. Further, the practice of mandatory detention for asylum-seekers having a credible fear of persecution risks re-traumatizing aliens who are already in a psychologically delicate state. Non-citizens who are detained have a more difficult time establishing their eligibility for asylum because they face difficulty of gathering evidence and seeking counsel.

Recommendation n°105: *Adopt a fair immigration policy, and cease xenophobia, racism and intolerance to ethnic, religious and migrant minorities* (Recommended by Venezuela)

IRI: *partially implemented*

AIJ response:

Efforts are currently underway in the U.S. Congress to create and pass comprehensive immigration reform legislation. It is too early to determine what that legislation will look like.

ODVV response:

Discrimination against racial and religious minorities and systematic actions against Muslims following the 9/11 attacks are some of the instances of serious human rights violations in America.

Ethnic minorities in America do not enjoy equal political, social and economic rights. One example can be seen in the voting system, in such way that the right to vote for different races in America is limited.

In the November 2012 presidential elections in America, some Asian-Americans were prevented from casting votes. The UN Human Rights Council special report strongly criticizes the United States for failing to guarantee the right to vote for African and Hispanic Americans of the country.

A report in the Boston Review stated that by 2010 over 5,850 thousand American citizens will be denied the right to vote due criminal records, and over 2 million African-Americans due to a law that confirms their identity have had some restrictions in voting, and in fact some people were completely denied this right.

Recommendation n°106: *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* (Recommended by Bolivia)

IRI: *not implemented*

Yamasi response:

Not implemented: US intimidates its citizens to prevent them from considering the benefits of indigenous forms of governments and discussing with us changes to the way humans interact with our waters, winds, and lands.



ODVV response:

Despite America's commitment to the recommendations on reviewing the court sentences to remove all signs of discrimination against racial and ethnic minorities, and to conduct a study on the relations of race with capital punishment so that possible discriminatory approaches are avoided, and also take measures to ensure there is no discrimination in the criminal justice system, however racial discrimination is strife in the application of law and carrying out of justice in America.

(On 3 July 2012, Reuters News Agency's website reported that the police in the United States treated white people more gently. Out of 685 thousand police stops made in New York in 2011, over 85 percent that were stopped were blacks and Hispanics).

Muslims make up less than one percent of the population of the country, but 14 percent of religious discrimination and 5 percent of job discrimination is against Muslims in the country. Overall turning against some religions such as Islam – Islamophobia in other words – have been on the increase particularly following the 9/11 attacks. Council for Islam and America Relations (CAIR) recently announced that Islamophobia has escalated across America, and mosques in different States are under surveillance and pressure. Although the United States has accepted the recommendations on fighting Islamophobia and Xenophobia, but insulting Islam and opposition with women Muslim women's Islamic dress at work are some of the job discriminations imposed on American Muslims. Also suspicious looks, insults, physical attacks and reasonless arrests are the repercussions of the 9/11 attacks which make conditions for Muslims more and more difficult on a daily basis. According to a Gallop poll, 48 percent of Muslims in America say that they have personally experienced racial and religious discrimination over the last year. American Muslims also have negative views of the US military and Federal Police, and believe that the war on terror extensively is concentrated on a war on Muslims.

(Shahram Mir Gholikhan, an Iranian citizen has been in detention in America since 2007. While claiming innocence, he has declared that he has been tortured in jail. Dr. Ali Amir Nazmi Afshar who has been residing in the United States for over 30 years, and is a top expert in the field of chemistry, wanted to return to Iran, and in an inhuman manner was arrested by American security services. His family are worried about his treatment in jail. Recently New York police arrested 13 Iranians on charges of photographing public places, and claimed that it was possible that the arrested individuals may be collecting information for a possible attack by Iran. The police released this individuals due to lack of evidence).

Recommendation n^o127: *Eliminate discrimination against migrants and religious and ethnic minorities and ensure equal opportunity for enjoyment of their economic, social and cultural rights* (Recommended by Bangladesh)

IRI: *partially implemented*

BPPP response:

The US government took important steps to address state-led initiatives addressing immigration including Arizona's SB1070. However, the government continues to promote and implement policies and programs such as Secure Communities and



287(g) that incentivize states to use local law enforcement as de facto immigration enforcement.

Recommendation n°134: *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 (Recommended by Viet Nam)*

IRI: *not implemented*

IE response:

The U.S. federal government has increasingly relied on local law enforcement agents to report foreign nationals with minor crimes or no crimes who are in the U.S. without authorization to immigration authorities. This immigration enforcement by local authorities has led to severe distrust by immigrant communities and puts them in danger as they fear to call the police for protection when needed.

Recommendation n°144: *Increase its efforts to effectively guarantee human rights of persons with disabilities, while welcoming the signing of the Convention and urging their prompt implementation (Recommended by Costa Rica)*

IRI: *partially implemented*

DREDF response:

The Convention on the Rights of Persons with Disabilities (CRPD) is an international disability treaty that was inspired by the Americans with Disabilities Act of 1990 (ADA). The CRPD promotes the principles of opportunity, non-discrimination, autonomy and inclusion of persons with disabilities. The CRPD, borrowing from the ADA, uses the concept of reasonable accommodation as a means toward eliminating disability based discrimination.

The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

Yamasi response:

Not implemented: US attacks Yamasi with disabilities and we observe, other disabled peoples, including access to health care.

Recommendation n°185: *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 (Recommended by Cyprus)

IRI: *partially implemented*

AIJ response:

Since the George W Bush administration, the U.S government has been increasingly criminally prosecuting individuals for immigration related crimes such as illegal entry and illegal re-entry. Efforts are underway in the U.S. Congress to create and pass comprehensive immigration reform legislation. However, such legislation is likely to include enhanced border enforcement policies as a trade-off for legalization of millions of undocumented individuals currently in the U.S. and may well increase the criminalization of migrants. Regarding use of force by immigration agents, numerous individuals have complained to AI Justice about excessive use of force during immigration raids and in detention centers. ICE B286 and the Department of Homeland Security (DHS), which oversees ICE, often fail to investigate complaints of physical violence. AI Justice has found that when DHS does investigate incidents of abuse, such investigations are not conducted thoroughly or impartially. For example, AI Justice has represented victims in cases where DHS investigators have interrogated victims as if they were perpetrators, failed to use interpreters in victims' best languages, and waited so long to begin the investigation that witnesses had been deported.

ODVV response:

Despite America's commitment to the recommendations on reviewing the court sentences to remove all signs of discrimination against racial and ethnic minorities, and to conduct a study on the relations of race with capital punishment so that possible discriminatory approaches are avoided, and also take measures to ensure there is no discrimination in the criminal justice system, however racial discrimination is strife in the application of law and carrying out of justice in America.

(On 3 July 2012, Reuters News Agency's website reported that the police in the United States treated white people more gently. Out of 685 thousand police stops made in New York in 2011, over 85 percent that were stopped were blacks and Hispanics).

Recommendation n°248: 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 (Recommended by Morocco)

IRI: *partially implemented*

DREDF response:

The United States has enacted significant federal legislation over the past thirty years that is intended to protect the civil rights of individuals with disabilities. Most notably, Title I of the 1990 Americans with Disabilities Act (ADA) and the ADA Amendments Act of 2008, provide protection in employment for individuals with disabilities. In addition, many states have similar or even stronger laws.

However, weak federal civil rights implementation and enforcement, along with additional, significant legal and structural problems such as the absence of economic



and social rights, combined with institutional disability prejudice result in ongoing, and in some cases, intransigent employment opportunities for people with disabilities.

The low rate of employment of people with disabilities is rooted in complex historical problems and systemic barriers including lack of access to education and training, disability stigma, and widespread exclusion from participation in community life. However, national surveys of employers find that the greatest barriers to people with disabilities finding employment is discrimination, prejudice, or employer reluctance to hire. A recent review of empirical studies of wage differentials concluded that one significant reason why people with disabilities earn lower wages than non-disabled workers can be attributed to disability-related discrimination. Furthermore, individuals who receive financial support from a broad range of Federal programs may face loss of income, housing, and medical care if they attempt to work or build their assets.

In July 2010, President Obama issued Executive Order 13548, directing federal departments and agencies to increase employment of the number of individuals with disabilities. The intention is to increase the number of individuals with disabilities working for the government by 100,000 by 2015, and to also be a model for the private sector. The Order stated, "As the Nation's largest employer, the Federal Government must become a model for the employment of individuals with disabilities. Executive departments and agencies (agencies) must improve their efforts to employ workers with disabilities through increased recruitment, hiring, and retention of these individuals. My Administration is committed to increasing the number of individuals with disabilities in the Federal workforce...."

The US Department of Labor issued a toolkit for federal agencies to use in order to recruit, hire and retain people with disabilities in their workforce. The US Government Accountability Office (GAO) reviewed Agency compliance with the Order in 2012. One of GAO's summary conclusions: "However, nearly 2 years after the executive order was signed, the federal government is not on track to achieve the executive order's goals. Although federal agencies have taken the first step by submitting action plans to OPM for review, many agency plans do not meet the criteria identified by OPM as essential to becoming a model employer of people with disabilities. Though the executive order does not specifically authorize OPM to require agencies to address deficiencies, regularly reporting to the president and others on agency progress in addressing these deficiencies may compel agencies to address them and better position the federal government to reach the goals of the executive order."

Recommendation n°249: *End the violation of the rights of indigenous peoples*
(Recommended by Cuba)

IRI: *not implemented*

Diné Homeowners & Communities Association, Inc. (DHCA) response:

The United States Government allows legislation to be sponsored by U.S. Senators and State representatives to be implemented and imposed on the indigenous peoples of America. For instance, Senators John McCain and Jon Kyl sponsored Senate Bill 2109 and its companion bill HR4067 aka The Navajo Hopi Little Colorado River Water Rights Settlement Act of 2012. In addition, other imposed laws have been implemented such as the Navajo Hopi Land Settlement Act of 1974 aka PL93-



531 and the Bennett Freeze Act of 1966. These laws are in direct violation of Articles 26, 27, 28, 29, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It prohibits the indigenous peoples their right to develop and control the lands and resources that they possess by traditional ownership.

International Indian Treaty Council (IITC) response:

President Obama stated on December 16th 2010 that the US would be the last country in the world to change its position and “lend its support” to the UN Declaration. However on the same date the US State Department issued its assessment of the US commitment in this regard, which contained a number of qualifications to the minimum standard rights affirmed in the UN Declaration which remain unacceptable to Indigenous Peoples and discriminatory in nature. These included reducing the rights of free prior and informed consent which is included in many provisions of the Declaration to the rights of “Consultation” (which in fact a process rather than a right), asserting that Indigenous Peoples right to self-determination is a “different” right from that accorded to ALL PEOPLES in the international Covenants, and that the rights apply only to “federally recognized tribes”. This has continued to limit the full scope and application of the Declaration for Indigenous Peoples in the US.

Yamasi response:

Not implemented: US continues the US Bureau of Indian Affairs policy of not informing/getting consent from Peoples as a collective or individual Natives when assigning us an Indian number and listing us as beneficiaries of a (casino) development corporations

example: US pays paramilitary organizations, including but not limited to Miccosukee Tribe of Florida Indians, to kidnap, rape, assault, torture, burn, incarcerate, and murder Yamasi so that US can develop our waters, winds, and lands without our Free Prior and Informed Consent.

Recommendation n°258: *End violence and discrimination against migrants* (Recommended by Cuba)

IRI: *not implemented*

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be “civil” in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the “civil” context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

Recommendation n°261: *Protect the human rights of migrants, regardless of their migratory status* (Recommended by Ecuador)

IRI: *not implemented*



NIJC response:

Congress must exercise rigorous and ongoing oversight to ensure that human rights laws are upheld and the rights of men, women, and children in detention are protected. The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes an international inspection system for places of detention. The United States must work with NGOS to develop a credible system of oversight and inspection of detention facilities and establish protocols regarding the use of solitary confinement.

IE response:

The U.S. is currently considering reforming the immigration system. This reform should include due process protections and end punitive laws that make it impossible for people with long-term ties to the U.S. (including those in long-term lesbian and gay relationships) to legalize their immigration status.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Yamasi response:

not implemented: US has not followed the Yamasi example of not using military force against civilians. US uses military force against civilians, contrary to Yamasi law. US militarily attacks some immigrants while privileging their own US citizen settlers while occupying our lands without any agreement with us for use of our lands, winds, or waters.

Recommendation n^o263: *Reconsider alternatives to the detention of migrants*
(Recommended by *Brazil*)

IRI: *not implemented*

NIJC response:

Noncitizens who are not risks to the community but do not qualify for release on parole, bond or recognizance must be provided with the opportunity to enter into an alternative to detention program.

AIJ response:

The U.S. government does not detain all undocumented or removable (deportable) immigrants, and releases some from detention on bond, on supervised-release programs, or, on occasion, on their own recognizance. Once an individual is detained, ICE takes the position that it is legally restricted from releasing certain individuals from detention (generally those convicted of removable offense and those



apprehended entering or attempting to enter the U.S. without authorization). Efforts are currently underway in the U.S. Congress to create and pass comprehensive immigration reform legislation, which may provide for broader use of alternatives and better programs, including community based programs. However, Congress currently mandates that ICE maintain 34,000 detention beds daily. With such a mandate, the number of individuals in detention will not be reduced.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Yamasi response:

not implemented: US does not work with Yamasi to develop and implement short- and long-term solutions to the problem of illegal immigration to our lands, resulting in the destruction of our waters, winds, and lands and the intensification of climate change.

Recommendation n°264: *Ensure access of migrants to consular assistance*
(Recommended by *Brazil*)

IRI: not implemented

AHR response:

The failure to pass legislation implementing the 2004 International Court of Justice decision (*Avena and Other Mexican Nationals (Mexico v. United States of America)*) violates Article 14 of the ICCPR on equality before the courts and tribunals, including the right to adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing, and Article 2(3) on the right to an effective remedy. In 2011, Senator Patrick Leahy introduced legislation that would have authorized U.S. federal courts to review violations of the Vienna Convention on Consular Relations in the cases of foreign nationals who have been sentenced to death. Congress failed to pass the proposed legislation. The United States has failed



to implement the ICJ's 2004 decision, and has since executed two Mexican nationals affected by the decision. The State of Texas executed both Jose Medellin on August 5, 2008 and Humberto Leal on July 7, 2011.

Recommendation n°265: *Make greater efforts to guarantee the access of migrants to basic services, regardless of their migratory status* (Recommended by Uruguay)

IRI: *not implemented*

IE response:

Other countries, such as Canada, give support to those seeking asylum status, including the right to counsel and basic housing assistance. The U.S. does not provide any such support and it can take years for a case to be decided during which time the applicant (who may have fled horrific conditions) is left in a legal limbo with the possibility of being returned to the country of persecution hanging over her head.

International Instruments

Recommendation n°1: *Ratify without reservations the following conventions and protocols: CEDAW, the ICESCR, the Convention on the Rights of 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* (Recommended by Venezuela)

IRI: *not implemented*

Alberto Saldamando (AS) response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

Geneva International Centre for Justice, International Organization for the Elimination of All Forms of Racial Discrimination, Union of Arab Jurists, the Arab Lawyers Union, General Arab Women Federation, Arab Lawyers Association- UK, The Iraqi Commission on Human Rights (joint1) response:

It is unfortunate that the US, which prides itself on being a defender of human rights and constantly calls on other countries to improve their human rights records, has yet to ratify such important international instruments protecting the most basic of human rights.

NIYC response:

These conventions must be ratified and the United States must abandon its longstanding impunity by way of refusing to ratify human rights conventions, detaching them from the Treaty Clause of the U.S. Constitution and refusing to enact implementing legislation for ratified conventions.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

Recommendation n°2: Ratify the following conventions and protocols: CEDAW, the ICESCR, the Convention on the Rights of 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 (Recommended by Venezuela)

IRI: not implemented

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

The US prides itself on being a leader in the advancement of human rights and constantly calls on other countries to improve their human rights records, yet it has itself failed to ratify important international instruments protecting the most basic of



human rights. [...] The failure to ratify instruments such as the International Convention for the Protection of All Persons from Enforced Disappearance and the Statute of the International Criminal Court, the US continues to avoid being held responsible and being brought to justice for all the injustices and grave rights violations it committed in Iraq.

NIYC response:

The United States position on the Declaration on the Rights of Indigenous Peoples is inadequate for many reasons, including locking out individual indigenous persons from coverage in the U.S . and defining "indigenous peoples" only as Indian tribes and elected tribal leaders. That must be corrected.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.



IITC response:
Not completed

Recommendation n°3: *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 (Recommended by France)*

IRI: *not implemented*

Just Detention International (JDI) response:

There has been no progress toward ratification of the Optional Protocol to the Convention Against Torture (OPCAT), which would provide urgently needed independent oversight of U.S. detention facilities. With a collaborative approach to monitoring that gives both international and domestic entities a role in assessing facilities and proposing policy recommendations, the OPCAT would help ensure that the U.S. meets its obligations under the Convention Against Torture. However, the U.S. government's opposition to any international oversight of its detention facilities remains strong. Indeed, few U.S. jurisdictions even allow for independent domestic entities to monitor their corrections facilities.

