

**Remarks for DAS Scott Busby
U.S. UPR Adoption
September 24th, Geneva, Switzerland**

Thank you, we are glad to be here again before the Human Rights Council to represent the United States and to reaffirm our commitment to promoting, protecting, and respecting human rights, including through the Universal Periodic Review process.

Since our founding, the United States has worked to promote the human rights and fundamental freedoms of every human being.

We haven't been perfect in our efforts, and we still have many challenges.

Through this UPR process, we have been asked to hold a mirror up to ourselves and to honestly evaluate what we're doing well, and what we need to be doing better.

That is the true value of this process: it asks each state to look inward and to make commitments to improve. We are here today to do just that.

The U. S. government has carefully reviewed the 343 recommendations received during its UPR – a record number, I would add -- and has accepted in whole or in part a total of 260 recommendations, or close to 80%.

Our responses to each recommendation and brief explanations for many of them are included in our written submission. But I'd like to take our few minutes today to summarize our approach in some key areas, including the progress we have made since we last appeared before you in May.

First, we support many of the recommendations we received in the area of civil rights, including from countries such as Peru, Malaysia, Nigeria, Togo, Brazil, Croatia, and Canada, who recommended that we continue working toward eliminating racial discrimination and excessive use of force by law enforcement.

As Attorney General Loretta Lynch has recently said, “The Department of Justice is committed to ensuring that every American benefits from a police force that protects and serves all members of the community.”

On May 26, for instance, our Justice Department announced a landmark agreement to address findings that the Cleveland Division of Police engaged in a pattern or practice of using excessive force.

The agreement requires the City of Cleveland to implement widespread reforms and changes within its police department. The changes focus on building community trust, creating a culture of community and problem-oriented policing, officer safety and training, and officer accountability.

We hope that Cleveland will serve as an example - demonstrating that people can come together to realize a common vision of a safer, more just city.

Second, we received a number of recommendations to improve our criminal justice system.

We support the recommendations we received – including from Japan and Sudan –to improve conditions in prisons and places of detention, and continue to do so.

For example, in May, the Justice Department announced a settlement to protect prisoners in an Alabama women's prison from harm caused by sexual victimization by correctional officers.

This case, and similar investigations, furthers the Justice Department's goal of zero-tolerance for sexual abuse and sexual harassment in our nation's jails and prisons.

The Department anticipates working cooperatively with additional states, as it has with Alabama, to ensure that prisoners are not sexually abused.

I'd also note that we received numerous recommendations – including from Ecuador, Austria, Lithuania, Congo, Nepal, and many others – concerning our administration of capital punishment. Domestic civil society also raised capital punishment as an issue of concern. While we did not support the majority of the recommendations on this topic, we respect those who made them.

Our continuing differences in this are a matter of policy, and not what the rules of international human rights law currently require.

To those who desire as a matter of policy to end capital punishment in the United States, we would note that the Supreme Court of the State of Connecticut declared the death penalty unconstitutional in that state last month. The State of Nebraska also voted to abolish the death penalty this past May.

Third, we received and supported a number of recommendations urging us to continue promoting and protecting the rights of indigenous persons and peoples, including from Nicaragua, Egypt, and China.

Last month, the White House announced that the Federal Government has restored the Koyukon Athabascan name of Denali to the highest mountain in North America. This designation recognizes its sacred status to generations of Alaska Natives.

Furthermore, last week, our Departments of Justice and Interior announced a \$940 million proposed settlement with a nationwide class of tribes that would resolve a 25-year legal dispute. If it is approved by the courts, it would address claims that the United States contracted with tribes to run programs but did not pay the full amount required by law.

Fourth, we received a number of recommendations related to national security. These included recommendations, which we support or support in part, on the issue of surveillance, including from Liechtenstein, Switzerland, Germany, Hungary, and Turkey.

Since our presentation in May, the USA FREEDOM Act of 2015 has been enacted, which contains a number of provisions that modify U.S. surveillance and other national security authorities, and increase transparency regarding their use.

Specifically, it prohibits bulk collection by the Government under Titles IV and V of the Foreign Intelligence Surveillance Act, or FISA.

Instead, it permits the Government to obtain telephone metadata records without the Government holding the metadata in bulk.

