



Human Rights Council

Universal Periodic Review (UPR) of the United States of America 22nd Session (4-15 May 2015)

Joint Stakeholders' Submission on:

Human Rights in the USA: The situation of children, young people and women

Submitted by:

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(NGOs in Consultative Status with ECOSOC)

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I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Human Rights in the USA in the following areas: **racial discrimination, education, work, economic and sexual exploitation**. Each section conveys recommendations to the Government of the USA.
2. The data and information obtained for this submission came from various sources and includes information from teachers, educators, and other civil society actors living and working in the USA. All information concerns the period between the previous UPR of the USA held in 2010 and September 2014.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 93 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 41 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

II. GENERAL REMARKS

5. This NGO coalition welcomes the constructive participation of the USA in the 1st cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by the USA in 2010, with a special focus on children and youth-related issues such as the full implementation of their right to education. The rights of women, migrants and indigenous peoples in the USA also are addressed in the present report.
6. This NGO coalition perceives **migrants** – including undocumented **children, indigenous people, youth, and women** as the most vulnerable groups in the USA, due to the discrimination and human rights abuses to which they are subjected.

III. THE MOST VULNERABLE CHILDREN

7. Children living in poverty remain a very vulnerable group, especially since the economic recession, which forced many American families into a deeper poverty. Low wages and unstable employment make it difficult for parents to provide the proper nutrition, services and education for their children.
8. Moreover, we remain particularly concerned by the phenomena of economic and sexual exploitation of children, especially children from poor and abusive homes or orphanage shelters as well as migrant children. We highlight the lack of sufficient national awareness regarding this issue as well as lack of preventive measures aimed at identifying children who are at high risk for exploitation and supporting them with resources. Difficulties also persist in identifying victims and providing them with adequate assistance. Finally, we detect insufficient training for police officers on the matter.
9. With regard to trafficking of human beings, the USA has yet to establish an effective national data collection system on the sale of children, child prostitution and pornography that could be

shared among federal, state and local authorities, which currently employ various systems. The Committee on the Rights of the Child has welcomed the addition of the Federal Bureau of Investigation's (FBI) reporting system to include trafficking. Nonetheless, it has been acknowledged "this system focuses mostly on detecting and combating offenders of trafficking and not sufficiently on children as victims or potential victims, overemphasizing law enforcement rather than protection and prevention."¹

10. We recommend that the Government of the USA:

- a) Receive minors arriving in the USA in a respectable manner that facilitates full enjoyment of their rights, in conformity with international human rights law;**
- b) Design and implement research initiatives and public awareness programmes to identify and protect the most vulnerable children from exploitation, including children living in poverty, homeless children, minority children and undocumented children;**
- c) Review standards and policies of American industries and businesses known to hire children both in and outside the country in order to prevent child labour;**
- d) Ensure systematic, mandatory and on-going training on the rights of the child for all professionals working with and for children, in particular law enforcement officers, judges and penitentiary staff.**

IV. RACIAL DISCRIMINATION

11. While welcoming the support by the USA of Recommendation No. 68² regarding racial profiling, we express our concern that despite profiling³ being prohibited under the American constitution and numerous pieces of legislation, this discriminatory practice still occurs. In particular, young African American men continue to be unjustly and disproportionately targeted by authorities based on their race. The recent highly publicized incidents of unarmed African American teenagers shot to death by a policeman⁴ has highlighted how young African American men are often stereotyped as criminals and targeted without reasonable suspicion.

12. The Human Rights Committee for the International Covenant on Civil and Political Rights also noted during its fourth periodic report of the USA concerns regarding the continued practice by law enforcement officials of targeting certain ethnic minorities in the absence of any reasonable and legitimate suspicion of wrongdoing.⁵

13. We recommend the Government of the USA:

¹ Concluding Observations by the Committee on the Rights of the Child, p. 2, CRC/C/OPSC/USA/CO/2, (2 July 2013).