Fortunately, the national Prison Rape Elimination Act standards require facilities to undergo audits every three years to monitor compliance with the standards. The PREA audits fall far short of the OPCAT's monitoring requirements, but they do provide for some measure of independence. The standards require that the auditors be independent of the agency operating the facility; interview a representative sample of inmates, staff, and management officials; and be permitted to interview inmates privately. Similarly, inmates must be allowed to correspond confidentially with the auditor. The audits results must be made public, and must be a primary factor in determining compliance with the standards. Agencies found not to be in compliance risk the loss of five percent of their federal government funding.

While the U.S. remains hostile to external monitoring of its own corrections facilities, legislation currently pending in Congress could help in alleviate torture and inhuman conditions in prisons in other countries. On April 13, 2013, the Senate Committee on Foreign Relations approved the "Foreign Prison Conditions Improvement Act of 2013" (S. 657). Originally introduced by Senator Patrick Leahy (D-VT), the bill aims to "eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety," and authorizes, among other things, the Secretary of State and Administrator of the U.S. Agency for International Development (USAID) to provide assistance to address inhuman conditions. The bill encourages governments to allow independent monitors access to detention facilities.

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.



joint1 response:

By failing to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Statute of the International Criminal Court, and the Optional Protocol to the Convention against Torture, the US continues to avoid being held responsible and being brought to justice for all the injustices and grave rights violations it committed in Iraq. [...]

NIYC response:

The Expert Mechanism on the Rights of Indigenous Peoples is currently studying access to justice and the adequacy of remedies, and this recommendation squarely recognizes that defect.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n°4: 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 (Recommended by Russian Federation)

IRI: not implemented

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.



ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n°5: *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 (Recommended by Spain)*

IRI: *not implemented*

JDI response:

There has been no progress toward ratification of the Optional Protocol to the Convention Against Torture (OPCAT), which would provide urgently needed independent oversight of U.S. detention facilities. With a collaborative approach to monitoring that gives both international and domestic entities a role in assessing facilities and proposing policy recommendations, the OPCAT would help ensure that the U.S. meets its obligations under the Convention Against Torture. However, the U.S. government's opposition to any international oversight of its detention facilities remains strong. Indeed, few U.S. jurisdictions even allow for independent domestic entities to monitor their corrections facilities.

Fortunately, the national Prison Rape Elimination Act standards require facilities to undergo audits every three years to monitor compliance with the standards. The PREA audits fall far short of the OPCAT's monitoring requirements, but they do provide for some measure of independence. The standards require that the auditors be independent of the agency operating the facility; interview a representative sample of inmates, staff, and management officials; and be permitted to interview



inmates privately. Similarly, inmates must be allowed to correspond confidentially with the auditor. The audits results must be made public, and must be a primary factor in determining compliance with the standards. Agencies found not to be in compliance risk the loss of five percent of their federal government funding.

While the U.S. remains hostile to external monitoring of its own corrections facilities, legislation currently pending in Congress could help in alleviate torture and inhuman conditions in prisons in other countries. On April 13, 2013, the Senate Committee on Foreign Relations approved the "Foreign Prison Conditions Improvement Act of 2013" (S. 657). Originally introduced by Senator Patrick Leahy (D-VT), the bill aims to "eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety," and authorizes, among other things, the Secretary of State and Administrator of the U.S. Agency for International Development (USAID) to provide assistance to address inhuman conditions. The bill encourages governments to allow independent monitors access to detention facilities.

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

By failing to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Statute of the International Criminal Court, and the Optional Protocol to the Convention against Torture, the US continues to avoid being held responsible and being brought to justice for all the injustices and grave rights violations it committed in Iraq. [...]

NIJC response:

The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes an international inspection system for places of detention. The United States must work with NGOS to develop a credible system of oversight and inspection of detention facilities.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the



CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n^o6: *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 Persons with Disabilities (Recommended by Canada)*

IRI: *partially implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the



CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n^o7: *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 (Recommended by Sudan)*

IRI: not implemented

JDI response:

There has been no progress toward ratification of the Optional Protocol to the Convention Against Torture (OPCAT), which would provide urgently needed independent oversight of U.S. detention facilities. With a collaborative approach to monitoring that gives both international and domestic entities a role in assessing facilities and proposing policy recommendations, the OPCAT would help ensure that the U.S. meets its obligations under the Convention Against Torture. However, the U.S. government's opposition to any international oversight of its detention facilities remains strong. Indeed, few U.S. jurisdictions even allow for independent domestic entities to monitor their corrections facilities.

Fortunately, the national Prison Rape Elimination Act standards require facilities to undergo audits every three years to monitor compliance with the standards. The PREA audits fall far short of the OPCAT's monitoring requirements, but they do provide for some measure of independence. The standards require that the auditors be independent of the agency operating the facility; interview a representative



sample of inmates, staff, and management officials; and be permitted to interview inmates privately. Similarly, inmates must be allowed to correspond confidentially with the auditor. The audits results must be made public, and must be a primary factor in determining compliance with the standards. Agencies found not to be in compliance risk the loss of five percent of their federal government funding.

While the U.S. remains hostile to external monitoring of its own corrections facilities, legislation currently pending in Congress could help in alleviate torture and inhuman conditions in prisons in other countries. On April 13, 2013, the Senate Committee on Foreign Relations approved the "Foreign Prison Conditions Improvement Act of 2013" (S. 657). Originally introduced by Senator Patrick Leahy (D-VT), the bill aims to "eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety," and authorizes, among other things, the Secretary of State and Administrator of the U.S. Agency for International Development (USAID) to provide assistance to address inhuman conditions. The bill encourages governments to allow independent monitors access to detention facilities.

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

NIJC response:

The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes an international inspection system for places of detention. The United States must work with NGOs to develop a credible system of oversight and inspection of detention facilities.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the CRPD is an opportunity for the United States, a global leader in disability rights, to join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign



Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n^o8: *Ratify the ICESCR, CEDAW and the Convention of the Rights of the Child at an early stage together with other important human rights conventions (Recommended by Japan)*

IRI: not implemented

+

Recommendation n^o9: *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 (Recommended by Indonesia)*

IRI: not implemented

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[...] The United States signed the CRPD in 2009. On December 4, 2012 the United States Senate considered the ratification of the CRPD but fell five votes short of the super-majority vote required.

While the CRPD will not change the Americans with Disabilities Act, nor will it change the way Americans engage in education, business and other endeavors, ratifying the CRPD is an opportunity for the United States, a global leader in disability rights, to



join a coalition of countries who pledge to improve conditions for individuals with disabilities.

As of May 2013, over 500 US disability rights, veterans, and human rights organizations have indicated their support for ratification. The Senate Foreign Relations Committee is expected to conduct hearings on treaty ratification in the summer of 2013.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n°10: *Ratify all core international instruments on human rights, in particular ICESCR, CEDAW, the Convention on the Rights of the Child (Recommended by Viet Nam)*

IRI: *not implemented*

JDI response:

[See response to recommendation n° 7]

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

The US has failed to ratify important international human rights instruments such as the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and the Statute of the International Criminal Court, which allow for continued impunity for gross human rights violations and war crimes committed in Iraq.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°11: *Consider ratifying ICESCR, CEDAW and CRC at the earliest* (Recommended by *India*)

IRI: *not implemented*

+

Recommendation n°12: *Consider undertaking necessary steps leading to ratification of the parent-umbrella United Nations Convention on the Rights of the Child and CEDAW respectively* (Recommended by *Malaysia*)

IRI: *partially implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

USHRN response:

[See response to recommendation n° 7]

Recommendation n°13: *Ratify ICESCR* (Recommended by *DPR Korea*)

IRI: *not implemented*

+

Recommendation n°14: *Ratify ICESCR* (Recommended by *Ghana*)

IRI: *not implemented*

+

Recommendation n°15: *Become a party to the ICESCR* (Recommended by *Australia*)

IRI: *not implemented*

+

Recommendation n°18: *Ratify the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by *Haiti*)

IRI: *not implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.



USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n°16: *Proceed with ratifying the CRPD and CRC* (Recommended by Qatar)

IRI: *not implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°17: *Ratify, and ensure implementation into domestic law of CEDAW and CRC* (Recommended by Turkey)

IRI: *not implemented*

+

Recommendation n°24: *Consider ratifying CEDAW, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities* (Recommended by Austria)

IRI: *partially implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.



ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

USHRN response:

More than 35 recommendations call for the U.S. to ratify core human rights treaties. In regard to the majority of treaties, no federal action has been taken in response to these recommendations. The Executive branch and Congress took several steps toward ratification of the CRPD, but the treaty did not garner the votes needed for ratification in the United States Senate. The Executive branch submitted a treaty ratification package to the Senate Foreign Relations Committee, as required by the U.S. Constitution. That ratification package included numerous Reservations, Understandings and Declarations that limit the applicability of the treaty domestically. On July 12, the United States' Senate Committee on Foreign Relations held a hearing on the CRPD, during which both the Department of Justice and the U.S. Department of State offered testimony. On December 4, 2012, the U.S. senate failed to ratify the CRPD. Civil society groups continue to advocate for ratification of human rights treaties.

IITC response:

Not completed

Recommendation n°19: *Endeavour to ratify international instruments that USA is not party, in particular among others the CRC, OP-CAT, CEDAW, and Rome Statute of the International Criminal Court (Recommended by Costa Rica)*

IRI: *not implemented*

JDI response:

[See response to recommendation n° 7]

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

The US-led invasion of Iraq and the ensuing occupation resulted in numerous rights violations that would fall under the mandate of the ICC including enforced disappearances, war crimes and crimes against humanity. Illegal weapons (i.e. white phosphorous) were used and civilians were killed in mass numbers and indiscriminately. The illegal invasion itself was a crime of aggression. By failing to ratify the Rome Statute of the International Criminal Court, the US continues to shield itself from being held accountable and being brought to justice for the grave human rights violations it committed in Iraq.

NIJC response:

The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which



establishes an international inspection system for places of detention. The United States must work with NGOs to develop a credible system of oversight and inspection of detention facilities.

USHRN response:

[See response to recommendation n° 7]

Recommendation n°20: *Ratify ICESCR, CEDAW, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and other core human rights treaties as soon as possible* (Recommended by China)

IRI: *not implemented*

+

Recommendation n°21: *Ratify additional human rights treaties such as the ICESCR, the Convention on the Rights of the Child, the International Convention for the Protection of All Persons from Enforced Disappearances and the Convention on Rights of Persons with Disabilities in order to further strengthen their support to the United Nations Human Rights mechanisms* (Recommended by Netherlands)

IRI: *not implemented*

+

Recommendation n°22: *Ratify the pending core international human rights instruments, in particular CRC, ICESCR, and its OP, CEDAW and its OP as well as CRPD, and others, and ensure their due translation into the domestic legislation and review existing ratifications with a view to withdraw all reservations and declarations* (Recommended by Slovakia)

IRI: *not implemented*

+

Recommendation n°23: *Consider ratifying the treaties to which it is not a party, including the CEDAW, CRC, ICESCR, and CRPD* (Recommended by Republic of Korea)

IRI: *partially implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed



Recommendation n°25: *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 rights, but also to assist in achieving their universality (Recommended by Trinidad & Tobago)*

IRI: *partially implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°26: *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 (Recommended by Cyprus)*

IRI: *not implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

The US-led invasion of Iraq and the ensuing occupation resulted in numerous rights violations including torture. Examples of torture were made public with the reporting of incidents at Abu Ghraib, but the use of torture in detention centers and during interrogations were wide-spread. Torture has also been committed by PMSCs. By failing to ratify the Optional Protocol to the Convention against Torture, the US continues to avoid being held responsible and being brought to justice for all the injustices and grave rights violations it committed in Iraq.

NIJC response:

The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes an international inspection system for places of detention. The United States must work with NGOs to develop a credible system of oversight and inspection of detention facilities.

USHRN response:

[See response to recommendation n° 7]

Recommendation n°27: *Ratify at its earliest opportunity other core human rights instruments, particularly, those to which it is already a signatory, namely CEDAW,*



Convention on the Rights of the Child, ICESCR, and the Convention on the Rights of Persons with Disabilities (Recommended by Thailand)

IRI: *not implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

Recommendation n°28: 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 (Recommended by Hungary)

IRI: *not implemented*

AS response:

None of these human rights conventions have been ratified. The CEDAW and CRPD were expressly rejected by the US Senate in 2013.

joint1 response:

Iraqi heritage and cultural sites were completely destroyed by the US invasion and during the occupation. The US failed in every way to take any measures to protect cultural sites and property. As a matter of fact, the US used cultural sites for military purposes, for example, building bases on the ancient cities of Babylon and Ur. Thousands of archaeological sites were destroyed and whole libraries were set on fire. This failure to protect Iraqi cultural heritage was a flagrant violation of international and international humanitarian law, specifically, the Hague Conventions. The US-led invasion of Iraq and the ensuing occupation resulted in numerous rights violations that would fall under the mandate of the ICC including enforced disappearances, war crimes and crimes against humanity. Illegal weapons (i.e. white phosphorous) were used and civilians were killed in mass numbers and indiscriminately. The illegal invasion itself was a crime of aggression. By failing to ratify the Rome Statute of the International Criminal Court and the 1st and 2nd Protocol to the Hague Convention, the US continues to shield itself from being held accountable and being brought to justice for the grave human rights violations and cultural destruction it committed in Iraq.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed



Recommendation n°29: *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* (Recommended by India)

IRI: *not implemented*

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°30: *Accede to ICESCR, the CRC and ILO convention No. 111* (Recommended by Iran)

IRI: *not implemented*

AS response:

Not ratified or acceded to

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°31: *Consider ratifying the Rome Statute of the International Criminal Court and the Additional Protocols I and II of the Geneva Conventions* (Recommended by Austria)

IRI: *not implemented*

AS response:

Has not done so

joint1 response:

The US' continued failure to ratify the Rome Statute of the International Criminal Court is extremely unfortunate. The US-led invasion of Iraq and the ensuing occupation resulted in numerous rights violations that would fall under the mandate of the ICC including enforced disappearances, war crimes and crimes against humanity. Illegal weapons (i.e. white phosphorous) were used and civilians were killed in mass numbers and indiscriminately. The illegal invasion itself was a crime of aggression. These are all crimes that fall under the mandate of the ICC and by not ratifying the Statute, the US continues to protect itself from accountability and justice for violations it committed in Iraq.

Charity and Security Network (CSN) response:

Not Implemented. In March 2011, then Secretary of State Hillary Clinton announced that the Obama administration would “adhere to the set of norms in Article 75 of Protocol I in international armed conflicts” and seek Senate ratification of Additional Protocol II to the Geneva Conventions. “Ratifying Protocol II will strengthen our national security and advance our interests and values,” Clinton said. Protocol II was submitted to the Senate for ratification in January 1977 and there has been no action on it by the Senate Foreign Relations Committee or the entire Senate since.

USHRN response:

[See response to recommendation n° 7]

Recommendation n°32: *Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (Recommended by *Egypt*)

IRI: *not implemented*

+

Recommendation n°34: *Consider signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by *Turkey*)

IRI: *not implemented*

+

Recommendation n°35: *Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (Recommended by *Guatemala*)

IRI: *not implemented*

AS response:

Has not done so

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°36: *Complement its signature of ICESCR by ratifying it and recognizing the justiciability of these rights in its domestic legal systems* (Recommended by *Egypt*)

IRI: *not implemented*

AS response:

Has not done so

USHRN response:

[See response to recommendation n° 7]

Recommendation n°37: *Swiftly ratify CEDAW* (Recommended by *Finland*)

IRI: *not implemented*

AS response:

Has not done so

BPPP response:

US government officials have asserted that political considerations make ratification unlikely, but claim that the administration is working to ensure compliance with the articles of CEDAW -- the veracity of such claims are difficult to assess.

USHRN response:

[See response to recommendation n° 7]



IITC response:
Not completed

Recommendation n°38: <i>Ratify CEDAW</i> (Recommended by <i>DPR Korea</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°39: <i>Ratify CEDAW</i> (Recommended by <i>Ghana</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°40: <i>Ratify CEDAW</i> (Recommended by <i>Netherlands</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°41: <i>Ratify CEDAW</i> (Recommended by <i>New Zealand</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°42: <i>Become a party to CEDAW</i> (Recommended by <i>Australia</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°43: <i>Ratify the Convention on the Rights of the Child</i> (Recommended by <i>DPR Korea</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°44: <i>Ratify the Convention on the Rights of the Child</i> (Recommended by <i>New Zealand</i>)	<i>IRI: not implemented</i>
+	
Recommendation n°45: <i>Become a party to the Convention on the Rights of the Child</i> (Recommended by <i>Australia</i>)	<i>IRI: not implemented</i>

AS response:
Has not done so

ODVV response:
Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

BPPP response:
US government officials have asserted that political considerations make ratification unlikely, but claim that the administration is working to ensure compliance with the articles of CEDAW -- the veracity of such claims are difficult to assess.

USHRN response:
[See response to recommendation n° 7]

IITC response:
Not completed



Recommendation n°46: *Ratify the Convention on the Rights of Persons with Disabilities as a matter of priority* (Recommended by New Zealand)

IRI: *not implemented*

+

Recommendation n°47: *Become a party to the Convention on the Rights of Persons with Disabilities* (Recommended by Australia)

IRI: *not implemented*

AS response:

Has not done so

ODVV response:

Joining conventions and relevant protocols without reservations are some of the accepted recommendations that to-date we have not seen any moves towards their realisation.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°48: *Proceed with the ratification process of the Rome Statute of the International Criminal Court at the earliest possible* (Recommended by Cyprus)

IRI: *not implemented*

AS response:

the United States not only rejects the Rome Statute, it has signed many side agreements with parties to the Rome Statute to the effect that no US Citizen will be prosecuted under the Rome Statute.