With respect to transparency, the Act requires the Government to publicly release unclassified versions of opinions by the FISA Court or

Court of Review that involve significant or novel interpretations of law. When that is not possible, the Act requires the Government to release unclassified summaries.

It also increases the Government's public reporting obligations regarding specific uses of FISA authorities, and creates a standing panel of cleared friends of the court for FISA cases involving significant or novel interpretations of law, who are required to provide the FISA courts with legal arguments that advance the protection of individual privacy and civil liberties.

We also received a number of recommendations asking us to close the detention facility at Guantanamo Bay, including from the Maldives, Iceland, and France.

On numerous occasions, President Obama has clearly stated his desire to close the Guantánamo Bay detention facility and to continue working with Congress, the courts, and other countries to do so in a responsible manner that is consistent with our international obligations.

Until it is closed, we will continue to ensure that operations there are conducted in this manner.

There were 242 detainees at Guantanamo at the beginning of this Administration in 2009. At the time of our presentation in May, 122 remained. Today, 114 individuals are detained at Guantanamo. 53 of them are currently designated for transfer. Of the 61 others, 10 are currently facing charges, awaiting sentencing, or serving criminal sentences, and the remaining 51 continue to be eligible for review by the Periodic Review Board.

A fifth area in which we received a number of recommendations includes those relating to labor and human trafficking.

In particular, we received and support recommendations encouraging us to combat discrimination in the workplace, including those offered by Congo and Serbia, and we continue to make progress in this area.

For example, in July, the EEOC issued an administrative decision stating that discrimination in the workplace based on sexual orientation constitutes sex discrimination, and is therefore unlawful under Title VII of the 1964 Civil Rights Act.

Furthermore, earlier this month, the EEOC secured a \$17 million jury verdict on behalf of five women who were subjected to sexual harassment while working at an agricultural packing house and were fired as a result of their opposition to the harassment. This case reflects our commitment to ensuring that members of all immigrant and vulnerable populations are protected by federal employment anti-discrimination laws.

Additionally, in June, our Departments of Justice, Homeland Security, and Labor announced the second phase of the Anti-Trafficking Coordination Team Initiative.

In districts where the first phase of this Initiative was implemented, there was a 119% increase in federal cases filed on forced labor, international sex trafficking and adult sex trafficking, a 114% increase in defendants charged, and an 86% increase in defendants convicted.

Finally, we received numerous recommendations on treaties and on improving our domestic implementation mechanisms.

We support recommendations asking us to ratify the Convention on the Elimination of Discrimination Against Women, the Convention on the

Rights of Persons with Disabilities, and the International Labor Organization's Convention #111.

We also support recommendations asking us to ratify the Convention on the Rights of the Child, as we agree with its goals and intend to review how we could move toward its ratification.

As many of you already know, under our Constitution, treaty ratification requires approval not only by the Executive Branch, but also a two-thirds supermajority of our Senate. This has proven a difficult threshold to meet.

Despite this challenge, the Administration has pushed for positive Senate action on these treaties, and will continue to do so.

One area in which positive progress has been made since our May presentation is in the area of domestic human rights mechanisms, which was raised in recommendations from Nepal, Norway, and others.

After the first UPR cycle, the U.S. Government created a number of interagency Working Groups.

We are continuing and strengthening this Working Group mechanism in our second UPR cycle, and have expanded the mandate of the Working Groups following our presentation in May.

Under White House leadership, the members of the Working Groups will share information about agency actions responsive to those UPR recommendations and treaty body conclusions and recommendations we support, share best practices, and identify opportunities for collaboration. The Working Groups will also serve as a forum for engaging with civil society.

Although I don't have time today to address every recommendation we received, all of these examples demonstrate our commitment to continuous self-reflection and improvement.

As a nation, we never stop striving to create a more perfect union. The UPR process is a vitally important mechanism for helping all nations continue to protect and promote human rights for all.

As President Obama has said, echoing the words of Martin Luther King, Jr., in the story of the United States, the arc of history bends toward justice.

And, we hope to continue that progress going forward, including by working to implement the 260 recommendations from over 100 different countries that we support in whole or in part.

We are proud of our achievements, but we are not satisfied with the status quo.

The United States pledges to continue working hard to comply with our international human rights obligations and commitments, and to foster a society in which each individual is empowered to enjoy and exercise his or her rights.

We thank you for your many thoughtful recommendations to date, and we look forward to hearing your further thoughts today.