² Recommendation no.68: "Take legislative and administrative measures to ban racial profiling in law enforcement" (Democratic People's Republic of Korea). See Report of the UPR Working Group on the USA, p. 18, UN Doc. A/HRC/16/11 (4 January 2011).

³ Profiling involves the invidious use of race, ethnicity, national origin or religion.

⁴ See «Trayvon Martin Shooting Fast Facts» », CNN, February 22, 2014 available at: <http://edition.cnn.com/2013/06/05/us/trayvon-martin-shooting-fast-facts/>; and «Michael Brown shooting: 'They killed another young black man in America' », The Guardian, August 12, 2014 available at: <http://www.theguardian.com/world/2014/aug/12/ferguson-missouri-shooting-michael-brown-civil-rights-police-brutality>.

⁵ See Concluding Observations by the International Covenant on Civil and Political Rights, p.3, CCPR/C/USA/CO/4, (23 April 2014).

- a) **Continue efforts to educate and train state and local law enforcement personnel on cultural awareness and the inadmissibility of racial profiling;**
- b) **Design and implement an effective and comprehensive educational strategy, involving teachers, educators and public officers in order to prevent all forms of discrimination and ensure that cultural diversity is valued and respected in the USA.**

V. RIGHT TO EDUCATION

Ethnic Minority Children

14. This NGO coalition welcomes Recommendation No. 109 aimed to “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,”⁶ which enjoyed the support of the USA during its UPR cycle in 2010. We commend attempts by the Government of the USA to facilitate the equal integration of all students in their education system.

15. However, we remain concerned that children of color, particularly African American, Hispanic and Native American children, face a high level of **discrimination** in the USA. Inequalities in the education system persist and have the greatest impact on children living in poor communities, which tend to be children of color. Schools in these low-income neighborhoods tend to have the fewest resources, funding, and least experienced teachers compared to schools in more affluent neighborhoods.

16. High school **drop out** rates remain high for African American and Hispanic students. A variety of factors contribute to this, such as a lack of school engagement, work or family responsibilities, poor-performing schools, and a low level of parental support. Dropping out of high school greatly affects the employment opportunities available to young people to make a decent living, especially with current unemployment statistics remaining high in many US cities. High school dropouts also have a higher likelihood of turning to criminal activity to make an income.

Human Rights Education

17. While welcoming the support of the USA for recommendation No. 87⁷ as well as recognizing the achievements reached over the last few years, there is still much to do in order to fully include human rights education in the formal education system in the USA. Regrettably, supportive initiatives remain limited. Although some information campaigns on human rights have been undertaken, we observe with concern that the Human Rights Education is not yet part of school programs nor of teacher training.

18. We recommend that the Government of the USA:

- a) **Prioritize allocation of resources for educational interventions for minority children, including extracurricular and recreational activities and adequate provision of support-teacher staff, also in order to reduce school drop-out rate;**

⁶ See Report of the UPR Working Group on the USA, p. 21, UN Doc. A/HRC/16/11 (4 January 2011).

⁷ Recommendation no.87: Incorporate human rights training and education strategies in their public polices (Costa Rica), See Report of the UPR Working Group on the USA, p. 19, UN Doc. A/HRC/16/11 (4 January 2011).

- b) **Increase measures to combat discrimination, in particular against children from poor families and minority children, through programmes and policies to reduce inequalities in access to education, health and development;**
- c) **Systematically include Human Rights Education in school programs and in teacher training programs, to develop an understanding of everyone's common responsibility to make human rights a reality in each community.**

VI. EMPLOYMENT AND ACCESS TO LABOUR MARKET

19. We commend the USA's support of Recommendation No. 81, regarding legislation prohibiting discrimination in employment, however we note with concern discriminatory practices in the labour market towards **women** and migrant workers.⁸

20. According to the US Bureau of Labor Statistics, American women have increasingly attained higher levels of education. For instance, among women ages 25 to 64 who are in the labor force, the proportion with a college degree more than tripled from 1970 to 2012. Nonetheless, while women's pay compared to men's pay has also increased over time, they remain unequal. In 2012, women's earnings were 81% of men's.⁹

21. In this scenario, women face discrimination in the labour market and in their chances to keep their job in case of pregnancy. Regrettably, young mothers are still harassed and there remains a need for greater access to affordable, good-quality childcare programs. Executive-level positions in corporate companies continue to be dominated by men, especially by Caucasian men. Women are disadvantaged in pursuing work promotions and reaching the highest management positions.