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°49: *Ratify the 12 international human rights instruments to which it is not a party* (Recommended by Nicaragua)

IRI: *not implemented*

+

Recommendation n°50: *Implement a program of ratification of all international human rights instruments, and then proceed to the incorporation of these in its internal legal system* (Recommended by Bolivia)

IRI: *not implemented*

+



Recommendation n°51: *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* (Recommended by Algeria)

IRI: *partially implemented*

+

Recommendation n°52: *Accede to international human rights instruments which is not yet acceded to* (Recommended by Libya)

IRI: *not implemented*

+

Recommendation n°53: *Continue the process to ratify and implement into domestic law the several international human rights instruments that still wait for this formal acceptance* (Recommended by Holy See)

IRI: *not implemented*

JDI response:

There has been no progress toward ratification of the Optional Protocol to the Convention Against Torture (OPCAT), which would provide urgently needed independent oversight of U.S. detention facilities. With a collaborative approach to monitoring that gives both international and domestic entities a role in assessing facilities and proposing policy recommendations, the OPCAT would help ensure that the U.S. meets its obligations under the Convention Against Torture. However, the U.S. government's opposition to any international oversight of its detention facilities remains strong. Indeed, few U.S. jurisdictions even allow for independent domestic entities to monitor their corrections facilities.

Fortunately, the national Prison Rape Elimination Act standards require facilities to undergo audits every three years to monitor compliance with the standards. The PREA audits fall far short of the OPCAT's monitoring requirements, but they do provide for some measure of independence. The standards require that the auditors be independent of the agency operating the facility; interview a representative sample of inmates, staff, and management officials; and be permitted to interview inmates privately. Similarly, inmates must be allowed to correspond confidentially with the auditor. The audits results must be made public, and must be a primary factor in determining compliance with the standards. Agencies found not to be in compliance risk the loss of five percent of their federal government funding.

While the U.S. remains hostile to external monitoring of its own corrections facilities, legislation currently pending in Congress could help in alleviate torture and inhuman conditions in prisons in other countries. On April 13, 2013, the Senate Committee on Foreign Relations approved the "Foreign Prison Conditions Improvement Act of 2013" (S. 657). Originally introduced by Senator Patrick Leahy (D-VT), the bill aims to "eliminate conditions in foreign prisons and other detention facilities that do not meet primary indicators of health, sanitation, and safety," and authorizes, among other things, the Secretary of State and Administrator of the U.S. Agency for International Development (USAID) to provide assistance to address inhuman conditions. The bill encourages governments to allow independent monitors access to detention facilities.

AS response:

Has not done so



joint1 response:

More than two years after its review, the US has not yet ratified several international human rights instruments, which serve to protect basic human rights. This is extremely unfortunate, especially since the US is always pushing other countries to protect human rights. In Iraq the US committed grave violations including enforced disappearances, torture, the use of illegal weapons, war crimes and crimes against humanity. The ratification of instruments like the International Convention for the Protection of All Persons from Enforced Disappearance, the Statute of the International Criminal Court, and the Optional Protocol to the Convention against Torture is critical to allow for accountability and justice for the violations committed in Iraq.

DREDF response:

[See response to recommendation n° 7]

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°54: *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 (Recommended by Brazil)*

IRI: *not implemented*

+

Recommendation n°55: *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 (Recommended by Uruguay)*

IRI: *partially implemented*

AS response:

Has not done so

joint1 response:

It is unfortunate that the US, [...] has yet to ratify such important international instruments protecting the most basic of human rights

USHRN response:

[See response to recommendation n° 7]

IITC response:

Not completed

Recommendation n°56: *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 (Recommended by Spain)*

IRI: *not implemented*



JDI response:

The U.S. should recognize the competence of the Committee Against Torture (CAT Committee) in hearing complaints from or on behalf of detainees once they have exhausted available avenues of relief within the U.S. legal system. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's (CAT) Article 22 – which compels governments to report on responses to individual complaints submitted to the CAT Committee – would help address abuses that remain unresolved by the U.S. legal system. U.S. ratification of the First Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), which provides an individual complaint mechanism, would further improve domestic accountability.

Unfortunately, the U.S. has repeatedly refused to adopt the Convention's Article 22 (or the ICCPR's First Protocol). The U.S. has not wavered in its position that its domestic legal system provides sufficient remedies for violations of the Convention, despite the CAT Committee's recommendation in 2000 that the U.S. permit Article 22 communications and the Committee's emphasis on the need to remove the tremendous barriers to challenging abusive prison conditions through the courts.

The good news is that a recent amendment to the Prison Litigation Reform Act (PLRA) removed a significant obstacle facing victims of sexual abuse in detention who seek relief in the courts. Previously, detained persons wishing to bring a lawsuit in federal court regarding prison conditions had to show that they had suffered a physical injury in order to recover monetary damages. Shockingly, some courts have found that in some instances a sexual assault does not constitute a "physical injury." The PLRA amendment, passed in March 2013, permits prisoners who show evidence of either a physical injury or the commission of a sexual act to pursue damages. However, the PLRA still imposes complex reporting requirements on survivors of sexual abuse, denying many the chance of legal redress and preventing the courts from playing a critical oversight role.

AS response:

Has not done so

IITC response:

Not completed

Recommendation n°57: 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 (Recommended by Venezuela)

IRI: not implemented

joint1 response:

The US has yet to ratify the Convention Against Torture. This is extremely unfortunate seeing that the US and its forces committed serious acts of torture during their occupation of Iraq. Examples of torture were made public with the reporting of incidents at Abu Ghraib, but the use of torture in detention centers and during interrogations was wide-spread. Torture has also been committed by PMSCs. Impunity for these serious violations continues today.



IITC response:
Not completed

AS response:
Has not done so

Recommendation n°58: *Accept the individual procedures of ICCPR, CERD and CAT*
(Recommended by *Venezuela*)

IRI: *not implemented*

JDI response:

The U.S. should recognize the competence of the Committee Against Torture (CAT Committee) in hearing complaints from or on behalf of detainees once they have exhausted available avenues of relief within the U.S. legal system. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's (CAT) Article 22 – which compels governments to report on responses to individual complaints submitted to the CAT Committee – would help address abuses that remain unresolved by the U.S. legal system. U.S. ratification of the First Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), which provides an individual complaint mechanism, would further improve domestic accountability.

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The good news is that a recent amendment to the Prison Litigation Reform Act (PLRA) removed a significant obstacle facing victims of sexual abuse in detention who seek relief in the courts. Previously, detained persons wishing to bring a lawsuit in federal court regarding prison conditions had to show that they had suffered a physical injury in order to recover monetary damages. Shockingly, some courts have found that in some instances a sexual assault does not constitute a "physical injury." The PLRA amendment, passed in March 2013, permits prisoners who show evidence of either a physical injury or the commission of a sexual act to pursue damages. However, the PLRA still imposes complex reporting requirements on survivors of sexual abuse, denying many the chance of legal redress and preventing the courts from playing a critical oversight role.

AS response:
Has not done so

IITC response:
Not completed

Recommendation n°59: *Withdraw reservations to the Convention against Torture*
(Recommended by *Brazil*)

IRI: *not implemented*

AS response:

Has not done so

joint1 response:

[...]

IE response:

[...]

IITC response:

Not completed

Recommendation n°60: *Consider lifting reservations to a number of ICCPR articles (Recommended by Indonesia)*

IRI: not implemented

AS response:

Has not done so

IITC response:

Not completed

Recommendation n°61: *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 (Recommended by France)*

IRI: not implemented

+

Recommendation n°62: *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 (Recommended by Uruguay)*

IRI: not implemented

+

Recommendation n°63: *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 (Recommended by Austria)*

IRI: not implemented

AS response:

Has not done so

NIYC response:

[...]

AHR response:

The United States has not withdrawn its reservation to Article(5) of the ICCPR prohibiting the death penalty for juvenile offenders.



IITC response:
Not completed

Recommendation n°67: *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 (Recommended by Nicaragua)*

IRI: not implemented

AS response:
Has not done so

IITC response:
Not completed

Recommendation n°68: *Take appropriate action to resolve the obstacles that prevent the full implementation of the Avena Judgment of the International Court of Justice and, until this occurs, avoid the execution of the individuals covered in said judgment (Recommended by Mexico)*

IRI: not implemented

AHR response:

The failure to pass legislation implementing the 2004 International Court of Justice decision (*Avena and Other Mexican Nationals (Mexico v. United States of America)*) violates Article 14 of the ICCPR on equality before the courts and tribunals, including the right to adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing, and Article 2(3) on the right to an effective remedy. In 2011, Senator Patrick Leahy introduced legislation that would have authorized U.S. federal courts to review violations of the Vienna Convention on Consular Relations in the cases of foreign nationals who have been sentenced to death. Congress failed to pass the proposed legislation. The United States has failed to implement the ICJ's 2004 decision, and has since executed two Mexican nationals affected by the decision. The State of Texas executed both Jose Medellin on August 5, 2008 and Humberto Leal on July 7, 2011.

Recommendation n°79: *Review its laws at the Federal and State levels with a view to bringing them in line with its international human rights obligations (Recommended by Egypt)*

IRI: not implemented

CSN response:

Not implemented. Embedded in the UN Declaration of Human Rights is the right to freedom of peaceful assembly and association. Therefore, shutting down charities and seizing assets with little or no notice or right of appeal conflicts with these basic human rights. Since 2001, the Treasury Department has designated nine U.S. charities as supporters of terrorism, seized their property and funds, and effectively closed all of their humanitarian programs with little or no warning.

In two separate cases involving the charities Al Haramain (2008) and KindHearts (2009), federal judges found that Treasury's process to list them as supporters of



terrorism lacked adequate notice of the reasons for the designation and did not provide an adequate opportunity to respond. Both courts also ruled that Treasury should not have seized the assets of a charity without first getting a court order based on probable cause.

The lack of clear standards and transparency in the terrorist listing process has raised serious concerns over the due process rights of those listed and the accuracy of the list itself. To date, Treasury has taken no action improve its designation process or to bring their procedures in line with these court rulings, and U.S. charities remain vulnerable to being raided or shut down with little or no notice.

BPPP response:

Although the US government contends that current laws comply with its international obligations, it has not taken a proactive approach to review laws or change them to address those obligations.

USHRN response:

Multiple recommendations address the need for a domestic human rights infrastructure to improve international human rights implementation. Over a dozen call for the creation of an NHRI and several countries also recommend mechanisms to review and reform federal, state and local laws to ensure compliance with international human rights standards. The need for greater coordination and comprehensive review of state and local laws is evident also in the numerous recommendations relating to substantive areas within state and local jurisdiction, including: criminal sentencing (i.e., death penalty and juvenile life without parole), racial profiling, gender discrimination and discrimination in housing, education and employment).

Since the UPR, the federal government has taken some steps to bring together federal agencies to discuss human rights. Namely, the U.S. Department of Justice and the Department of State have convened an Equality Working Group. However, there is no publicly available information on the Working Group's mandate, membership, or activities, and to date, it has not engaged with state and local governments. The United States continues to lack transparent and effective federal mechanisms to encourage, coordinate and support state and local efforts to monitor and implement human rights. Because there is no national human rights infrastructure, many federal, state and local officials are unaware of the treaties the U.S. has ratified and their obligations with respect to treaty implementation. As far as we are aware, no action has been taken to create an NHRI or similar human rights monitoring mechanism. Little has been done to publicize the UPR recommendations or Concluding Observations of treaty bodies to state and local officials, or the public more generally. Further, there are no federal funds, resources or other initiatives to collect and analyze data on state and local human rights compliance or facilitate subnational implementation. Finally, the United States lacks a focal point for state and local governments interested in engaging in these efforts.

IITC response:

Not completed overall



AS response:

not aware of any progress with regard to this very general recommendation. It could be found that some steps have been taken with regard to some aspect of human rights conventional obligations, but I am not aware of any.

NIYC response:

There are federalism problems in the United States that must be squarely addressed to implement this recommendation.

Recommendation n°80: *Enact a federal crime of torture, consistent with the Convention, and also encompassing acts described as - enhanced interrogation techniques* (Recommended by Austria)

IRI: *not implemented*

AS response:

No federal legislation prohibiting torture in the international sense of the word, has been adopted. The US, while denying it, is known to continue to torture people, in the name of national security.

Recommendation n°111: *Invite United Nations Special Rapporteurs to visit and investigate Guantanamo Bay prison and United States secret prisons and to subsequently close them* (Recommended by Iran)

IRI: *not implemented*

PENAC response:

As several UN Special Rapporteurs indicated in a May 1, 2013 letter reiterating need to end the indefinite detention of individuals at Guatánamo Naval Base in light of current human rights crisis (available at [this internet address](#)), the United States continues to deny UN Rapporteurs access to the prison

Recommendation n°114: *Accept individual applications procedures provided for in human rights instruments* (Recommended by Denmark)

IRI: *not implemented*

JDI response:

The U.S. should recognize the competence of the Committee Against Torture (CAT Committee) in hearing complaints from or on behalf of detainees once they have exhausted available avenues of relief within the U.S. legal system. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's (CAT) Article 22 – which compels governments to report on responses to individual complaints submitted to the CAT Committee – would help address abuses that remain unresolved by the U.S. legal system. U.S. ratification of the First Optional Protocol to the International Convention on Civil and Political Rights (ICCPR), which provides an individual complaint mechanism, would further improve domestic accountability.

Unfortunately, the U.S. has repeatedly refused to adopt the Convention's Article 22 (or the ICCPR's First Protocol). The U.S. has not wavered in its position that its domestic legal system provides sufficient remedies for violations of the Convention, despite the CAT Committee's recommendation in 2000 that the U.S. permit Article 22



communications and the Committee's emphasis on the need to remove the tremendous barriers to challenging abusive prison conditions through the courts.

The good news is that a recent amendment to the Prison Litigation Reform Act (PLRA) removed a significant obstacle facing victims of sexual abuse in detention who seek relief in the courts. Previously, detained persons wishing to bring a lawsuit in federal court regarding prison conditions had to show that they had suffered a physical injury in order to recover monetary damages. Shockingly, some courts have found that in some instances a sexual assault does not constitute a "physical injury." The PLRA amendment, passed in March 2013, permits prisoners who show evidence of either a physical injury or the commission of a sexual act to pursue damages. However, the PLRA still imposes complex reporting requirements on survivors of sexual abuse, denying many the chance of legal redress and preventing the courts from playing a critical oversight role.

Recommendation n°119: *Consider extending a standing invitation to special procedures* (Recommended by *Cyprus*)

IRI: *not implemented*

+

Recommendation n°120: *Consider extending a standing invitation to special procedures* (Recommended by *Denmark*)

IRI: *not implemented*

+

Recommendation n°121: *Consider extending a standing invitation to special procedures* (Recommended by *Republic of Korea*)

IRI: *not implemented*

AS response:

the US does have a standing invitation to Special Procedures, but has been known to put up "procedural obstacles" to their visits

Recommendation n°221: *Accede to ICC* (Recommended by *Iran*)

IRI: *not implemented*

AS response:

the United States not only rejects the Rome Statute, it has signed many side agreements with parties to the Rome Statute to the effect that no US Citizen will be prosecuted under the Rome Statute.

Recommendation n°250: *Guarantee the rights of indigenous Americans, and to fully implement the United Nations Declaration on the Rights of Indigenous Peoples* (Recommended by *Iran*)

IRI: *not implemented*

AS response:

The US statement of Support for the UN Declaration on the rights of indigenous peoples (UN Dec) actually rejects important rights: for example it rejects the right of free, prior and informed consent calling it the right of "consultation" where consent is not required before the contemplated action is taken. [...]



The Western Shoshone Defense Project (TWSDP) response:

We understand that the U.S. has stated that it will accept the Declaration, or parts thereof, as an "aspirational" document, but refuses to acknowledge any part that goes beyond current Federal Indian Law. Based on the Inter American Commission Decision and the UN CERD decision on the situation of the Western Shoshone, it is clear the existing Federal Indian Law falls far below the minimal standards set forth in the Declaration.

DHCA response:

The United States Government allows legislation to be sponsored by U.S. Senators and State representatives to be implemented and imposed on the indigenous peoples of America. For instance, Senators John McCain and Jon Kyl sponsored Senate Bill 2109 and its companion bill HR4067 aka The Navajo Hopi Little Colorado River Water Rights Settlement Act of 2012. In addition, other imposed laws have been implemented such as the Navajo Hopi Land Settlement Act of 1974 aka PL93-531 and the Bennett Freeze Act of 1966. These laws are in direct violation of Articles 26, 27, 28, 29, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It prohibits the indigenous peoples their right to develop and control the lands and resources that they possess by traditional ownership.

