



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-sixth session
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Compilation on the United States of America

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Working Group on the issue of discrimination against women in law and in practice noted that in the framework of the universal periodic review of 2010 and 2015, the United States of America committed to ratify the Convention on the Elimination of All Forms of Discrimination against Women but had not yet done so.³ Three Special Rapporteurs noted that the United States was the only State that had not ratified the Convention on the Rights of the Child.⁴

3. It was recommended that the United States ratify the Convention on the Elimination of All Forms of Discrimination against Women,⁵ the Convention on the Rights of the Child,⁶ the Convention on the Rights of Persons with Disabilities,⁷ the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁸ the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,⁹ the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁰ the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) and the Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of non-international armed conflicts (Protocol II),¹¹ the Convention relating to the Status of Refugees¹² and the Rome Statute of the International Criminal Court,¹³ as well as the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29),¹⁴ Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98),



Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111),¹⁵ Minimum Age Convention, 1973 (No. 138)¹⁶ and Domestic Workers Convention, 2011 (No. 189).¹⁷

4. The United States made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights.¹⁸

III. National human rights framework¹⁹

5. The Working Group on the issue of discrimination against women in law and in practice regretted that no national human rights institution had been established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²⁰

6. The same Working Group recommended establishing a high-level inter-agency working group with a mandate to oversee and coordinate the implementation of the international human rights obligations of the United States domestically.²¹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²²

7. The Special Rapporteur on extreme poverty and human rights noted long-standing structural discrimination on the basis of race and stated that the United States remained a segregated society.²³ In 2017, in the wake of the demonstrations and violence in Charlottesville, Virginia, three special procedure mandate holders warned that racism and xenophobia were on the rise.²⁴

8. The Working Group of Experts on People of African Descent stated that the persistent gap between African Americans and the rest of the population in almost all the human development indicators reflected the level of structural and institutional discrimination.²⁵ Mass incarceration, police violence, housing segregation, disparity in the quality of education, labour market segmentation, political disenfranchisement and environmental degradation continued to have detrimental impacts on people of African descent.²⁶ The Working Group noted that hate crime groups were active, targeting African Americans.²⁷

9. The Committee on the Elimination of Racial Discrimination was alarmed by the racist demonstrations, with racist slogans, chants and salutes by individuals belonging to groups of white nationalists, neo-Nazis and the Ku Klux Klan, promoting white supremacy and inciting racial discrimination and hatred.²⁸ Several special procedure mandate holders stated that the increasing use of divisive language and attempts to marginalize racial, ethnic and religious minorities in political speech had functioned as a call to action, facilitating violence, intolerance and bigotry.²⁹

10. The Special Rapporteur on the human rights of migrants stated that the public discourse about immigration was of great concern.³⁰ Several special procedure mandate holders were concerned about the racist and xenophobic language and practices used by the authorities and noted that it stigmatized migrants and refugees, equating them with crime and epidemics.³¹

11. The Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that discrimination and bias on the part of law enforcement agents on the basis of race, religion, gender and other prohibited factors were reportedly common.³² The Working Group on Arbitrary Detention noted that African Americans were more likely to be stopped and searched by law enforcement officers. It was concerned about reported police

brutality (including fatal shootings) at the time of arrest and pretrial detention, committed against predominantly African American suspects.³³

12. The Working Group of Experts on People of African Descent noted that African Americans were overrepresented in the penitentiary system³⁴ and that they represented over 40 per cent of the death row population.³⁵ The Working Group on Arbitrary Detention noted that African Americans were more likely to be sentenced to longer terms of imprisonment. It was concerned about the existence of racial disparities at all stages of the criminal justice system.³⁶

13. The Working Group on Arbitrary Detention recommended that the Government step up its efforts to address racial disparities in the criminal justice system.³⁷ The Special Rapporteur on freedom of peaceful assembly and of association called upon the competent authorities to prohibit racial profiling.³⁸ The Working Group on the issue of discrimination against women in law and in practice recommended ensuring systematic accountability in cases of police brutality.³⁹

14. The ILO Committee of Experts on the Application of Conventions and Recommendations encouraged the Government to strengthen its efforts to ensure that racial discrimination at the sentencing and other stages of the criminal justice process did not result in the imposition of racially disproportionate prison sentences involving compulsory labour.⁴⁰