22. Moreover, we note with concern the precarious and abusive working conditions in places of employment, particularly for **migrant and undocumented workers**. Since they are too frightened to lose their jobs and be without a chance to find new employment, workers are prone to accept longer work hours and/or conditions that cause negative long-term health problems.

23. Finally, we note with great concern that **youth** unemployment and underemployment is an increasing phenomenon in the US, as shown by current unemployment statistics concerning youth in many US cities. According to the US Bureau of Labor Statistics, Unemployment among youth rose by 913,000 from April to July 2014, compared with an increase of 692,000 for the same period in 2013.¹⁰

24. This coalition of NGOs recommends that the Government of the USA:

- a) **Take measures to combat inequalities in the labour market especially with regard to young people, women and migrants;**

⁸ Recommendation No. 81: "Take the necessary measures in favour 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). See Report of the UPR Working Group on the USA, p. 19, UN Doc. A/HRC/16/11 (4 January 2011).

⁹ See Women in the Labor Force: A Databook, U.S. Bureau of Labor Statistics, Report 1049 (May 2014).

¹⁰ See Employment and Unemployment Among Youth Summary, U.S. Bureau of Labor Statistics, Report 1498 (August 2014), available at: <http://www.bls.gov/news.release/youth.nr0.htm>

- b) Develop a comprehensive and human rights-based policy for employment-related measures, for intervention in the labour market, especially to safeguard the most vulnerable groups;**
- c) Strengthen their efforts to counteract the exploitation of migrants and to ensure fair work conditions to all workers, including undocumented migrants.**

VII. RIGHTS OF WOMEN

Violence against women

25. We commend the acceptance of Recommendations No. 167 regarding initiatives to protect women from violence and other abuses.¹¹

26. While welcoming the efforts made by the Government of USA to punish and prevent violence against women, including positive legislative such as the reauthorizations of the Violence against Women Act, this NGO coalition expresses deep concerns about the phenomenon of violence against women, which remains a significant problem in the USA despite the Government's determination to confront it. Although awareness-raising campaigns have been organized over the last few years, further efforts are needed in order to change culture and popular attitudes.

27. Using data from the National Crime Victimization Survey, a Special Report on Nonfatal Domestic Violence by the U.S. Department of Justice documented that for the 10-year period between 2003 and 2012, domestic violence accounted for 21% of all violent crime.¹² The majority of domestic violence was committed against females (76%) compared to males (24%).¹³

28. As noted by the Human Rights Committee for the International Covenant on Civil and Political Rights during its fourth periodic review of the USA, domestic violence victims face limited access to remedies and "law enforcement officials are not legally required to act with due diligence to protect victims of domestic violence and often inadequately respond to such cases."¹⁴

29. Furthermore, while we commend measures taken to reduce gun violence, this NGO coalition remains concerned about the continuing high incidents of gun-related deaths and injuries and the disproportionate impact of gun violence on minorities, women, young people and children.

30. Gender-based violence continues to be perpetrated in the context of a patriarchal society, where these manifestations are culturally and socially embedded and they continue to be accepted, tolerated or justified. Domestic violence is not always perceived as a crime, affecting all categories of women at different social levels.

31. As the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, clearly stated in her report on the USA presented during the 17th session of the UN Human

¹¹ Recommendation No. 167. "Take effective steps to put an end to child prostitution, and effectively combat violence against women and gun violence" (Islamic Republic of Iran). See Report of the UPR Working Group on the USA, p. 25, UN Doc. A/HRC/16/11 (4 January 2011).