IITC response:

President Obama stated on December 16th 2010 that the US would be the last country in the world to change its position and "lend its support" to the UN Declaration. However on the same date the US State Department issued is assessment of the US commitment in this regard, which contained a number of qualifications to the minimum standard rights affirmed in the UN Declaration which remain unacceptable to Indigenous Peoples and discriminatory in nature. There included reducing the rights of free prior and informed consent which is included in many provisions of the Declaration to the rights of "Consultation" (which in fact a process rather than a right), asserting that Indigenous Peoples right to Self – determination is a "different" right from that accorded to ALL PEOPLES in the international Covenants, and that the rights apply only to "federally recognized tribes". This has continued to limit the full scope and application of the Declaration for Indigenous Peoples in the US.

Yamasi response:

not implemented: [the government does] not communicate with Indigenous Peoples about self-determination.

example: US does not honor most basic right of Indigenous Peoples not to be part of the Bureau of Indian Affairs. The US does not allow Indigenous Peoples to be Native or Indigenous: They must be "Indian" and they must be organized under US domestic agenda or the US does not communicate with us non-violently.

example: US continues to violently attack Yamasi People with sexual and other assault, torture, arson, imprisonment, slavery, fraud, and murder.



Recommendation n°251: *Recognize the United Nations Declaration on the Rights of Indigenous Peoples without conditions or reservations* (Recommended by Bolivia)

IRI: *not implemented*

+

Recommendation n°252: *Implement the United Nations Declaration on the Rights of Indigenous Peoples at the federal and state levels* (Recommended by Bolivia)

IRI: *not implemented*

Recommendation n°253: *Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples* (Recommended by Libya)

IRI: *not implemented*

TWSDP response:

We understand that the U.S. has stated that it will accept the Declaration, or parts thereof, as an "aspirational" document, but refuses to acknowledge any part that goes beyond current Federal Indian Law. Based on the Inter American Commission Decision and the UN CERD decision on the situation of the Western Shoshone, it is clear the existing Federal Indian Law falls far below the minimal standards set forth in the Declaration.

IITC response:

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AS response:

the US statement of Support for the UN Declaration on the rights of indigenous peoples (UN Dec) actually rejects important rights: for example it rejects the right of free, prior and informed consent calling it the right of "consultation" where consent is not required before the contemplated action is taken. [...]

Yamasi response:

not implemented: US federal, local, and provincial authorities are non-responsive to invocation of the DRIP.

example: University of Florida, St Johns Water Management District, Jacksonville Sheriff's Office, and Duval County Court removed Yamasi documents invoking DRIP from court file and remain non-responsive to attempts at DRIP implementation.



Recommendation n°254: *Endorse the United Nations Declaration on the Rights of Indigenous Peoples when completing its national review process* (Recommended by Finland)

IRI: *not implemented*

AS response:

[See response to recommendation n° 251]

TWSDP response:

We are not aware of this being accomplished.

IITC response:

[See response to recommendation n° 251]

Recommendation n°255: *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* (Recommended by Ghana)

IRI: *not implemented*

IITC response:

This was contained in the CERD's concluding observations regarding the review of the US in 2008. Indigenous Peoples continue to maintain that the US is therefore obligated to implement this recommendation above and beyond the UPR process as a State party to the ICERD.

Recommendation n°256: *Continue its forward movement on the Declaration of the Rights of Indigenous Peoples* (Recommended by New Zealand)

IRI: *not implemented*

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Recommendation n°257: *Guarantee the full enjoyment of the rights on natives of America in line with the United Nations Declaration on the Rights of Indigenous Peoples* (Recommended by Nicaragua)

IRI: *not implemented*

AS response:

See [response to recommendation n°] 250 above; no forward movement has been noted in the US recognition of the important rights under the United Nations Declaration on the rights of Indigenous Peoples.

DHCA response:

The United States Government allows legislation to be sponsored by U.S. Senators and State representatives to be implemented and imposed on the indigenous peoples of America. For instance, Senators John McCain and Jon Kyl sponsored Senate Bill 2109 and its companion bill HR4067 aka The Navajo Hopi Little Colorado River Water Rights Settlement Act of 2012. In addition, other imposed laws have been implemented such as the Navajo Hopi Land Settlement Act of 1974 aka PL93-531 and the Bennett Freeze Act of 1966. These laws are in direct violation of Articles 26, 27, 28, 29, and 32 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It prohibits the indigenous peoples their right to develop and control the lands and resources that they possess by traditional ownership.



IITC response:

President Obama stated on December 16th 2010 that the US would be the last country in the world to change its position and “lend its support” to the UN Declaration. However on the same date the US State Department issued its assessment of the US commitment in this regard, which contained a number of qualifications to the minimum standard rights affirmed in the UN Declaration which remain unacceptable to Indigenous Peoples and discriminatory in nature. These included reducing the rights of free prior and informed consent which is included in many provisions of the Declaration to the rights of “Consultation” (which in fact a process rather than a right), asserting that Indigenous Peoples right to Self – determination is a “different” right from that accorded to ALL PEOPLES in the international Covenants, and that the rights apply only to “federally recognized tribes”. This has continued to limit the full scope and application of the Declaration for Indigenous Peoples in the US.

Yamasi response:

not implemented: US will not even discuss changing the BIA policy of not informing/getting consent from Peoples as a collective or even individual Natives when assigning us an “Indian” number and listing us as beneficiaries of a (casino) corporations. This nefarious US practice impacts all Indigenous Peoples of the Americas

Recommendation n°275: Abandon the State Department practice of qualifying other States according to its interpretation of human rights 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 (Recommended by Ecuador)

IRI: not implemented

IE response:

The U.S. immigration system places undue influence on State Department Human Rights Reports when evaluating asylum cases. While these reports may be a useful starting point, the information therein, especially for LGBTI people, is often incomplete or misleading.

Recommendation n°276: Continue consultations with non-governmental organisations and civil society in the follow up (Recommended by Austria)

IRI: not implemented

BPPP response:

Despite a robust consultative process in the lead-up to the UPR, and immediately thereafter, the US government soon ceased its interactions with civil society in dialogue about the UPR and took the stance that it was already complying with all accepted recommendations, regardless of statements from civil society. To that end, the administration failed to meet this recommendation

Yamasi response:

not implemented: US does not communicate with Indigenous Peoples Organizations, NGOs, or civil society regarding its practice of listing Natives as “Indians” without their knowledge or consent.

Justice

Recommendation n°72: *Make fully consistent all domestic anti-terrorism legislation and action with human rights standards* (Recommended by Iran)

IRI: *not implemented*

CSN response:

Not implemented. Embedded in the UN Declaration of Human Rights is the right to freedom of peaceful assembly and association. Therefore, shutting down charities and seizing assets with little or no notice or right of appeal conflicts with these basic human rights. Since 2001, the Treasury Department has designated nine U.S. charities as supporters of terrorism, seized their property and funds, and effectively closed all of their humanitarian programs with little or no warning.

In two separate cases involving the charities Al Haramain (2008) and KindHearts (2009), federal judges found that Treasury's process to list them as supporters of terrorism lacked adequate notice of the reasons for the designation and did not provide an adequate opportunity to respond. Both courts also ruled that Treasury should not have seized the assets of a charity without first getting a court order based on probable cause.

The lack of clear standards and transparency in the terrorist listing process has raised serious concerns over the due process rights of those listed and the accuracy of the list itself. To date, Treasury has taken no action improve its designation process or to bring their procedures in line with these court rulings, and U.S. charities remain vulnerable to being raided or shut down with little or no notice.

Recommendation n°84: *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* (Recommended by Austria)

IRI: *not implemented*

JDI response:

Recent studies show that sexual abuse in detention continues to be one of the most serious human rights crises in the U.S. In its most recent study on prisoner rape, Department of Justice's Bureau of Justice Statistics (BJS) estimated that roughly 200,000 people are sexually victimized every year in prisons, jails, and youth detention facilities. A 2012 BJS study found that a shocking one in ten state prisoners had been victimized during their most recent period of detention.

In May 2012, the U.S. government took its strongest step yet toward addressing the rampant sexual abuse in its prisons, jails, and other detention facilities when it released binding national standards pursuant to the Prison Rape Elimination Act (PREA). The standards were finalized nearly nine years after the passage of PREA, and more than five years after both the Committee Against Torture (CAT) and the Human Rights Committee (HRC) expressed concern that the U.S. has failed to



address the problem. Clearly, the effective implementation of the PREA standards will be critical to protecting the rights of inmates to be free from sexual abuse.

The PREA standards deal with some of the areas of particular concern to the CAT and the HRC. For example, the standards include a ban on routine pat-down searches of female adult inmates by male staff and insist on meaningful protections for lesbian, gay, bisexual, and transgender (LGBT) inmates. Additionally, they require that all facilities be audited by independent auditors every three years, and that youth in adult facilities no longer be detained in housing units with adult inmates. The standards specify a range of other steps facilities must take to prevent and respond to sexual abuse, including through staff training, screening inmates for their vulnerability to abuse, safer reporting mechanisms for inmates, better investigations practices, and the provision of medical and mental health care for victims.

Though strong overall, the standards do not include several key provisions recommended by the HRC, CAT, and many advocacy groups. For example, while the standards ban cross-gender pat searches of female inmates, they do not prohibit such searches of male inmates, even though government studies have shown that most staff sexual abuse is committed by female staff against male inmates.

Additionally, while the standards place limits on the use of solitary confinement, the prolonged involuntary segregation of vulnerable inmates is still permitted. Facilities routinely isolate prisoners who are deemed at high risk of sexual abuse or who have been sexually victimized. The extended isolation of vulnerable inmates is psychologically harmful and should only be used as a last resort.

Further, the PREA standards do not apply to immigration detention facilities and other detention systems that are operated by federal agencies other than the DOJ. However, an executive memorandum issued by President Obama directs any agency that has confinement facilities such as the Departments of Homeland Security (DHS), which operates immigration detention facilities, to develop their own PREA standards. It is critical that these agencies adopt standards that are at least as strong and comprehensive as the Justice Department's in order to address effectively the sexual abuse of detainees in their custody.

NIJC response:

[The Department of Homeland Security (DHS)] must contract with NGOs and social service agencies to conduct group and individual screening regarding legal issues and other concerns, such as health conditions in detention. Congress must enact legislation to protect the rights and ensure the health and safety of immigrants in detention. DHS must codify minimum detention standards to ensure that noncitizens have adequate access to attorneys, medical care, religious practice, and family visits.

IE response:

We see terrible conditions in immigration detention. Although this detention is considered "civil" rather than criminal, in reality, immigration detainees are held in jail-like conditions or in actual jails. Because of the legal fiction that this is not criminal detention, there is no right to counsel. It is often prohibitively expensive for



immigration detainees to make phone calls to the outside world which are needed to gather evidence to prove their cases.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Recommendation n°123: *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* (Recommended by France)

IRI: -

AHR response:

The arbitrariness of the death penalty in the United States violates its obligations under the ICCPR and the International Convention on the Elimination of All Forms of Racial Discrimination. The death penalty in the United States is fraught with racial, economic, and geographic disparities, and minorities accused of killing white persons are more likely to be sentenced to death than if the victim is a racial or ethnic minority. Studies show defendants convicted of killing white victims are more likely to receive death sentences than defendants convicted of killing African-American victims. A 2007 study showed African-American defendants received the death penalty at three times the rate of white defendants when the victims were white. Similarly, indigent persons with court-appointed counsel are more likely to be sentenced to death than persons with sufficient income to afford an attorney.

Recommendation n°124: *Take appropriate legislative and practical measures to prevent racial bias in the criminal justice system* (Recommended by Austria)

IRI: not implemented

AHR response:

The arbitrariness of the death penalty in the United States violates its obligations under the ICCPR and the International Convention on the Elimination of All Forms of Racial Discrimination. The death penalty in the United States is fraught with racial, economic, and geographic disparities, and minorities accused of killing white persons are more likely to be sentenced to death than if the victim is a racial or ethnic minority. Studies show defendants convicted of killing white victims are more likely to receive death sentences than defendants convicted of killing African-American victims. A 2007 study showed African-American defendants received the death penalty at three times the rate of white defendants when the victims were white. Similarly, indigent persons with court-appointed counsel are more likely to be sentenced to death than persons with sufficient income to afford an attorney.



BPPP response:

To our knowledge, the US government has not taken any steps to address this recommendation.

Recommendation n°125: *Review the minimum mandatory sentences in order to assess their disproportionate impact on the racial and ethnic minorities (Recommended by Haiti)*

IRI: *not implemented*

BPPP response:

To our knowledge, the US government has not taken any steps to address this recommendation.

Recommendation n°135: *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 (Recommended by Uruguay)*

IRI: *not implemented*

BPPP response:

The US government continues to criminalize migrants and has failed to broadly advance human rights training or awareness campaigns addressing police brutality. The US government has worked with local police in several jurisdictions to address excessive use of force with law enforcement in Louisiana and Puerto Rico.

AIJ response:

Since the George W Bush administration, the U.S government has been increasingly criminally prosecuting individuals for immigration related crimes such as illegal entry and illegal re-entry. Efforts are underway in the U.S. Congress to create and pass comprehensive immigration reform legislation. However, such legislation is likely to include enhanced border enforcement policies as a trade-off for legalization of millions of undocumented individuals currently in the U.S. and may well increase the criminalization of migrants. Regarding use of force by immigration agents, numerous individuals have complained to AI Justice about excessive use of force during immigration raids and in detention centers. ICE B286 and the Department of Homeland Security (DHS), which oversees ICE, often fail to investigate complaints of physical violence. AI Justice has found that when DHS does investigate incidents of abuse, such investigations are not conducted thoroughly or impartially. For example, AI Justice has represented victims in cases where [The Department of Homeland Security (DHS)] investigators have interrogated victims as if they were perpetrators, failed to use interpreters in victims' best languages, and waited so long to begin the investigation that witnesses had been deported.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent



immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Recommendation n°148: *A national moratorium on the death penalty is introduced with a view to completely abolish the penalty* (Recommended by Sweden)

IRI: not implemented

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Recommendation n°150: *Consider the possibility of announcing moratorium on the use of the death penalty* (Recommended by Russian Federation)

IRI: not implemented

Recommendation n°151: *Establish a moratorium on the use of the death penalty at the federal and state level as a first step towards abolition* (Recommended by United Kingdom)

IRI: not implemented

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Recommendation n°152: *Establish a moratorium on executions on the entire American territory, with a view to a definitive abolition of the death penalty* (Recommended by Belgium)

IRI: not implemented

+

Recommendation n°153: *Establish, at all levels, a moratorium on executions with a view to completely abolish the death penalty* (Recommended by Switzerland)

IRI: not implemented

+

Recommendation n°154: *Adopt a moratorium on the use of the death penalty with a view to abolishing capital punishment in federal and national legislations* (Recommended by Italy)

IRI: not implemented

+

Recommendation n°155: *Establish a moratorium to the death penalty with a view to its abolition* (Recommended by Uruguay)

IRI: not implemented

+

Recommendation n°156: *Impose a moratorium on executions with a view to abolishing the death penalty nationwide* (Recommended by New Zealand)

IRI: not implemented

+

Recommendation n°157: *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* (Recommended by Netherlands)

IRI: not implemented

+

Recommendation n°158: *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* (Recommended by Cyprus)

IRI: not implemented



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Recommendation n°159: *Abolish the death penalty and in any event, establish a moratorium as an interim measure towards full abolition* (Recommended by Australia)

IRI: *not implemented*

+

Recommendation n°160: *Abolish capital punishment and, as a first step on that road, introduce as soon as practicable a moratorium on the execution of death sentences* (Recommended by Hungary)

IRI: *not implemented*

World Coalition Against the Death Penalty (WCADP) response:

Since 2010, the governor of Oregon declared an official moratorium on the use of the death penalty and Illinois, Connecticut and Maryland abolished the death penalty. However, no moratorium was introduced at the national level.

Recommendation n°149: *Before 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* (Recommended by Sweden)

IRI: -

AHR response:

The arbitrariness of the death penalty in the United States violates its obligations under the ICCPR and the International Convention on the Elimination of All Forms of Racial Discrimination. The death penalty in the United States is fraught with racial, economic, and geographic disparities, and minorities accused of killing white persons are more likely to be sentenced to death than if the victim is a racial or ethnic minority. Studies show defendants convicted of killing white victims are more likely to receive death sentences than defendants convicted of killing African-American victims. A 2007 study showed African-American defendants received the death penalty at three times the rate of white defendants when the victims were white. Similarly, indigent persons with court-appointed counsel are more likely to be sentenced to death than persons with sufficient income to afford an attorney.

Recommendation n°177: *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* (Recommended by DPR Korea)

IRI: *not implemented*

joint1 response:

To this moment no substantial action has been taken to address the civilian killings by U.S. military troops or to bring the perpetrators to justice. International law mandates that the US, being the aggressor, should provide remedy and restoration for the suffering and damage inflicted. The US has yet to compensate any victims.

In 2006 The Lancet estimated that about 655,000 Iraqis had died as a result of the U.S.-led war and occupation in Iraq. By 2010 estimates stood at 1.500.000 deaths.



The U.S. violated Geneva Conventions on endless occasions, including the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. In Baghdad and other cities, schools, mosques, markets, hotels and residential areas were all targeted by tanks and air strikes.

ODVV response:

[...] The violation of international law and conventions, particularly humanitarian law and the Geneva Conventions, abuse of citizens, detainees and prisoners of war, can be seen in Guantanamo, Abu Ghraib and Bagram as clear examples, and also supporting of inhuman actions of countries are other examples of human rights violations in other countries.