15. The Working Group on the issue of discrimination against women in law and in practice stated that lesbian, bisexual, transgender and intersex persons faced heightened exposure to hate crimes and physical violence.⁴¹

2. Development, the environment, and business and human rights⁴²

16. The Working Group of Experts on People of African Descent recommended that the Government undertake a review of policies to improve protection of the environment.⁴³ The Special Rapporteur on the rights of indigenous peoples recommended that the federal Government conduct a thorough assessment of environmental impacts of infrastructure projects and require a full environmental impact statement on extractive industry projects affecting indigenous peoples, regardless of the status of the land.⁴⁴

17. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights expressed concern at the imposition of unilateral coercive measures on three countries by the United States. Such action might precipitate human-made humanitarian catastrophes.⁴⁵ In 2019, the United Nations High Commissioner for Human Rights expressed fear that a new set of unilateral sanctions imposed by the United States on a third country would have far-reaching implications on the rights to health and to food in particular as there were already serious shortages of essential goods in the country.⁴⁶

18. Several special procedure mandate holders recalled the Government's obligation under international human rights law and the Guiding Principles on Business and Human Rights to protect against human rights abuse by business enterprises domiciled in the country. That required taking steps in relation to business enterprises to prevent, investigate, punish and redress such abuses.⁴⁷

3. Human rights and counter-terrorism⁴⁸

19. Several special procedure mandate holders urged the Government to put an end to impunity for the human rights and humanitarian law violations committed in the so-called global war on terror. Everyone implicated must be held accountable for ordering or executing extraordinary renditions, secret detention, arbitrary arrest of civilians and so-called enhanced interrogation techniques in the name of combating terrorism.⁴⁹

20. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted that in 2014, the Senate Intelligence Committee, in a report on the detention and interrogation programme of the Central Intelligence Agency (CIA), had acknowledged the use of torture in custody. However, the perpetrators and policymakers responsible for years of abuse had not been brought to justice, and the victims had received no compensation or rehabilitation. He appealed to the Government to end a policy of impunity for such crimes.⁵⁰

21. The Working Group on Arbitrary Detention was concerned that detainees at Guantanamo Bay Naval Base had not been tried by an independent and impartial court after many years of arbitrary deprivation of liberty.⁵¹ The Human Rights Committee was concerned at reports that Guantanamo detainees had been deprived of the ability to seek judicial remedy for torture and other human rights violations incurred while in United States custody.⁵² In 2017, the Special Rapporteur on torture regretted that he had been refused access to Guantanamo and other high-security facilities.⁵³

22. The Working Group on Arbitrary Detention recommended that the Government close the Guantanamo Bay detention facility, expedite the transfer of detainees designated for transfer to countries where their human rights would be fully respected and lift the prohibitions in law so as to enable the transfer of detainees to the continental United States for prosecution and trial before a court of law.⁵⁴ Several special procedure mandate holders stated that the Government must ensure that Guantanamo detainees had access to full redress for violations of their freedom from arbitrary detention, torture and ill-treatment.⁵⁵

B. Civil and political rights

1. Right to life, liberty and security of person⁵⁶

23. The Committee on the Rights of the Child reminded the United States that it was responsible for the protection of civilians, particularly children, whose safety should be prioritized in all military operations, and that it should prevent civilian casualties in accordance with the principles of distinction, proportionality, necessity and precaution. The Committee urged the United States to take precautionary measures and prevent the indiscriminate use of force to ensure that civilians, particularly children, were no longer killed or maimed.⁵⁷

24. The Working Group of Experts on People of African Descent expressed concern in 2016 about the existence of the death penalty in 31 states and at the federal level.⁵⁸

25. The Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern at the large number of killings resulting from gun violence.⁵⁹ In 2017, the Human Rights Committee reiterated its recommendation of 2014 to curb gun violence, including through the continued pursuit of legislation requiring background checks for all private firearm transfers, in order to prevent possession of arms by persons recognized as prohibited individuals under federal law.⁶⁰

26. The Committee against Torture remained concerned that allegations of torture, including those committed against CIA detainees, had not been investigated.⁶¹

27. Three special procedure mandate holders expressed concern at what appeared to be the systematic use of excessive and unnecessary force against, neglect of and use of solitary confinement for persons with psychosocial disabilities.⁶²