¹² Domestic violence includes rape, sexual assault, robbery, and aggravated and simple assault committed by intimate partners, immediate family members, or other relatives.

¹³ See Special Report: Nonfatal Domestic Violence, 2003-2012, p. 1, U.S. Department of Justice, NCJ244697, (April 2014).

¹⁴ See Concluding Observations by the International Covenant on Civil and Political Rights, p. 7, CCPR/C/USA/CO/4, (23 April 2014).

Rights Council, *“A lack of substantive protective legislation, combined with inadequate implementation of some laws, policies and programmes, has resulted in the continued prevalence of violence against women and the discriminatory treatment of victims, with a particularly detrimental impact on poor, minority and immigrant women.”*¹⁵

32. We recommend that the Government of the USA:

- a) Take concrete measures to eradicate multiple forms of discrimination against women and eliminate the structural causes of inequalities;**
- b) Provide an appropriate and helpful response to decreasing violence against women, making efforts to prevent domestic violence;**
- c) Take adequate measures to punish the perpetrators of violence, guaranteeing effective assistance to the victims, through efficient support services.**

VIII. RIGHTS OF INDIGENOUS PEOPLE

33. This NGO coalition welcomes, as a positive step, the acceptance by the USA of Recommendation No. 85¹⁶ concerning the promotion of the rights of indigenous peoples.

34. While acknowledging the efforts made by the Government in recent years to advance the rights of indigenous peoples, we note with deep concern that indigenous peoples in the United States—including American Indian, Alaska Native and Native Hawaiian peoples— still face significant challenges that are related to historical discrimination, acts of oppression, and inadequate government policies.

35. As noted by the Human Rights Committee for the International Covenant on Civil and Political Rights during its fourth periodic report of the USA, increased measures are needed in order “to protect the sacred areas of indigenous peoples against desecration, contamination and destruction as a result of urbanization, extractive industries, industrial development, tourism and toxic contamination.”¹⁷

36. Furthermore, the Special Rapporteur on the rights of indigenous peoples, James Anaya, documented in his report on the USA presented during the 21st session of the UN Human Rights Council various incidences of Native Americans facing racial discrimination and exclusion. Concerns that were raised by both federal officials and representatives of indigenous peoples included, “a lack of sufficient funding for housing, health, education, environmental remediation, women’s health and safety, language and other programmes.”¹⁸ Also highlighted were “complicated or confusing bureaucratic procedures, and an inadequate understanding and awareness among government officials about tribal realities or even about the content of relevant laws and policies

¹⁵ See Report by Special Rapporteur on violence against women, its causes and consequences, Mission to the United States of America, p. 2, Ms. Rashida Manjoo, A/HRC/17/26/Add.5 (6 June 2011).

¹⁶ Recommendation No. 85. “Formulate goals and policy guidelines for the promotion of the rights of indigenous peoples and cooperation between government and indigenous peoples” (Finland). See Report of the UPR Working Group on the USA, p. 19, UN Doc. A/HRC/16/11 (4 January 2011).

¹⁷ See Concluding Observations by the International Covenant on Civil and Political Rights, p. 11, CCPR/C/USA/CO/4, (23 April 2014).

¹⁸ See Report of the Special Rapporteur on the rights of indigenous peoples, The situation of indigenous peoples in the United States of America, James Anaya, p. 17, A/HRC/21/47/Add.1 (30 August 2012).

themselves.”¹⁹

37. We recommend that the Government of the USA:

- a) Adopt measures to effectively protect sacred areas of indigenous peoples against environmental exploitation and degradation;**
- b) Ensure that upholding and protecting the human rights of indigenous peoples becomes a top priority and develop and implement measures in this regard in full consultation and coordination with indigenous peoples.**

¹⁹ Ibid.