[...] This is while the United States has accepted the recommendations on ending human rights violations committed by US forces in Afghanistan and other countries, and also the suspension of extrajudicial and supranational laws and restraint from adoption of unilateral measures against other countries.)

Invitation of UN Special Rapporteurs to visit Guantanamo and other secret detention centres, and the closure of these centres and a review of the opportunity for invitation of relevant mandate holders following the study of the 5 special procedures in 2005 to decide on the closure of Guantanamo are some of the commitments of the US Government according to the first round of the UPR on the country. This is while UN human rights officials clearly state American government's shortcoming in the closure of the Guantanamo detention centre. (Navi Pelly)

Recommendation n°178: *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 (Recommended by Cuba)*

IRI: *partially implemented*

joint1 response:

The U.S. launched an inquiry into the incidents of torture at Abu Ghraib (this came in the form of the Taguba Report) in 2004, however, the report did not yield any significant results or consequences for those who perpetrated the acts of torture. The legal action taken against perpetrators was minimal when it existed at all; most perpetrators were never prosecuted; and of extreme importance, high-level officials who were aware of the problem and gave orders for the use of torture were never fully investigated or brought to justice. Ensuring that perpetrators be prosecuted is of utmost importance and it is for this reason that we consider it imperative that the US ratify the Rome Statute to the International Criminal Court. Violations committed took place outside of the US and thus the most fair venue for prosecution would be the ICC.

PENAC response:

While there have been a handful of prosecutions of military personnel for prisoner abuses at Abu Ghraib and elsewhere, to date none of the architects and senior personnel responsible for devising and implementing the torture programs have been prosecuted for violations of US or international law--despite a clear and growing



record establishing clear culpability throughout the chain of command and to the highest levels of executive branch agencies. Moreover, civil actions on behalf of prisoners who suffered torture and cruel, inhuman, and degrading treatment have all failed because the executive branch has interceded to halt proceedings, arguing that litigating the cases threatens to expose "state secrets." There has, in short, been no real accountability for torture of prisoners in US custody since September 11, 2001.

Recommendation n°180: *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* (Recommended by Norway)

IRI: *partially implemented*

JDI response:

[See response to recommendation n° 84]

NIJC response:

Juan Mendez, the U.N. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, draws the attention of the General Assembly to his assessment that solitary confinement is practiced in a majority of States. He finds that where the physical conditions and the prison regime of solitary confinement cause severe mental and physical pain or suffering, when used as a punishment, during pre-trial detention, indefinitely, prolonged, on juveniles or persons with mental disabilities, it can amount to cruel, inhuman or degrading treatment or punishment and even torture. In addition, the use of solitary confinement increases the risk that acts of torture and other cruel, inhuman or degrading treatment or punishment will go undetected and unchallenged. Congress should prohibit the use of solitary confinement and [Department of Homeland Security (DHS)] should develop clear policies along the Special Rapporteur's guidelines.

AHR response:

Death by lethal injection, which is practiced in the United States, can result in severe and excruciating pain violating human rights protections against cruel and unusual punishment. Reports show executions by lethal injection can last over twenty minutes and lead to severe suffering and convulsions. In addition, the injections are often administered by untrained personnel, thus contributing to the risk of procedural errors. Certain states ban the use of the drugs used in lethal injection executions on animals, but continue to use the drugs for death penalty executions. The U.S. Supreme Court granted certiorari to hear a challenge to Kentucky's lethal injection process, but in 2008, decided to allow the continued use of a method of execution by lethal injection challenged by Kentucky death row inmates. Yet, problems persist with states' lethal injection procedures: on September 15, 2009, during the attempted execution of Romell Broom, Ohio officials spent over two hours attempting to locate a suitable vein to use for the lethal injection before finally postponing his execution.

Recommendation n°186: *Guarantee the complete prohibition of torture in all prisons under its control* (Recommended by Iran)

IRI: *not implemented*

JDI response:

[See response to recommendation n° 84]

ODVV response:

The prohibition of torture in all prisons and detention centres and the closing of Guantanamo and other secret detention centres around the world was another recommendation which the US Government accepted in the first round of the UPR on the USA, but serious steps have not taken in this regard.

Recommendation n°187: *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 (Recommended by Bolivia)*

IRI: *not implemented*

joint1 response:

During the 2003 U.S.-led invasion of Iraq and its ensuing occupation, torture was a wide-spread issue. Abu Ghraib is one of the most well-known cases of torture in a detention facility, but its use was used in many prisons and secret detention facilities. Torture was often used during interrogations. During the occupation hundreds of bodies bearing signs of torture would be found scattered around the country. Although an inquiry was conducted in 2004 (Taguba Report), the focus of the report was only Abu Ghraib and no real results or consequences were yielded by the inquiry. Crimes of extraterritorial torture committed in Iraq by the U.S. and its forces have mostly gone unpunished. Seeing that violations in Iraq are extraterritorial, ratification of the Rome Statute of the International Criminal Court is imperative for ensuring a venue and fair prosecution of perpetrators.

PENAC response:

Torture is defined as a crime under federal law in the United States. However, to date none of the architects and senior personnel responsible for devising and implementing the torture programs have been prosecuted for violations of US or international law--despite a clear and growing record establishing clear culpability throughout the chain of command and to the highest levels of executive branch agencies. Moreover, civil actions on behalf of prisoners who suffered torture and cruel, inhuman, and degrading treatment have all failed because the executive branch has interceded to halt proceedings, arguing that litigating the cases threatens to expose "state secrets." There has, in short, been no real accountability for torture of prisoners in US custody since September 11, 2001.

Recommendation n°188: *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 (Recommended by Russian Federation)*

IRI: *not implemented*

PENAC response:

There have been a number of thorough and objective investigations of fact concerning the use of torture in secret prisons and detention centers in Bagram and Guantanamo, including investigations by the CIA's Inspector General, by the Inspector General of the Department of Justice, by the Senate Armed Services Committee, and by the Senate Select Committee on Intelligence. These investigations and others establish a clear record of torture and cruel, inhuman, and degrading treatment of prisoners in US custody. However, to date none of the architects and senior personnel responsible for devising and implementing the torture programs have been prosecuted for violations of US or international law--despite a clear and growing record establishing clear culpability throughout the chain of command and to the highest levels of executive branch agencies. Moreover, civil actions on behalf of prisoners who suffered torture and cruel, inhuman, and degrading treatment have all failed because the executive branch has interceded to halt proceedings, arguing that litigating the cases threatens to expose "state secrets." No current or former prisoners of any of these facilities has received any form of compensation or redress for their injuries from the United States.

ODVV response:

The violation of international law and conventions, particularly humanitarian law and the Geneva Conventions, abuse of citizens, detainees and prisoners of war, can be seen in Guantanamo, Abu Ghraib and Bagram as clear examples, and also supporting of inhuman actions of countries are other examples of human rights violations in other countries.

Since the end of the Cold War, the United States has often started wars against other countries, The wars in Afghanistan and Iraq both were initiated by America, both of which had huge numbers of civilian casualties. (According to an article published in July 2012 in www.stopwar.org.uk, the US led "War on Terror" claimed between 14,000 and 110,000 lives from 2001 till 2011. The article continues on and refers to a UNAMA report and wrote that from 2007 till July 2011 at least 10,200 civilians were killed in Afghanistan. Also according to the same article, the number of civilians killed in clashes in Iraq from 2003 till 2011 is approximately 115 thousand). As well as the occupation of Iraq and Afghanistan the "War on Terror" has been dragged to neighbouring countries such as Pakistan, Yemen and Somalia, and resulted in the death of a large number of civilians in these countries. At least 480 civilians that included 68 children were killed in military operations in Pakistan from 2004 till 2012. Quoting the media, the article also stated that at least 56 civilians were killed in military operations in Yemen.

This is while the United States has accepted the recommendations on ending human rights violations committed by US forces in Afghanistan and other countries, and also the suspension of extrajudicial and supranational laws and restraint from adoption of unilateral measures against other countries.

Recommendation n°189: *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 (Recommended by Brazil)

IRI: *not implemented*

joint1 response:

Iraqis have undergone torture by US military forces as well as PMSCs hired by the US. Iraqi victims of torture, in particular those tortured in detention facilities like Abu Ghraib and under interrogation during the U.S. invasion and under United States' control, have not been given reparation for the violations they suffered.

PENAC response:

Efforts to secure reparations for victims of acts of torture committed under United States control have consistently failed, as Congress has explicitly and repeatedly sought to bar prisoners from bringing claims for mistreatment in US courts, the executive branch has scuttled lawsuits by arguing that litigating prisoner claims threatens "state secrets," and courts have dismissed all claims filed in US courts for reparations for torture.

Recommendation n°191: 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 (Recommended by DPR Korea)

IRI: *not implemented*

joint1 response:

Thousands of Iraqis were subjected to brutality and the use of excessive or deadly force by law enforcement officials (under U.S. control) in detention facilities in Iraq. Torture and other forms of physical abuse were rampant in interrogations and under detention. UNAMI reports that forms of torture used included: beatings with hoses, cables and sharp tools; burning detainees; pouring petrol on the bodies of detainees; sexual assault; the use of electric drills and forcing detainees to sit on sharp objects. No tangible measures have been taken to punish these brutal acts. Minimal action was taken for abuses at Abu Ghraib and no mid or high-level officials were investigated or prosecuted for their involvement. The ratification of the Rome Statute of the International Criminal Court would allow for accountability and prosecutions to take place.

BPPP response:

The US government has failed to broadly advance human rights training or awareness campaigns addressing police brutality. The US government has worked with local police in several jurisdictions to address excessive use of force including reaching agreements with law enforcement in Louisiana and Puerto Rico.

Recommendation n°192: Strengthen oversight with a view to ending excessive use of force by law enforcement bodies, particularly when it is directed to the racial minorities and bring those responsible for violation of laws to justice (Recommended by China)

IRI: *partially implemented*



BPPP response:

While the government has made some important progress in this area, police and law enforcement continue to operate largely with impunity when interacting with marginalized groups including racial minorities, migrants, drug users, people in the sex trade, and others.

Recommendation n°193: *Prevent and repress the illegitimate use of violence against detainees* (Recommended by Belgium)

IRI: *partially implemented*

JDI response:

[See response to recommendation n° 84]

AIJ response:

Immigration detainees continue to be subject to excessive and inappropriate use of physical force by Immigration and Customs Enforcement (ICE) officials and contractors in detention facilities. Such physical force has included beatings and the use of pepper spray (the latter in county jails which contract with ICE to house immigration detainees). Many detainees have also been victims of sexual abuse at the hands of ICE officers, facility staff and other detainees. ICE and the Department of Homeland Security (DHS), which oversees ICE, often fail to investigate complaints of physical and sexual abuse. AI Justice has found that when DHS does investigate incidents of abuse, such investigations are not conducted thoroughly or impartially. For example, AI Justice has represented victims in cases where DHS investigators have interrogated victims as if they were perpetrators, failed to use interpreters in victims' best languages, and waited so long to begin the investigation that witnesses had been deported. Unfortunately, even where the Department of Justice or other law enforcement independent of DHS has become involved in the investigation, they rarely prosecute cases. The few that are prosecuted generally result in light criminal sentences.

BPPP response:

While the government has made some important progress in this area, including the enactment of regulations stemming from the Prison Rape Elimination Act, prison and jail officials continue to act largely with impunity due to a combination of poor oversight, limited redress available to prisoners and detainees (caused for example by the Prison Reform Litigation Act), and lack of government action.

Recommendation n°196: *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* (Recommended by Venezuela)

IRI: *not implemented*

joint1 response:

Thousands of Iraqis were subjected to brutality and the use of excessive or deadly force by law enforcement officials (under U.S. control) in detention facilities in Iraq. Torture and other forms of physical abuse were rampant in interrogations and under detention. No tangible measures have been taken to punish these acts. During the occupation of Iraq by the US, tens of thousands of people disappeared, were executed or were arbitrarily detained. As with the case of the use of brutality and



excessive force, agents of these abuses have not been punished and no compensation has been given to the victims of these grave violations.

PENAC response:

Guantanamo remains open. To date none of the architects and senior personnel responsible for devising and implementing the torture programs have been prosecuted for violations of US or international law--despite a clear and growing record establishing clear culpability throughout the chain of command and to the highest levels of executive branch agencies. Moreover, civil actions on behalf of prisoners who suffered torture and cruel, inhuman, and degrading treatment have all failed because the executive branch has interceded to halt proceedings, arguing that litigating the cases threatens to expose "state secrets." No current or former prisoners of any of these facilities has received any form of compensation or redress for their injuries from the United States.

Recommendation n°205: *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 (Recommended by Thailand)*

IRI: *partially implemented*

JDI response:

[See response to recommendation n° 84]

NIJC response:

A proposed rule has been issued to comply with the Prison Rape Elimination Act (PREA)--a law enacted in 2003 with the goal of eliminating sexual assault in prisons . Migrants in immigration detention represent a wide variety of backgrounds that are not typically represented in the general inmate population. Since [Department of Homeland Security (DHS)] contracts out to private prisons and county jails, the staff does not receive adequate cultural sensitivity training. DHS must ensure human rights training is incorporated into the final regulations.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

BPPP response:

The US government made substantial progress in this area by enacting regulations pursuant to the Prison Rape Elimination Act with input from civil society. Prison conditions, particularly access to health care, require further attention from the government.



Recommendation n°206: *Reduce overcrowding in prisons by enlarging existing facilities or building new ones and-or making more use of alternative penalties* (Recommended by *Belgium*)

IRI: *partially implemented*

BPPP response:

The US government has taken little action to address overcrowding or to make more use of alternatives to imprisonment. Indeed, policies that seek to "end demand" for prostitution are increasing arrests and incarceration for actions that largely ought to be handled via alternatives.

Recommendation n°207: *Ensure that detention centers for migrants and the treatment they receive meet the basic conditions and universal human rights law* (Recommended by *Guatemala*)

IRI: *not implemented*

JDI response:

Immigration detainees in the U.S. continue to be particularly vulnerable to sexual abuse in detention. President Obama's executive order states that the Department of Homeland Security (DHS), which operates immigration detention facilities, must develop standards pursuant to PREA to address sexual abuse of persons in its custody. The DHS is in the process of finalizing its PREA standards; the agency released draft standards for public comment in December 2012. The DHS' existing policies on preventing sexual abuse of detainees are insufficient, so it is critical that its PREA standards are at least as strong and comprehensive as those developed by the Department of Justice.

NIJC response:

The United States must ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which establishes an international inspection system for places of detention. The United States must work with NGOS to develop a credible system of oversight and inspection of detention facilities. The Department of Homeland Security must provide detained noncitizens with periodic hearings before a court to prevent arbitrary and prolonged detention. DHS must also codify minimum detention standards to ensure that noncitizens have adequate access to attorneys, medical care, religious practice, and family visits.

AIJ response:

Despite the Department of Homeland Security's promises to reform the immigration detention system and move to a civil model of detention, conditions continue to be abysmal. Adult immigration detainees are generally held in three types of facilities - ICE owned detention centers (now generally operated by private companies), facilities owned and operated by private prison companies on contract with ICE, and federal, state, or local detention facilities on contract with ICE to hold immigration detainees (some of these are dedicated to immigration detainees, others also house federal, local or state criminal inmates). ICE and Customs and Border Protection (CBP)(an independent agency within the Department of Homeland Security) also have short term holding facilities. Detainees routinely report that they are deprived of adequate medical and mental health care, proper nutrition, and in some cases,



sunlight. Some face sexual and physical abuse (see response to [recommendation n°] 193), while most complain of verbal mistreatment by facility staff. Members of the lesbian, gay, bisexual, and transgender community are particularly vulnerable to mistreatment, and are often placed in "protective custody" where they face isolation and additional restrictions on their liberty. Conditions in immigration detention centers are governed by Performance Based National Detention Standards, a set of rules which are not legally enforceable. AI Justice and other organizations have filed lawsuits against ICE and contractors over detention center conditions, including failure to provide medical care. Earlier this year, AI Justice filed a lawsuit over conditions at CBP holding facilities. Detainees, some of whom were held in these facilities for as long as two weeks, report that the facilities are freezing cold (they are even referred to by CBP officers unofficially as "hieleras," or iceboxes in Spanish), they are forced to sleep on the concrete floor without bedding or blankets, they do not have access to a bath or shower, they are not given basic hygiene products like toothbrushes or toothpaste, and they are only fed once or twice a day.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

BPPP response:

Although the US government has sought to improve these conditions, much more remains to be done.