28. The Working Group on Arbitrary Detention found that an increasing number of people were subject to a relatively hidden and unknown form of detention through civil confinement proceedings or involuntary hospitalization in relation to suspected substance abuse and mental health issues. Such detention was often based on discriminatory grounds such as gender and disability.⁶³ It noted information on mental health laws in several jurisdictions, which authorized involuntary hospitalization based on an actual or perceived psychosocial disability.⁶⁴

2. Administration of justice, including impunity, and the rule of law⁶⁵

29. The Working Group on Arbitrary Detention noted that lengthy pretrial detention was the norm rather than the exception.⁶⁶ The Special Rapporteur on extreme poverty and human rights noted large bail bonds being set for defendants seeking to go free pending trial.⁶⁷ The Working Group of Experts on People of African Descent recommended adopting appropriate measures to prevent excessive bail. Alternatives to detention should be explored.⁶⁸ The Working Group on Arbitrary Detention recommended that the Government introduce legislation and guidelines requiring that bail and bonds be based on an individual risk

assessment which took into account the defendant's capacity to pay and was limited to the amount necessary to secure the defendant's appearance or to protect the community.⁶⁹

30. The Working Group on Arbitrary Detention identified systemic problems within the criminal justice system, including a lack of effective legal representation, increasingly harsh and disproportionate sentencing, the housing of inmates with psychosocial disabilities in prisons, and the high rate of incarceration.⁷⁰

31. The Working Group of Experts on People of African Descent was concerned about inadequate conditions of detention and about serious barriers in accessing health treatment, including mental health treatment.⁷¹ Several special procedure mandate holders stated that mental health and support services were reportedly lacking in many prisons.⁷²

32. The Working Group on Arbitrary Detention was concerned about the widespread use of solitary confinement, its prolonged duration and its application at the discretion of detention officials. There was reportedly a lack of independent review of solitary confinement.⁷³

3. Fundamental freedoms and the right to participate in public and political life⁷⁴

33. In 2017, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission for Human Rights, while referring to information received concerning the Government's threats against media outlets, expressed concern at a pattern of intimidation of media outlets and journalists whose reporting the Government, particularly the President, rejected.⁷⁵

34. The Special Rapporteur on freedom of peaceful assembly and of association noted a large number of legislative proposals at the state level aimed at criminalizing or impeding freedom of peaceful assembly and expression. There were more than 20 such proposals in some 19 states, as at March 2017.⁷⁶ He recommended that the competent authorities refrain from enacting new laws which unduly restrict the right to freedom of peaceful assembly.⁷⁷

35. The Special Rapporteur also recommended that the competent authorities eliminate permission requirements and the excessive permit fees required to hold assemblies, and adopt a notification system instead. He further recommended that they limit restrictions on the time, place and manner of assemblies to those which could be justified under international law.⁷⁸ He recommended that they review tactics for the management of assemblies, including the use of military-style weapons and equipment by police and the use of force and arbitrary arrests, to ensure their compatibility with international human rights law.⁷⁹

36. Several special procedure mandate holders said that the Government must respect the rights of human rights defenders, amid concern over action being taken against a woman campaigning to protect migrants' rights. They stated that people working legitimately to protect migrants' rights must not be restricted or silenced.⁸⁰

37. The Special Rapporteur on extreme poverty noted a low turnout rate in elections. Noting covert disenfranchisement, he concluded that people living in poverty, minorities and other disfavoured groups were being systematically deprived of their right to vote. Several states conditioned the restoration of the right to vote after prison on the payment of outstanding fines and fees.⁸¹

38. The Special Rapporteur on freedom of peaceful assembly and of association stated that the outsize influence of money in elections impeded the ability of most people to participate effectively in the conduct of public affairs.⁸² He recommended that the competent authorities revamp campaign finance laws to reduce the influence of money in the political process.⁸³

4. Prohibition of all forms of slavery⁸⁴

39. The Special Rapporteur on trafficking in persons, especially women and children noted that the United States faced challenges as a destination, transit and source country for trafficking in persons. The number of trafficked persons identified and provided with support reportedly remained low compared to the estimated scale of trafficking.⁸⁵

40. The Committee on the Rights of the Child was concerned that legislation addressed mainly trafficking for sexual purposes and did not sufficiently address trafficking for the purpose of economic exploitation.⁸⁶ The Special Rapporteur on trafficking noted that the identification of trafficking cases remained largely focused on trafficking for the purpose of sexual exploitation.⁸⁷

41. The Special Rapporteur on trafficking recommended designing strategies to address the root causes of trafficking in persons, including poverty and economic inequality, discrimination on the basis of gender and against other minorities, inadequate labour protections and restrictive immigration policies.⁸⁸

42. The same Special Rapporteur recommended ensuring the systematic implementation of the non-punishment principle so that trafficked persons were not prosecuted for offences related to their situation as trafficked persons. She also recommended enhancing the investigation and prosecution of cases involving labour trafficking.⁸⁹

5. Right to privacy⁹⁰

43. The Special Rapporteur on the right to privacy stated that laws and practices permitting a lower level of privacy protection for people who were not citizens or residents of the United States were incompatible with international law. He expressed concern over the use of mass surveillance, as opposed to techniques targeting individual suspects.⁹¹

C. Economic, social and cultural rights

44. The Special Rapporteur on extreme poverty noted that the United States had refused to accord domestic recognition to economic and social rights, except for some social rights, and especially the right to education.⁹²

1. Right to work and to just and favourable conditions of work⁹³

45. The Special Rapporteur on extreme poverty stated that almost a quarter of full-time workers, and three quarters of part-time workers, received no paid sick leave.⁹⁴

46. The Special Rapporteur on trafficking recommended that the Government harmonize and strengthen laws that protected workers to enjoy fair terms of employment, including by increasing the minimum wage, strengthening paid and sick leave, ensuring access to affordable medical care and facilitating the formation of unions in all sectors.⁹⁵

47. The Special Rapporteur on freedom of peaceful assembly and of association recommended that the competent authorities strengthen sanctions against employers who engaged in unfair labour practices, adding fines, punitive damages and compensation provisions to deter future violations of workers' rights.⁹⁶

2. Right to an adequate standard of living⁹⁷

48. The Special Rapporteur on extreme poverty noted high poverty and inequality levels. There was a dramatic contrast between the immense wealth of the few and the squalor and deprivation in which vast numbers of Americans existed. The face of poverty was not only black or Hispanic, but also white, Asian and many other backgrounds.⁹⁸ The Working Group on the issue of discrimination against women in law and in practice noted that the percentage of women in poverty had increased at a higher rate than for men. That had predominantly affected women of colour, single-parent families and older women.⁹⁹ The Special Rapporteur on extreme poverty stated that high child and youth poverty rates perpetuated the intergenerational transmission of poverty. The persistence of extreme poverty was a political choice and with political will it could be eliminated.¹⁰⁰

49. The same Special Rapporteur stated that punishing and imprisoning the poor was the distinctively American response to poverty. Workers who could not pay their debts, those who could not afford private probation services, minorities targeted for traffic infractions, the mentally ill and fathers who could not pay child support were locked up.¹⁰¹ He noted that in many cities, homeless persons were effectively criminalized for the situation in which they

found themselves.¹⁰² The Working Group of Experts on Persons of African Descent was concerned about the criminalization of poverty, which disproportionately affected African Americans.¹⁰³

50. The same Working Group observed that African Americans in many cities were facing a housing crisis, in which people were not able to pay their rents or mortgages. It was concerned about the persistence of a de facto residential segregation in many of the metropolitan areas.¹⁰⁴

51. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context stated that the number of persons living in homelessness was an indication that the right to adequate housing was not being effectively implemented.¹⁰⁵

52. Two special procedure mandate holders encouraged the authorities to recognize the impact of the expanded role and unprecedented dominance of unregulated financial markets and corporations in the housing sector (financialization of housing) on the enjoyment of the right to adequate housing, particularly for minority and vulnerable groups, and to take steps towards returning housing to its core function as a social good.¹⁰⁶

53. Three special rapporteurs noted that the Flint case (contamination of the water supply of Flint, Michigan and the devastating consequences for its residents) illustrated the suffering and difficulties that flowed from failing to recognize that water is a human right and from failing to ensure that essential services were provided in a non-discriminatory manner.¹⁰⁷

54. Several special procedure mandate holders stated that a higher proportion of poor minorities lived near facilities that used, stored, processed or emitted chemicals. People of colour comprised nearly half of the populations living near potential sources of toxic emissions.¹⁰⁸ Likewise, the Special Rapporteur on extreme poverty noted that poor rural communities were often located close to polluting industries.¹⁰⁹