Recommendation n°212: *Insist more on measures aiming to combat the demand and provide information and services to victims of trafficking* (Recommended by Moldova)

IRI: *partially implemented*

BPPP response:

US government policies focused on "demand" continue to be ill-informed, although some improvements have been made, particularly in recognition of the ways in which



demand for cheap goods and services drive exploitation. However, a number of prominent legislators have joined campaigns to shut down websites, which provide improved working conditions for workers in the sex sector, in the name of combatting human trafficking. Such tactics contribute to sensationalism and oversimplification of the issues relating to human trafficking and labor abuse. For example, the 2013 reauthorization of the main federal anti-trafficking law included long-standing provisions prohibiting groups from receiving funding unless they adopt and espouse, as their own, a policy against “promoting, supporting, or advocating” for the practice of prostitution. Failing to strike down this provision has prevented some of the organizations and groups that are in the best position to properly identify, report on incidents of trafficking, report on incidents of exploitation, and provide safe removal and care for victims of sex trafficking. Sex worker groups, in particular, are essential partners for identifying when a person has been trafficked in the sex sector. The December 2012 Congressional Research Service’s report *Trafficking in Persons: U.S. Policy and Issues for Congress* recognized the criticism that the restriction on funding “excludes the people who are most able to report and combat abuses within the sex industry—including prostitutes themselves—and may hinder the success of well-established anti-TIP programs.” The US government continues to promote and fund the use of law enforcement raids as a method of combating trafficking in persons, despite its failure to effectively address the trafficking issue or provide effective remedies to victims. US anti-trafficking policies lack evidence of clear data gathering; the reporting on raids is often anecdotal and void of accurate information on success rates; and the adequacy of any estimates of the number of victims of trafficking reported each year has been called into question. The US government has also failed to require comprehensive evaluations on the effectiveness and victim protection of anti-trafficking policies supported by US funds. Additionally the US government continues to disproportionately focus anti-trafficking efforts, including law enforcement, training, awareness campaigns and service funding, on trafficking in the sex sector. The failure to reform immigration and labor laws to address abuse and exploitation of workers in a broad range of sectors undermines the US government’s claims of leadership to address these issues. The most recent immigration law proposals, for example, include provisions for “guest worker” programs that would likely lead to widespread abuse of migrant workers including violations meeting the definition of human trafficking.

Recommendation n°218: *Make those responsible for gross violations of human rights in American prisons and prisons under the jurisdiction of America outside its territory accountable* (Recommended by Libya)

IRI: *not implemented*

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Recommendation n°219: *Compensate victims of gross violations of human rights in American prisons and prisons under the jurisdiction of America outside its territory and provide them with remedies* (Recommended by Libya)

IRI: -

JDI response:

[See response to recommendation n° 84]



Recommendation n°220: *Put on trial its gross violators of human rights and its war criminals* (Recommended by Iran)

IRI: *not implemented*

joint1 response:

[...] None of the U.S. leaders who perpetrated the war (under false pretences) or any of the high-level officials and military personnel have been put on trial for their human rights violations against the Iraqi people. The ICC would be the most appropriate venue for the prosecution of the war crimes committed by the United States, thus, the ratification of the Rome Statute of the International Criminal Court must not continue to be delayed.

Recommendation n°223: *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* (Recommended by Sweden)

IRI: *not implemented*

JDI response:

[See response to recommendation n° 84]

Yamasi response:

not implemented: US does provides only life-sustaining calorie-level food to prisoners working full day in work camps; US withholds food, clothing, and medical treatment from prisoners—this is noted by our prisoners held in local facilities in Florida, Georgia. Prisoners are not allowed to exercise indigenous religions. Prisoners are not allowed to be safely visited by indigenous relatives also being hunted by US. Indigenous prisoners cannot have private visits but must practice Native customs in front of the State that is trying to appropriate our indigenous identity.

Recommendation n°224: *Ensure the enjoyment of the right to vote both by persons deprived of their liberty and of persons who have completed their prison sentences* (Recommended by Sweden)

IRI: *not implemented*

BPPP response:

The US government has not taken steps to implement this recommendation.

Recommendation n°225: *Review of alternative ways to handle petty crime and of measures to improve the situation of inmates in prisons* (Recommended by Algeria)

IRI: *not implemented*

JDI response:

[See response to recommendation n° 84]

BPPP response:

The US government has not taken steps to implement this recommendation.

Recommendation n°231: *Incarcerate immigrants only exceptionally* (Recommended by Switzerland)

IRI: *not implemented*

NIJC response:

[Department of Homeland Security (DHS)] must utilize a risk assessment tool to determine if an individual poses a threat to the community or a flight risk. Those who are not risks must not be detained. In particular, vulnerable populations, such as individuals with mental or medical illnesses, must not be detained, and the risk level must be reassessed if new evidence becomes available. Noncitizens who are not risks to the community but do not qualify for release on parole, bond or recognizance must be provided with the opportunity to enter into an alternative to detention program.

AIJ response:

The number and types of individuals in detention in the U.S. demonstrate that detention is not used only exceptionally. The U.S. Congress appropriates money to ICE which allows it to maintain 34,000 individuals in detention daily. This figure is interpreted as a quota, requiring that ICE maintain 34,000 individuals in detention. The ICE Director, John Morton, recently reported that ICE has had an average daily detention population of 35,000 individuals. Among them are asylum seekers, victims of violent crimes, human trafficking, and domestic violence, parents of U.S. citizen children, and lawful permanent residents who have committed removable offenses. Many individuals in detention have no criminal histories and do not pose a danger to the community.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Recommendation n°232: *Investigate carefully each case of immigrants' incarceration*
(Recommended by Switzerland)

IRI: *not implemented*

NIJC response:

[Department of Homeland Security (DHS)] must utilize a risk assessment tool to determine if an individual poses a threat to the community or a flight risk. Those who are not risks must not be detained. In particular, vulnerable populations, such as individuals with mental or medical illnesses, must not be detained, and the risk level must be reassessed if new evidence becomes available.

AIJ response:

ICE reports that officials review each individual's case before deciding whether or not to detain. However, AI Justice, continues to see individuals in immigration detention who pose neither a flight risk nor a danger to the community, ICE's detention criteria. AI Justice continues to see asylum seekers, victims of violent crimes, human trafficking, and domestic violence, and parents of U.S. children in detention. Many individuals in detention have no criminal histories and are not a danger to the community.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Recommendation n°233: Adapt the detention conditions of immigrants in line with international human rights law (Recommended by Switzerland)

IRI: not implemented

JDI response:

Immigration detainees in the U.S. continue to be particularly vulnerable to sexual abuse in detention. President Obama's executive order states that the Department of Homeland Security (DHS), which operates immigration detention facilities, must develop standards pursuant to PREA to address sexual abuse of persons in its custody. The DHS is in the process of finalizing its PREA standards; the agency released draft standards for public comment in December 2012. The DHS' existing



policies on preventing sexual abuse of detainees are insufficient, so it is critical that its PREA standards are at least as strong and comprehensive as those developed by the Department of Justice.

NIJC response:

Congress must exercise rigorous and ongoing oversight to ensure that human rights laws are upheld and the rights of men, women, and children in detention are protected. DHS must redesign facilities to reflect that immigrant detention is a civil rather than criminal form of custody. For example, facilities must provide adequate space for family visitation, confidential meetings with attorneys and health care practitioners, and indoor and outdoor recreation.

AIJ response:

Despite the Department of Homeland Security's promises to reform the immigration detention system and move to a civil model of detention, conditions continue to be abysmal. Adult immigration detainees are generally held in three types of facilities-- ICE owned detention centers (now generally operated by private companies), facilities owned and operated by private prison companies on contract with ICE, and federal, state, or local detention facilities on contract with ICE to hold immigration detainees (some of these are dedicated to immigration detainees, others also house federal, local or state criminal inmates). ICE and Customs and Border Protection (CBP)(an independent agency within the Department of Homeland Security) also have short term holding facilities. Detainees routinely report that they are deprived of adequate medical and mental health care, proper nutrition, and in some cases, sunlight. Some face sexual and physical abuse (see response to 193), while most complain of verbal mistreatment by facility staff. Members of the lesbian, gay, bisexual, and transgender community are particularly vulnerable to mistreatment, and are often placed in "protective custody" where they face isolation and additional restrictions on their liberty. Conditions in immigration detention centers are governed by Performance Based National Detention Standards, a set of rules which are not legally enforceable. AI Justice and other organizations have filed lawsuits against ICE and contractors over detention center conditions, including failure to provide medical care. Earlier this year, AI Justice filed a lawsuit over conditions at CBP holding facilities. Detainees, some of whom were held in these facilities for as long as two weeks, report that the facilities are freezing cold (they are even referred to by CBP officers unofficially as "hieleras," or iceboxes in Spanish), they are forced to sleep on the concrete floor without bedding or blankets, they do not have access to a bath or shower, they are not given basic hygiene products like toothbrushes or toothpaste, and they are only fed once or twice a day.

AHR response:

The United States' immigrant detention system has evolved without regard for international human rights standards. As a result, detention is a cornerstone of immigration enforcement policy. To accommodate the increasing number of non-citizen detainees, the federal government contracts with private prison companies to provide prison beds in facilities exclusively for aliens convicted of nonviolent immigration offenses. Additionally, in violation of the right to humane conditions of detention, these facilities fail to provide including access to adequate physical and



mental medical care, fresh air, access to family and legal counsel, and rehabilitation and educational services.

Recommendation n°234: *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* (Recommended by Guatemala)

IRI: *not implemented*

NIJC response:

[Department of Homeland Security (DHS)] must provide detained noncitizens with periodic hearings before a court to prevent arbitrary and prolonged detention. DHS must ensure that all detained noncitizens are provided with access to legal counsel and legal orientation programs through the Department of Justice's Executive Office for Immigration Review. Legal resources and printed materials must be available in languages spoken by detainees and DHS must ensure access to interpreters in all languages. DHS must contract with NGOs and social service agencies to conduct group and individual screening regarding legal issues and other concerns, such as health conditions in detention

AIJ response:

Not all individuals subject to removal (exclusion or deportation) from the United States are entitled to a hearing before a judge. For example, those apprehended entering or attempting to enter the U.S without authorization and those undocumented individuals apprehended within 100 miles of the border who cannot establish that they have been in the U.S. for 14 days, are not entitled to a hearing before a judge unless they establish a credible fear of persecution in their home countries. Individuals in removal proceedings in the U.S. are entitled to legal representation only at their own expense. Many non-detained individuals and the majority of detained individuals are forced to proceed pro se in removal (deportation) proceedings because they cannot afford an attorney. Studies demonstrate that detained individuals without counsel have little chance of success in their removal proceedings. Individuals in removal proceedings are entitled to an interpreter in their preferred language. The federal government also funds a legal orientation program (LOP), through which nongovernmental organizations provide know your rights presentations, legal orientations, and pro bono referrals in some detention centers. This money cannot be used towards legal representation.

IE response:

We continue to see serious mistreatment of LGBT people in immigration detention facilities, although these facilities are supposed to be "civil" in nature rather than punitive. In particular, transgender people are often held in solitary confinement for 22 hours a day because the facility cannot determine a safe way to house them with either gender. Detention in the "civil" context of immigration should be used as a last resort rather than as the default. Currently the Department of Homeland Security detains on average 34,000 immigrant detainees a day, and its primary justification is that Congress allocated funds for this number of detentions. Although immigrant detainees are deprived of liberty, they have no right to counsel.



AHR response:

Streamlined immigration procedures fail to guarantee non-citizens' rights to due process, access to counsel, presentation of their case before a judge, and other fundamental safeguards of fairness. Automatic prosecutorial programs belie the right to an individualized, case-by-case assessment of the need to detain and criminally prosecute. Operation Streamline, begun in 2005, has criminalized illegal entry and stripped judges of discretion in immigration cases. For the past three consecutive years, immigration cases made up the largest category of federal convictions. Problems with the asylum and refugee protection systems have resulted in denial of protection to bona fide refugees. United States law denies asylum to bona fide refugees who fail to file their asylum claims within one year of arriving in the United States. Rather than preventing fraud, which was the stated purpose behind the filing deadline, in practice the deadline penalizes bona fide asylum seekers and disproportionately affects those most in need of protection. Further, the practice of mandatory detention for asylum-seekers having a credible fear of persecution risks re-traumatizing aliens who are already in a psychologically delicate state. Non-citizens who are detained have a more difficult time establishing their eligibility for asylum because they face difficulty of gathering evidence and seeking counsel.

BPPP response:

Persons in immigration detention currently are not entitled to counsel and the sheer number of deportation proceedings initiated by the administration overwhelm the immigration judges tasked with evaluating each case resulting often in less than fair trials that vary greatly based on the whims of the individual judge.

Recommendation n°235: *Ensure the right to habeas corpus in all cases of detention* (Recommended by *Austria*)

IRI: *not implemented*

NIJC response:

[Department of Homeland Security (DHS)] must provide detained noncitizens with periodic hearings before a court to prevent arbitrary and prolonged detention. Individuals granted expedited removals should be granted access to a hearing. Hearings should be provided in a speedy manner, especially in cases involving asylum seekers.

Yamasi response:

NOT IMPLEMENTED: US does not give us lawyers when we are accused. We don't have a lawyer that follows the case or advocates for us. We are incarcerated without cause, without evidence, without any real crime. When it is obvious there is no real crime, we are convicted anyway. We have no fair hearing in a colonial court. The US is consumed with corruption and lawyers and judges and detention workers work for the state goal of destroying Indigenous Peoples.

Recommendation n°274: *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* (Recommended by *United Kingdom*)

IRI: *not implemented*



AHR response:

The failure to pass legislation implementing the 2004 International Court of Justice decision (*Avena and Other Mexican Nationals (Mexico v. United States of America)*) violates Article 14 of the ICCPR on equality before the courts and tribunals, including the right to adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing, and Article 2(3) on the right to an effective remedy. In 2011, Senator Patrick Leahy introduced legislation that would have authorized U.S. federal courts to review violations of the Vienna Convention on Consular Relations in the cases of foreign nationals who have been sentenced to death. Congress failed to pass the proposed legislation. The United States has failed to implement the ICJ's 2004 decision, and has since executed two Mexican nationals affected by the decision. The State of Texas executed both Jose Medellin on August 5, 2008 and Humberto Leal on July 7, 2011.

SOGI

Recommendation n°109: *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 (Recommended by Uruguay)*

IRI: partially implemented

IE response:

It is hard for me to envision government-sponsored awareness-raising campaigns in this area. I do think that if and when gay men and lesbians are allowed to marry and granted full federal marriage rights (including immigration) that it will be harder to discriminate institutionally against LGBT people. I also think that passing a federal law that bars employment discrimination against LGBT people will also be helpful generally to ending the impression that the U.S. government does not protect LGBT people equally.

Council for Global Equality (CGE) response:

No large scale awareness campaigns have taken place. Public statements by senior officials and other steps have been made regarding SOGI rights, but nothing regarding "sexual workers" or sex workers in the United States.

BPPP response:

The US government has taken strides in the first part of this recommendation while failing to address the second. The government renewed the Violence Against Women Act with inclusion of provisions regarding LGBT persons, enacted regulations regarding the Prison Rape Elimination Act to address violence against incarcerated/detained LGBT individuals, and reached agreements regarding investigations into police department practices of violence and discrimination in New Orleans, Louisiana and Puerto Rico. However, the government: has not recognized or worked to address documentation of violence and or human rights abuses against sex workers and LGBT persons regarding police abuse and confiscation of safe sex



materials in New York City, Los Angeles, San Francisco or Washington, DC in 2012; did not support sex workers' call for amnesty from arrests during the incidence of a serial murder targeting people in the sex trade in Long Island, New York in 2011; continues to advocate and advance a policy of "ending demand for prostitution" as an approach to human trafficking despite the lack of evidence of efficacy and the documented human rights abuses resulting from this policy in Thailand, Hungary, United Kingdom, and elsewhere in 2011 and 2012; continues to defend the "anti-prostitution loyalty oath" provision of US global AIDS funding including before the Supreme Court of the United States despite the documented human rights violations resulting from this policy; and has failed to take any proactive steps to train law enforcement in respecting the human rights of individuals involved in the sex trade. Local government bodies have taken steps to address some of these issues, including, for example, Washington, DC and San Francisco, California amending policies to stop law enforcement from confiscating condoms from persons alleged to be involved in sex work.

Recommendation n°142: Take measures to comprehensively address discrimination against individuals on the basis of their sexual orientation or gender identity (Recommended by Australia)

IRI: partially implemented

NIJC response:

A proposed rule has been issued to comply with the Prison Rape Elimination Act (PREA)--a law enacted in 2003 with the goal of eliminating sexual assault in prisons . Migrants in immigration detention represent a wide variety of backgrounds that are not typically represented in the general inmate population. Since [Department of Homeland Security (DHS)] contracts out to private prisons and county jails, the staff does not receive adequate cultural sensitivity training. DHS must ensure human rights training is incorporated into the final regulations.

IE response:

The federal government has not enacted the Employment Non-Discrimination Act which would provide federal employment protections to LBT people. Unfortunately, in many part of the United States there are no formal legal protections to prevent discrimination against LGBT people.

CGE response:

Various federal agencies (HUD, State Department, Labor, USAID, etc.) have enacted regulations and policies to combat discrimination based on SOGI, but Congress has not passed the Employment Non-Discrimination Act. Some incremental steps have been taken, but until ENDA is passed, this issue has still not been addressed comprehensively.