3. Right to health¹¹⁰

55. The Working Group on the issue of discrimination against women in law and in practice deplored the substantial disparities that persisted in the prevalence of certain diseases, such as obesity, cancer and HIV/AIDs, according to ethnicity, sex and level of education.¹¹¹

56. The Special Rapporteur on extreme poverty stated that the opioid crisis had devastated many communities, and that the addiction to pain-control opioids often led to heroin, methamphetamine and other substance abuse. Instead of responding with increased funding and improved access to vital care and support, the federal Government and many state governments had mounted concerted campaigns to reduce and restrict access to health care by the poorer members of the population.¹¹²

57. The Working Group of Experts on People of African Descent stated that a number of factors contributed to the disparities faced by African Americans in realizing the right to the enjoyment of the highest attainable standard of health, including a lack of access to health insurance coverage and to preventive services and care. While the implementation of the Patient Protection and Affordable Care Act had led to 20 million people getting health insurance coverage, states with some of the widest health disparities had rejected expansion of Medicaid, one of the main tools to cover the uninsured.¹¹³ The Working Group on the issue of discrimination against women in law and in practice regretted the absence of universal health insurance coverage.¹¹⁴

58. The Working Group on the issue of discrimination against women in law and in practice regretted that women had seen their right to sexual and reproductive health eroded. Although women had a right under federal law to terminate a pregnancy in various circumstances, ever-increasing barriers were being created to prevent their access to abortion procedures. Women's access to reproductive health services had been truncated in some states by the imposition of constraints.¹¹⁵ The Human Rights Committee noted Presidential Executive Order 13798, which allowed employers and insurers to make "conscience-based objections" to the preventive care mandate of the Patient Protection and Affordable Care Act and thereby restricted women's access to reproductive care.¹¹⁶

59. The Working Group on the issue of discrimination against women in law and in practice recommended ensuring that women could exercise their constitutional right to choose to terminate a pregnancy in the first trimester and that the provisions of the Patient Protection and Affordable Care Act regarding insured access to contraceptives were universally enforced. It also recommended disallowing conscientious objection by health-care personnel, providers and insurers to performing procedures to which women were legally entitled and for which there was no easily accessible, affordable and immediate alternative health provider.¹¹⁷

60. Noting with concern the high rate of teenage pregnancy, the same Working Group recommended making contraception available and accessible at no cost, particularly for teenagers, with a view to combating teenage pregnancy.¹¹⁸

61. Noting also an increase in the maternal mortality rate, the Working Group recommended addressing the root causes of increased maternal mortality, particularly among African-American women.¹¹⁹

4. Right to education¹²⁰

62. The Working Group of Experts on People of African Descent was concerned at the use of police in schools and at school discipline being criminalized, subjecting African American children in particular to severe punishments. It noted that those practices were a violation of children's rights and should be eliminated.¹²¹

63. The same Working Group recommended that the school curriculum in each state reflect appropriately the history of the transatlantic trade in Africans, enslavement and segregation.¹²²

64. The Working Group on the issue of discrimination against women in law and in practice recommended ensuring mandatory human rights education in schools and adequate, scientifically based sex education in school curricula.¹²³

D. Rights of specific persons or groups

1. Women¹²⁴

65. Noting the denunciation by stakeholders of high levels of gender-based violence, the Working Group on the issue of discrimination against women in law and in practice recommended ensuring effective protection orders and increased availability of shelters, programmes and housing support, and amending gun control laws to effectively protect women against gun violence.¹²⁵

66. The same Working Group recommended applying temporary special measures to ensure gender equality in public and political representation, at the executive and legislative branches and in the judiciary, and introducing initiatives to encourage the participation of women in elected positions.¹²⁶

67. The Working Group noted that discrimination against women in employment continued. Neither federal nor state equal pay laws required equal pay for work of equal value. The gender wage gap was 21 per cent. African-American, Native American and Hispanic women had the lowest earnings.¹²⁷ It recommended reinforcing existing legislation in order to eliminate all forms of sex discrimination in employment, amending the Equal Pay Act to include the right to equal pay for work of equal value and developing policies to address occupational segregation, both vertical and horizontal.¹²⁸

68. The Working Group was appalled by the lack of mandatory standards for paid maternity leave, which was required in international human rights law. It was concerned at the unequal division of family caregiving work, demonstrated by the fact that women were nine times more likely than men to work part-time for family care reasons.¹²⁹

69. The Working Group recommended mandating 14 weeks of paid maternity leave for all women workers in public and private employment. It also recommended providing affordable and accessible facilities for childcare and after-school care and facilities for older

persons and persons with disabilities to allow adults with care responsibilities to work full-time.¹³⁰

2. Children¹³¹

70. The Committee on the Rights of the Child recommended decriminalizing the involvement of children in prostitution and passing safe-harbour laws in all states that had not yet done so to ensure that prostituted children were protected and not arrested or detained.¹³² It urged the United States to build the capacity of law enforcement officers and the judiciary in order to increase investigations, prosecution and punishment of buyers of children's sexual services.¹³³

71. The Working Group of Experts on People of African Descent was concerned that life imprisonment sentences could still be imposed on children convicted of homicide. It was concerned about the prosecution of children as adults and that there were children detained in adult prisons and jails.¹³⁴

72. The Working Group on Arbitrary Detention encouraged all states to change their laws and practices with the aim of abolishing the sentence of life without parole for persons who were under the age of 18 at the time of committing a crime. It recommended that the Government ensure that juveniles were separated from adults during pretrial detention and after sentencing and review legislation to ensure that juvenile defendants were not treated as adult offenders.¹³⁵ The Working Group of Experts on People of African Descent recommended that alternatives to imprisonment for young people be explored.¹³⁶

73. The Committee on the Rights of the Child recommended that the United States adopt a coordinated strategy and a dedicated budget for combating the worst forms of child labour, especially in the agricultural sector.¹³⁷ The ILO Committee of Experts encouraged the Government to ensure that children under 18 years of age only be permitted to perform work in agriculture on the condition that their health and safety were protected; strengthen the capacity of the institutions responsible for the monitoring of child labour in agriculture; and protect child agricultural workers from hazardous work.¹³⁸

3. Indigenous peoples¹³⁹

74. The Special Rapporteur on extreme poverty noted that indigenous peoples suffered disproportionately from multidimensional poverty and social exclusion. They had the highest unemployment rate of any ethnic group. Disparities between indigenous and non-indigenous health status had long been recognized but not effectively addressed.¹⁴⁰

75. The same Special Rapporteur stated that while 567 tribes were federally recognized, some 400 were not. The latter existed in a context in which their way of life was not legally sanctioned, they were disempowered and their culture was threatened. Non-federally recognized tribes were not eligible to benefit from federally funded programmes.¹⁴¹

76. The Special Rapporteur on indigenous peoples recommended that the federal Government continue to support tribes in developing their capacity and resources towards attaining self-determination in all areas, including energy development and law enforcement.¹⁴²

77. The same Special Rapporteur recommended that the federal Government consider adopting legislation to enforce consultation for all projects that had an impact on the traditional territories of local indigenous communities, in particular energy and infrastructure projects undertaken within indigenous peoples' traditional territories and on lands not currently owned by them.¹⁴³

78. The Special Rapporteur also recommended that the state governments prohibit state taxation of lands held in trust for the benefit of indigenous peoples. Where states imposed taxes on Indian lands, such tax revenues should be re-invested into tribal lands to provide infrastructure and services.¹⁴⁴

79. The Special Rapporteur further recommended that the federal Government adopt legislation to amend existing laws governing the protection of sacred and cultural places beyond present-day reservation boundaries so as to further protect the religious freedoms of

indigenous peoples. The policies should reflect the vision of indigenous peoples' definition of sacredness.¹⁴⁵

80. The same Special Rapporteur recommended that the federal Government ensure that indigenous peoples had full access to redress for violations perpetrated on and against their lands and territories, including access to judicial forums to dispute claims and to concrete and timely assistance to mitigate adverse impacts on environmental and cultural resources.¹⁴⁶

4. Migrants, refugees and asylum seekers¹⁴⁷

81. In 2017, the Working Group on Arbitrary Detention noted that the practice of mandatory migration detention had grown and that the executive order of 25 January 2017 affecting immigration detention and a memorandum of 20 February 2017 on implementing the President's border security and immigration enforcement improvement policies had laid the groundwork for expanding the existing detention system by increasing the number of individuals subject to immigration detention.¹⁴⁸