BPPP response:

The government renewed the Violence Against Women Act with inclusion of provisions regarding LGBT persons; enacted regulations regarding the Prison Rape Elimination Act to address violence against incarcerated/detained LGBT individuals; reached agreements regarding investigations into police department practices of violence and discrimination in Louisiana and Puerto Rico; ensured the inclusion of



non-discrimination policies in the Affordable Care Act; clarified that LGBT persons are protected from discrimination in some cases of housing and employment. However, the government has not recognized or worked to address documented violence and human rights abuses against LGBT persons regarding police abuse and confiscation of safe sex materials in New York City, Los Angeles, San Francisco or Washington, DC; continues to advocate and advance a policy of "ending demand for prostitution" as an approach to human trafficking despite the lack of evidence of efficacy and the documented human rights abuses resulting from this policy; continues to defend the "anti-prostitution loyalty oath" provision of US global AIDS funding including before the Supreme Court of the United States despite the documented human rights violations resulting from this policy; and continues the policy of barring entry to the country persons who have been involved in the sex trade, including failing to waive this provision during the International AIDS Conference held in the US in 2012, which has a disproportionate effect on LGBT individuals.

Women & Children

Recommendation n°145: *Consider taking further action to better ensure gender equality at work* (Recommended by Finland)

IRI: *not implemented*

Yamasi response:

not implemented: US maintains its refusal to negotiate treaties with female indigenous leaders

Recommendation n°208: *Further foster its measures in relation to migrant women and foreign adopted children that are exposed to domestic violence* (Recommended by Moldova)

IRI: *not implemented*

Yamasi response:

not implemented: US refuses to work with Yamasi People and displaced Indigenous Peoples living with our lands on immigration issues and the protection of women and children.

Recommendation n°209: *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* (Recommended by DPR Korea)

IRI: *not implemented*

ODVV response:

The United States is one of the few countries that has not joined the CEDAW and the Convention on the Rights of the Child. And this causes notable problems in the protection of women and children's rights in this country even though according to the accepted recommendations from the first UPR, the United States has been



committed unconditionally join these conventions, but to-date we have not seen any efforts in this regard.

American women are faced with discrimination in employment and income. (According to Employment Department information and statistics women make up approximately two thirds of the work force in America, who in 2011 received only 61 percent of the minimum full time work wages).

This is while increasing activities towards the promotion of women and minorities' economic and social rights, bringing about equal decent employment opportunities, and the reduction of the number of the homeless and putting an end to child prostitution, violation against women, and armed aggression are all commitments made by America in its first UPR.

Yamasi response:

[...]

Recommendation n°210: *Take effective steps to put an end to child prostitution, and effectively combat violence against women and gun violence* (Recommended by Iran)

IRI: *not implemented*

ODVV response:

The high number of crimes, violation of the lives of individuals, the high statistics of arrests and the possession of firearms are all examples of human rights violations in the United States of America. Over these last few years we have witnessed several instances of gun related violent crimes in America which is indicative of the lack of enough protection of the lives of the citizens and problems with personal safety in the country.

(According to figures published by the Federal Bureau of Investigation in September 2012, in 2011, approximately 386.3 crimes took place in every 100,000 population of the country).

In January 2013, President Obama proposed a 23 stage plan for gun control, but in April the Senate voted against this proposal.

BPPP response:

The US government has failed to take effective steps to address the situation of young people involved in sex trade, instead focusing on street sweeps and brothel raids which largely result in arrests of adults in the sex sector. Rather than working to hear from young people involved in sex trade activities about their needs and best practices, the government has chosen to focus on law enforcement approaches that are ineffective.

Yamasi response:

not implemented: US refuses to even dialogue with Yamasi People about how to discontinue the monetization of our heritage and reproductive cycles and thus protect our children from rape and prostitution. The US continues to promote the domination



of Indigenous Peoples, including Yamasi People, by casinos who promote trafficking in people, drugs, weapons, and money.

Recommendation n°211: *Define, prohibit and punish the trafficking of persons and child prostitution* (Recommended by Venezuela)

IRI: *not implemented*

ODVV response:

Nonetheless, the number of homeless children in America is sharply increasing and many children live in poverty. (A report published by the Education Department on 27 June 2012, for the first time state schools announced that over one million school children in America are homeless. In 44 States the number of homeless school children is on the increase each year, to an extent where 15 States report a twenty percent increase in the number of such children).

According to the report of the National Centre for Disappeared and Exploited Children, each year at least 100,000 children are trafficked across America. Sexual exploitation of children is another public health issue in America. (According to a 5 November 2012 [report](#), researches announced that 20 percent of adult women and between five and fifteen percent of men in America had experienced sexual abuse during childhood adolescence. In 2012 67,527 children fell victim to sexual abuse.)

BPPP response:

The 2013 reauthorization of the main federal anti-trafficking law included long-standing provisions prohibiting groups from receiving funding unless they adopt and espouse, as their own, a policy against “promoting, supporting, or advocating” for the practice of prostitution. Failing to strike down this provision has prevented some of the organizations and groups that are in the best position to properly identify, report on incidents of trafficking, report on incidents of exploitation, and provide safe removal and care for victims of sex trafficking. Sex worker groups, in particular, are essential partners for identifying when a person has been trafficked in the sex sector.

The December 2012 Congressional Research Service’s report Trafficking in Persons: U.S. Policy and Issues for Congress recognized the criticism that the restriction on funding “excludes the people who are most able to report and combat abuses within the sex industry-including prostitutes themselves-and may hinder the success of well-established anti-TIP programs.” The US government continues to promote and fund the use of law enforcement raids as a method of combating trafficking in persons, despite its failure to effectively address the trafficking issue or provide effective remedies to victims. US anti-trafficking policies lack evidence of clear data gathering; the reporting on raids is often anecdotal and void of accurate information on success rates; and the adequacy of any estimates of the number of victims of trafficking reported each year has been called into question. The US government has also failed to require comprehensive evaluations on the effectiveness and victim protection of anti-trafficking policies supported by US funds. Additionally the US government continues to disproportionately focus anti-trafficking efforts, including law enforcement, training, awareness campaigns and service funding, on trafficking in the sex sector. The failure to reform immigration and labor laws to address abuse and exploitation of workers in a broad range of sectors undermines the US



government's claims of leadership to address these issues. The most recent immigration law proposals, for example, include provisions for "guest worker" programs that would likely lead to widespread abuse of migrant workers including violations meeting the definition of human trafficking.

Recommendation n°243: *Prevent slavery of agriculture workers, in particular children and women* (Recommended by Venezuela)

IRI: *not implemented*

BPPP response:

The 2013 reauthorization of the main federal anti-trafficking law included long-standing provisions prohibiting groups from receiving funding unless they adopt and espouse, as their own, a policy against "promoting, supporting, or advocating" for the practice of prostitution. Failing to strike down this provision has prevented some of the organizations and groups that are in the best position to properly identify, report on incidents of trafficking, report on incidents of exploitation, and provide safe removal and care for victims of sex trafficking. Sex worker groups, in particular, are essential partners for identifying when a person has been trafficked in the sex sector.

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Yamasi response:

not implemented: US refuses to work with Yamasi and other Indigenous Peoples to end the practice of slavery.

example: Yamasi girls and women are still held in slavery because the US pays people to make babies with us, sign a paper on behalf of the baby, assign the baby an Indian number, and name them as a casino beneficiary, without the knowledge or consent of the baby or the People who protect her. As long as US allows this [Bureau



of Indian Affairs (BIA)] practice it promotes and profits from and finances direct slavery of Yamasi People and other Indigenous Peoples.

Other

Recommendation n°66: *Ensure the implementation of its obligations under international humanitarian law* (Recommended by Iran)

IRI: *not implemented*

joint1 response:

The US-led invasion of Iraq and its ensuing occupation violated international law, human rights law and international humanitarian law. Violations of the Iraqi people's rights continued all throughout the occupation and continue today. The US violated international humanitarian law in numerous ways, including by attacking unprotected and civilian areas (i.e. schools, hospitals), destroying heritage and cultural sites, using cluster bombs in residential areas, using chemical weapons, such as white phosphorous, which is prohibited by IHL, and by purposely preventing aid from entering and reaching civilians and those injured, and by systematically destroying food, water, electrical and medical service sources. Articles 55 and 56 of the Fourth Geneva Convention are two specific obligations violated by the US. Under international law, the US must provide remedy and reparation for these gross violations of humanitarian law, which it has not done.

CSN response:

Not implemented. Under Common Article 3 of the Geneva Conventions, civilians have a right to request humanitarian assistance during times of conflict, and governments may not categorically deny charities from making offers to provide such assistance. However, if the civilian population is located in an area controlled by a terrorist group sanctioned by the U.S., the ability of charities to respond to their needs is often limited or prevented entirely.

The problems arise from two U.S. laws that have not been amended to address the recommendation. First, the Antiterrorism and Effective Death Penalty Act (AEDPA) makes it a crime for any person or organization to knowingly provide material support to a U.S. government designated terrorist entity regardless of the intent of the support provided. While the law does exempt religious materials and medicine, it does not permit assistance such as water, shelter, food, or medical services. Second, the economic embargo laws are implemented by the Treasury Department, which bans transactions with designated terrorist groups. This ban applies to paying small fees or taxes, often necessary to reach civilian populations, and does not differentiate between intentional support and accidental diversion of resources to these groups. Thus, U.S. law impairs timely aid delivery and exacerbates the hardships of civilians.

This was the case after famine was declared in Somalia in July 2011. Charities were unable to reach civilians in al-Shabaab controlled areas for many months because of these legal restrictions, contributing to the death toll. When the State Department



finally announced that it would ease restrictions on aid to the country it only did so for USAID grantees. Therefore, privately funded charities wanting to conduct humanitarian operations inside Somalia were largely unable to do so without fear of violating U.S. law. The U.S. needs to create an exception to the law that would allow charities to conduct transactions with sanctioned groups necessary to carry out humanitarian programs in an effective manner. Similar problems continue to arise in other conflict areas where listed armed groups control territory and civilians are in need of humanitarian assistance.

Recommendation n°74: *Take effective legal steps to halt human rights violations by its military forces and private security firms in Afghanistan and other States* (Recommended by Iran)

IRI: *not implemented*

joint1 response:

The US and its forces committed endless human rights violations during their invasion and occupation of Iraq. Occupation forces used excessive force, killed indiscriminately, carried out collective punishment, used illegal weapons, subjected detainees to humiliation, ill-treatment and torture, carried out mass detentions without warrants, and did not provide due process to detainees, amongst many other violations. Calls for independent investigations into these grave violations of human rights have gone unheeded. At one point in 2007 there were close to 200,000 private "contractors" deployed in Iraq by the US government. In 2010 the number was around 150,000. The actions of private military and security companies (PMSCs) go largely unmonitored and their crimes are virtually unpunished in Iraq. The UN Working Group on Mercenaries also received information of cases where PMSC employees used arms or experimental ammunition prohibited by international law. PMSC employees have shot civilians and have been accused of other crimes such as rape. However, not a single armed contractor has been prosecuted for a crime against an Iraqi. Mercenaries in Iraq have complete immunity from Iraqi law under an edict issued by the US Coalition Provisional Authority in 2004.

Recommendation n°86: *Establish a national human rights institution, in accordance with the Paris Principles* (Recommended by Egypt)

IRI: *not implemented*

+

Recommendation n°87: *Establish a national human rights institution, in accordance with the Paris Principles* (Recommended by Germany)

IRI: *not implemented*

+

Recommendation n°88: *Establish a national human rights institution, in accordance with the Paris Principles* (Recommended by Ghana)

IRI: *not implemented*

+

Recommendation n°89: *Establish a national human rights institution, in accordance with the Paris Principles* (Recommended by Sudan)

IRI: *not implemented*

+



Recommendation n°90: *Establish a national human rights institution, in accordance with the Paris Principles* (Recommended by Venezuela)

IRI: *not implemented*

+

Recommendation n°91: *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* (Recommended by Russian Federation)

IRI: *not implemented*

+

Recommendation n°92: *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* (Recommended by Qatar)

IRI: *not implemented*

+

Recommendation n°93: *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* (Recommended by Republic of Korea)

IRI: *not implemented*

+

Recommendation n°94: *Establishment of an independent national human rights institution compliant with Paris Principles at federal level with appropriate affiliated structures at state level* (Recommended by Ireland)

IRI: *not implemented*

USHRN response:

Multiple recommendations address the need for a domestic human rights infrastructure to improve international human rights implementation. Over a dozen call for the creation of an NHRI and several countries also recommend mechanisms to review and reform federal, state and local laws to ensure compliance with international human rights standards. The need for greater coordination and comprehensive review of state and local laws is evident also in the numerous recommendations relating to substantive areas within state and local jurisdiction, including: criminal sentencing (i.e., death penalty and juvenile life without parole), racial profiling, gender discrimination and discrimination in housing, education and employment). Since the UPR, the federal government has taken some steps to bring together federal agencies to discuss human rights. Namely, the U.S. Department of Justice and the Department of State have convened an Equality Working Group. However, there is no publicly available information on the Working Group's mandate, membership, or activities, and to date, it has not engaged with state and local governments. The United States continues to lack transparent and effective federal mechanisms to encourage, coordinate and support state and local efforts to monitor and implement human rights. Because there is no national human rights infrastructure, many federal, state and local officials are unaware of the treaties the U.S. has ratified and their obligations with respect to treaty implementation. As far as we are aware, no action has been taken to create an NHRI or similar human rights monitoring mechanism. Little has been done to publicize the UPR recommendations or Concluding Observations of treaty bodies to state and local officials, or the public



more generally. Further, there are no federal funds, resources or other initiatives to collect and analyze data on state and local human rights compliance or facilitate subnational implementation. Finally, the United States lacks a focal point for state and local governments interested in engaging in these efforts.

Recommendation n°95: *That a human rights institution at the federal level be considered in order to ensure implementation of human rights in all states (Recommended by Norway)*

IRI: *not implemented*

Proceso de Comunidades Negras (PCN) response:

The establishment of an independent human rights institution to monitor not only at-home human rights issues but also the U.S. own compliance with international standards in relation to counter-terrorism, national security and war on drugs policies, is a very important commitment as the institution can be an important mechanism to independently evaluate and monitor the U.S performance on its extraterritorial responsibilities. With the creation of the institution the U.S. can demonstrate that human rights is a priority interest of its foreign policy. Unfortunately, the U.S. have not advance on this commitment having significant impact on counties like Colombia and particularly on Afro-descendant and Indigenous populations directly affected by the foreign policy of the US on Colombia.

Improving Colombia's human rights policy is not really a primary goal of U.S. policy. The U.S. continues to subordinate human rights to issues of national security, which has determined, for instance, in the case of Colombia, a major and most important ally of the U.S. in Latin American region, that foreign policy continue to respond to the economic and political strategic interest of the U.S. on the region, ignoring the egregious situation of human rights in the country.

In October 2011 the U.S. ratified the Colombia-US Free Trade Agreement despite the evidence and loud cried of all human rights voices, including United Nations, the Inter American Commission on Human Rights, Amnesty International and Human Rights Watch, about labor rights and the human rights violations of union workers.

Although the Obama administration came out with the Labor action Plan as mechanism to improve labor rights protection, killings and death threats mostly coming from paramilitary forces, forced disappearances and impunity remind unabated. A HRW report on 2012 exposed that Attorney General's Office's sub-unit of prosecutors dedicated to anti-union violence had made "virtually no progress in obtaining convictions" on the hundreds of killings, threats, homicide attempts and forced displacement of trade unionist. Anti-union repression tighten up right after the passage of the FTA, targeting sugar cane workers, an industry of high profile within the FTA economic aspirations.

Colombia has reached more that five million internal displaced persons, a quarter of which are Afro-descendants. Death threats, rape, non-state forces torture, forced disappearances and murder has focused on areas targeted for development under the FTA. Such is the case of the port of Buenaventura, a port that moves 55% of the exports and imports of the country and where 90% of the population is Black.



Buenaventura is considered a city four times more violent than New York with and outrageous increase on gender-based violence in the last three years. Buenaventura has also on the highest rates of unemployment in the country (80%), and 88% of the population lives in poverty.

Prevailing political interest over human rights, US has certified that Colombia meet human rights conditions, prizing Colombia's tendency to produce legislations that is rarely put in practice, despite Colombian human rights records proving that Colombian is not constrain by norms and institutions. The U.S. certification of Colombia demonstrates its rhetorical commitment with human rights and charter 33 of the Un Human Rights Declaration that impose affirmative duty to protect rights being violated by others states.

Furthermore, one of the major arguments of the U.S. foreign policy and intervention in Colombia is the anti-terrorism and war on drugs. However, one of the prominent responsible for both criminal actions, the paramilitary groups, continue operating with rampant impunity, mostly on Afro-descendant territories. In a recent testimony presented by PCN women's collective before the Inter American Commission on Human Rights, was reported that paramilitary groups, named as criminal bands (BACRIM) by the government, are major responsible for human rights violations in Black urban and rural territories. This is a reality grossly ignored by the Colombian and the U.S. government at the time of Colombia's certification by the U.S., causing not simply impunity but a real impediment to the protection of human rights in general and civil society and human rights defenders in particular, especially Afro-Colombian human rights defenders.

Under international instruments, recommendation 275 by the State of Ecuador ask for "Abandon the State Department practice of qualifying other States according to its interpretation of human rights 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". It's clear why the United States didn't accept this recommendation.

USHRN response:

[See response to recommendation n° 86]

Recommendation n°179: 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 (Recommended by Egypt)

IRI: partially implemented

joint1 response:

The US and its forces committed endless human rights violations during their invasion and occupation of Iraq. Occupation forces used excessive force, killed indiscriminately, carried out collective punishment, used illegal weapons, subjected detainees to humiliation, ill-treatment and torture, carried out mass detentions without warrants, and did not provide due process to detainees, amongst many other



violations. Calls for independent investigations into these grave violations of human rights have gone unheeded. An investigation was carried out with regard to the violations committed in Abu Ghraib, but not all of those involved were charged and punishments for those charged were minimal. When charges have been started, they have later been dropped as was the case with the Marines who committed the "Haditha massacre". Thousands of Iraqis had their rights violated by American forces, which have gone unpunished to this day.

Recommendation n°181: *Stop the war crimes committed by its troops abroad, including the killings of innocent civilians and prosecute those who are responsible* (Recommended by Cuba)

IRI: *not implemented*

joint1 response:

US troops in Iraq committed grave war crimes against the civilian population. Occupation forces used excessive force, killed indiscriminately, carried out collective punishment, used illegal weapons and targeted unprotected, civilian areas such as schools and hospitals. Tens of thousands of Iraqis fell victim to these war crimes. None of those responsible for these atrocities have been prosecuted for their actions. This impunity must end. We therefore also urge the US to ratify the Rome Statute of the International Criminal Court. This would allow for an international venue for prosecutions, which would be the most appropriate since violations were committed abroad.

Yamasi response:

[...]

Recommendation n°183: *Halt selective assassinations committed by contractors, and the privatization of conflicts with the use of private military companies* (Recommended by Venezuela)

IRI: *partially implemented*

joint1 response:

At one point in 2007 there were close to 200,000 private "contractors" deployed in Iraq by the US government. In 2010 the number was around 150,000. The actions of private military and security companies (PMSCs) go largely unmonitored and their crimes are virtually unpunished. In Iraq, thousands of civilians have lost their lives as a result of attacks by PMSCs. The UN Working Group on Mercenaries also received information of cases where PMSC employees used arms or experimental ammunition prohibited by international law. PMSC employees have shot civilians and have been accused of other crimes such as rape. However, not a single armed contractor has been prosecuted for a crime against an Iraqi. Mercenaries in Iraq have complete immunity from Iraqi law under an edict issued by the US Coalition Provisional Authority in 2004. Further, when contractors have been accused of crimes or deadly incidents, their companies quickly remove them from Iraq. To this day there are still PMSCs in Iraq. They must all be withdrawn immediately.

Yamasi response:

not implemented: US will not investigate murders of Yamasi People and displaced Indigenous Peoples living with our lands. US will not investigate the fraudulent



corporation: Miccosukee Tribe of Florida Indians, which has no history in our area as an indigenous government. Its only history in our area is as a paramilitary organization created and paid by the US to systematically rape and otherwise assault, torture, incarcerate, kidnap, burn, and murder Yamasi and other Indigenous Peoples living with our lands because we oppose US development.

Recommendation n°238: *Consider discontinuing measures that curtail human rights and fundamental freedoms (Recommended by Bangladesh)*

IRI: *not implemented*

joint1 response:

The use of mercenaries violates the human rights of the Iraqi people and it impedes the exercise of their right to self determination. PMSCs in Iraq have committed various violations against Iraqis including torture, murder, and the destruction of property. Actions and crimes committed by PMSCs is largely uncontrolled and since these employees have immunity, their actions go unpunished. To this day the US continues to employ PMSCs in Iraq, which continue their violations of human rights and fundamental freedoms. The US must discontinue their use of these PMSCs immediately.

Accountability Counsel (AC) response:

In following the United Nations Guiding Principles on Business and Human Rights, the U.S. should take steps and institute measures to ensure access to remedies for victims of human rights abuses. Paragraph 31 of the UN Guiding Principles sets forth effectiveness criteria for non-judicial grievance mechanisms. Accordingly, the U.S. should take steps to ensure that it has grievance mechanisms in place that are legitimate, accessible, predictable, transparent, equitable, rights-compatible, sources of continuous learning, and independent. Such mechanisms should serve as an indispensable component of the United States' comprehensive system for the remedy of business-related human rights violations. As such, the U.S. should improve the policies and functioning of the Overseas Private Investment Corporation's (OPIC) Office of Accountability, the U.S. National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises, and the Export-Import (Ex-Im) Bank of the U.S., in accordance with Paragraph 31 of the UN Guiding Principles.

In particular, Ex-Im Bank currently completely lacks an accountability mechanism, and the U.S. should establish such a mechanism, reflecting the principles expressed in Paragraph 31. Furthermore, the policies and functioning of OPIC's Office of Accountability and the U.S. NCP exhibit many deficiencies with respect to the Paragraph 31 effectiveness criteria. For more information concerning improving the policies and functioning of these mechanisms, please visit the [\[following website\]](#).

Yamasi response:

[...]

Recommendation n°268: *Halt serious violations of human rights and humanitarian law including covert external operations by the CIA, carried out on the pretext of combating terrorism (Recommended by Iran)*

IRI: -



ODVV response:

The violation of international law and conventions, particularly humanitarian law and the Geneva Conventions, abuse of citizens, detainees and prisoners of war, can be seen in Guantanamo, Abu Ghraib and Bagram as clear examples, and also supporting of inhuman actions of countries are other examples of human rights violations in other countries.

Since the end of the Cold War, the United States has often started wars against other countries, The wars in Afghanistan and Iraq both were initiated by America, both of which had huge numbers of civilian casualties. (According to an [article published in July 2012](#), the US led "War on Terror" claimed between 14,000 and 110,000 lives from 2001 till 2011. The article continues on and refers to a UNAMA report and wrote that from 2007 till July 2011 at least 10,200 civilians were killed in Afghanistan. Also according to the same article, the number of civilians killed in clashes in Iraq from 2003 till 2011 is approximately 115 thousand).

As well as the occupation of Iraq and Afghanistan the "War on Terror" has been dragged to neighbouring countries such as Pakistan, Yemen and Somalia, and resulted in the death of a large number of civilians in these countries. At least 480 civilians that included 68 children were killed in military operations in Pakistan from 2004 till 2012. Quoting the media, the article also stated that at least 56 civilians were killed in military operations in Yemen.

This is while the United States has accepted the recommendations on ending human rights violations committed by US forces in Afghanistan and other countries, and also the suspension of extrajudicial and supranational laws and restraint from adoption of unilateral measures against other countries.)

Invitation of UN Special Rapporteurs to visit Guantanamo and other secret detention centres, and the closure of these centres and a review of the opportunity for invitation of relevant mandate holders following the study of the 5 special procedures in 2005 to decide on the closure of Guantanamo are some of the commitments of the US Government according to the first round of the UPR on the country

Recommendation n°278: 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 and followed up upon in cases of abuse (Recommended by Norway)

IRI: not implemented

PCN response:

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Human Rights, was reported that paramilitary groups, named as criminal bands (BACRIM) by the government, are major responsible for human rights violations in Black urban and rural territories. This is a reality grossly ignored by the Colombian and the U.S. government at the time of Colombia's certification by the U.S., causing not simply impunity but a real impediment to the protection of human rights in general and civil society and human rights defenders in particular, especially Afro-Colombian human rights defenders.

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Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.



UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
64	Comply with its international obligations for the effective mitigation of greenhouse gas emissions, because of their impact in climate change	Venezuela	Accepted	4	Environment
65	Ensure the implementation of its obligations under international humanitarian law vis-a-vis Palestinian people	Iran	Rejected	4	International humanitarian law
69	Repeal the amendment which allows for slavery as a punishment	Venezuela	Rejected	5	Other
70	Repeal the norms that limit freedom of expression and require journalists to reveal their sources, under penalty of imprisonment	Venezuela	Rejected	5	Freedom of opinion and expression, Freedom of the press
71	Abolish its extrajudicial and extraterritorial laws and refrain from the application of unilateral measures against other countries	Iran	Rejected	5	Other
75	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	DPR Korea	Rejected	5	Other
77	Modify the definition of the discrimination in the law to bring it in line with the ICERD and other international standards	China	Rejected	5	International instruments, Racial discrimination
81	Take legislative and administrative measures to address a wide range of racial discrimination and inequalities in housing, employment and education	DPR Korea	Accepted	4	Racial discrimination
83	Take legislative and administrative measures to end defamation of religion	DPR Korea	Rejected	4	Freedom of opinion and expression, Freedom of religion and belief
85	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	Rejected	3	International instruments, Rights of the Child
96	End blockade against Cuba	Cuba	Rejected	5	Other



97	Put an end to the infamous blockade against Cuba	Venezuela	Rejected	5	Other
98	Lift the economic, financial and commercial blockade against Cuba, which affects the enjoyment of the human rights of more than 11 million people	Bolivia	Rejected	5	Other
99	Lift the infamous economic, commercial and financial blockade as well as liberate immediately the five Cubans held in prison for 12 years	Nicaragua	Rejected	5	Other
100	Put an end to the economic financial and commercial embargo against Cuba and Sudan	Sudan	Rejected	5	Other
101	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	DPR Korea	Rejected	5	Other
104	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	Accepted	4	Labour,Migrants,Minorities,Women's rights
107	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	Rejected	5	Other
108	Formulate goals and policy guidelines for the promotion of the rights of indigenous peoples and cooperation between government and indigenous peoples	Finland	Accepted	5	Indigenous peoples
112	Consider the possibility of inviting relevant mandate holders as follow up 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	Accepted	3	Special procedures
113	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	Accepted	4	Special procedures,Counter-terrorism
115	In view of its positive cooperation with special procedures of the Human Rights Council, extend an open standing invitation to these procedures	Costa Rica	Rejected	5	Special procedures
116	Issue a standing invitation to the Special Procedures of the Human Rights Council	Austria	Rejected	5	Special procedures



117	Issue an open and standing invitation to the Special Procedures	Spain	Rejected	5	Special procedures
118	Extend a standing invitation to all special procedures	Netherlands	Rejected	5	Special procedures
126	Devise specific programs aimed at countering growing Islamophobic and xenophobic trends in society	Egypt	Accepted	5	Racial discrimination
128	End all forms of racial discrimination in terms of housing, education, health care, social security and labor	Libya	Accepted	4	Racial discrimination
131	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	Sudan	Accepted	5	Racial discrimination, Treaty bodies
132	Ensure the prosecution and punishment, according to the law, of those responsible of racial hate and xenophobic criminal acts	Ecuador	Accepted	4	Racial discrimination
133	Guarantee a fair compensation to the victims of racial hate and xenophobic criminal acts, such as the case of the Ecuadoreans Marcelo Lucero and Jose Sucuzhanay, murdered in the United States	Ecuador	Rejected	4	Racial discrimination
136	Take administrative and legal measures against perpetrators of racially motivated acts, targeting migrants and minority communities	Bangladesh	Accepted	4	Migrants, Minorities, Racial discrimination
137	Adopt effective measures and an anti-discrimination Act to address racial problems	Ghana	Accepted	4	Racial discrimination
139	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	Accepted	4	ESC rights - general
143	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	Accepted	4	Minorities, Right to housing, Women's rights
146	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	Accepted	2	Other
147	Respect the Cuban people's right to self-determination and cease its actions of interference and hostility against Cuba	Cuba	Rejected	4	Other



161	Impose a nationwide moratorium on executions and commute existing death sentences to imprisonment term with a view to abolish the capital punishment entirely	Slovakia	Rejected	5	Death penalty
162	That steps be taken to set federal and state-level moratoria on executions with a view to abolish the death penalty nationwide	Norway	Rejected	4	Death penalty
163	Consider abolishing death penalty	Turkey	Rejected	3	Death penalty
164	Abolish the death penalty	Germany	Rejected	5	Death penalty
165	Implement at the federal level a moratorium on executions	France	Rejected	5	Death penalty
166	Begin a process leading to the ending of the death penalty punishment	Ireland	Rejected	4	Death penalty
167	Pursuing the process to abolishing the death penalty	Holy See	Rejected	2	Death penalty
168	Abolish as soon as possible the death penalty in the 35 Federal States where this brutal practice is authorized	Nicaragua	Rejected	5	Death penalty
169	Study the possibility for the Federal Government of campaigning in favour of applying the United Nations Moratorium on the death penalty	Algeria	Rejected	3	Death penalty
170	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	Rejected	5	Death penalty
171	That, until a moratorium is applied, steps be taken to restrict the number of offences carrying the death penalty	Denmark	Rejected	4	Death penalty
172	A review of federal and state legislation with a view to restricting the number of offences carrying the death penalty	Norway	Rejected	3	Death penalty
173	Abolish the death penalty, which is also applied to persons with mental disabilities and commute those which have already been imposed	Venezuela	Rejected	5	Death penalty
174	End the prosecution of mentally-ill persons and minors	Cuba	Rejected	5	Disabilities, Justice, Rights of the Child
175	End the execution of mentally-ill persons and minors	Cuba	Accepted	5	Death penalty, Disabilities, Rights of the Child
176	Extend the exclusion of death penalty to all crimes committed by persons with mental illness	Ireland	Accepted	5	Death penalty, Disabilities
182	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	Rejected	4	Other



184	End the use of military technology and weaponry that have proven to be indiscriminate and cause excessive and disproportionate damage to civilian life	Egypt	Accepted	4	International humanitarian law
190	Observe the Amnesty International 12 points program to prevent torture perpetrated by government agents	Ecuador	Accepted	4	Human rights violations by state agents, Torture and other CID treatment
194	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 that resulted from a politically manipulated trial in open disregard for the rules of due process	Cuba	Rejected	5	Detention conditions, Freedom of opinion and expression, Special procedures
195	End the unjust incarceration of political prisoners, including Leonard Peltier and Mumia Abu-Jamal	Cuba	Rejected	5	Detention conditions, Freedom of opinion and expression
197	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	Accepted	4	Detention conditions, Justice
198	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	Ireland	Accepted	4	Detention conditions
199	Release the detainees held in Guantanamo	Ireland	Rejected	5	Detention conditions
200	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	Accepted	5	Detention conditions, Counter-terrorism
201	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	Rejected	5	Detention conditions, International instruments
202	Close without any delay all detention facilities at the Guantanamo Bay as President Barack Obama has promised	Viet Nam	Accepted	5	Detention conditions
203	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	Accepted	5	Detention conditions, International instruments



204	Halt all transfer detainees to third countries unless there are adequate safeguards to ensure that they will be treated in accordance with international law requirements	Ireland	Accepted	5	Justice
213	Guarantee civilians to be tried by their natural judge and not by military commissions	Venezuela	Rejected	4	Justice, Counter-terrorism
214	Prosecute or extradite for trial Luis Posada Carriles and dozens of other well-known terrorists living in impunity in the United States	Cuba	Rejected	5	Counter-terrorism
215	Extradite the confessed terrorist Luis Posada Carriles	Venezuela	Rejected	5	Justice
216	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	Bolivia	Accepted	4	Justice
217	Proceed to extradite former Bolivian authorities that are legally accused of crimes against humanity, in order to be brought to trial in their country of origin	Bolivia	Rejected	5	Justice
222	Respect the human rights of prisoners of war, guaranteed by the penal norms	Nicaragua	Accepted	4	Justice
226	Incorporate in its legal system the possibility of granting parole to offenders under 18 sentenced to life imprisonment for murder	Switzerland	Rejected	5	Justice, Rights of the Child
227	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	Rejected	5	Justice, Rights of the Child
228	Prohibit sentencing of juvenile offenders under the age of 18 without the possibility of parole at the federal and state level	Austria	Rejected	5	Justice, Rights of the Child
229	Cease application of life imprisonment without parole for juvenile offenders and to review all existing sentences to provide for a possibility of parole	Slovakia	Rejected	5	Detention conditions, Justice, Rights of the Child
230	Enact legislation to ensure that imprisonment is only used as a last resort when sentencing all juvenile offenders and provide systematic resocialisation support	Austria	Rejected	5	Detention conditions, Justice, Rights of the Child
239	Take effective measures to counter insults against Islam and Holy Quran	Iran	Rejected	4	Freedom of opinion and expression, Freedom of religion and belief
240	Take effective measures to counter Islamophobia and violence against Moslems, and adopt necessary legislation	Iran	Accepted	4	Racial discrimination



244	Decree maternity leave as mandatory	Venezuela	Rejected	5	Women's rights
259	Prohibit, prevent and punish the use of lethal force in carrying out immigration control activities	Mexico	Accepted	5	Human rights violations by state agents, Migrants
260	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	Accepted	4	Human rights violations by state agents, Migrants
266	Put an end to its actions against the realization of the rights of peoples to a healthy environment, peace, development and self-determination	Cuba	Rejected	4	Development, Environment
267	Raise the level of official development assistance to achieve the United Nations target of 0.7 percent of GDP and allow duty free-quota-free access to all products of all LDCs	Bangladesh	Rejected	5	Development
269	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	Accepted	5	Justice, Counter-terrorism
270	Enact a national legislation that prohibits religious, racial and colour profiling particularly in context of the fight against terrorism	Qatar	Accepted	5	Racial discrimination, Counter-terrorism
271	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	Accepted	4	Racial discrimination
272	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	Accepted	4	Environment
273	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	Bolivia	Accepted	4	Environment
277	Persevere in the strengthening of its aid to development, considered as fundamental, in particular the assistance and relief in case of natural disasters	Morocco	Accepted	2	Technical assistance
279	Make available the human rights records of all units receiving US's security assistance	Norway	Rejected	5	Technical assistance



280	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	Rejected	5	Women's rights
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A= Action Category (see on [our website](#))

SMR = State making recommendation

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