82. The same Working Group was disturbed by information relating to the detention of unaccompanied children.¹⁴⁹ The Special Rapporteur on the human rights of migrants said that detention of children based on their migratory status was a violation of international law, as repeatedly stated by several United Nations human rights bodies.¹⁵⁰

83. The Working Group on Arbitrary Detention observed that the system of detaining immigrants and asylum seekers was, in many cases, punitive, unreasonably long, unnecessary, costly when there were alternative community-based solutions, not based on an individualized assessment of the necessity and proportionality of detention, carried out in degrading conditions, and a deterrent to legitimate asylum claims.¹⁵¹

84. In June 2018, several special procedure mandate holders raised concerns about the implementation of the memorandum for federal prosecutors along the south-western border entitled "Zero-tolerance for offenses under 8 U.S.C. § 1325(a)" issued by the Attorney General in April 2018. The zero-tolerance policy meant that the federal Government would attempt to criminally prosecute every migrant person who crossed into the country without authorization. The mandate holders were concerned at the increased criminalization of migration, in particular through the criminalization of irregular entry or stay in the country, which at most should be an administrative offence.¹⁵²

85. Noting that under that policy families of asylum seekers and other migrants in vulnerable situations were systematically detained and forcibly separated from their children, the special procedure mandate holders expressed concern regarding the use of immigration detention and family separation as a punitive deterrent of irregular entry, contrary to international human rights norms and standards.¹⁵³ They were concerned about the care, protection and well-being of the forcibly separated children, who were particularly vulnerable to abuse.¹⁵⁴

86. Several special procedure mandate holders stated that the executive order signed by the President on 20 June 2018 failed to address the situation of thousands of migrant children forcibly separated from their parents and held in detention at the border.¹⁵⁵ In 2019, the Human Rights Committee noted that despite a court order mandating the reunion of migrant families, over 300 children reportedly remained separated from their parents. It asked the United States to indicate whether investigations had commenced into the deaths of migrant children in the care and custody of the Customs and Border Protection authorities.¹⁵⁶

87. The United Nations High Commissioner for Human Rights was appalled by the conditions in which migrants and refugees – children and adults – were being held in detention after crossing the southern border of the country.¹⁵⁷

88. The Special Rapporteur on migrants was concerned that the practical implications of the Migrant Protection Protocols published on 24 January 2019 amounted to collective expulsion, worked to undermine due process guarantees and might lead to refoulement. The modalities for implementation of the protocols revealed that the expected threshold to be protected from refoulement was much higher than the international standards.¹⁵⁸

89. The same Special Rapporteur called on the authorities to stop the detention of children based on their migratory status and to seek alternatives to detention.¹⁵⁹ The Working Group on Arbitrary Detention recommended that the Government put an end to the mandatory detention of immigrants and asylum seekers because of their irregular status and provide a prompt administrative procedure for an individualized assessment of their circumstances and a timely decision on their status. It also recommended that the Government ensure that the legality of detention could be challenged before a court.¹⁶⁰

E. Specific regions or territories

90. The Special Rapporteur on extreme poverty noted that Puerto Ricans had no representatives with full voting rights in Congress and could not vote in presidential elections, although they could vote in Presidential primaries.¹⁶¹

91. In 2016, several special procedure mandate holders, referring to information concerning the crippling public debt of Puerto Rico, expressed concern over the impact of the public debt crisis on the economic, social and cultural rights of the residents.¹⁶² The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights called for fair solutions to the huge debt crisis in Puerto Rico.¹⁶³

92. In October 2017, several special procedure mandate holders warned that Puerto Rico remained without an effective emergency response more than a month after Hurricane Maria had devastated the island. They noted that the hurricane had aggravated the existing dire situation caused by debt and austerity measures.¹⁶⁴

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the United States of America will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/USIndex.aspx.
- ² For relevant recommendations, see A/HRC/30/12, paras. 176.1–176.09, 176.14–176.61, 176.63–176.72, 176.105 and 176.111.
- ³ A/HRC/32/44/Add.2, para. 9. See also A/HRC/35/37/Add.2, para. 24.
- ⁴ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=18792>.
- ⁵ A/HRC/32/44/Add.2, para. 90 and A/HRC/35/37/Add.2, para. 88.
- ⁶ A/HRC/36/37/Add.2, paras. 67 and 93, and A/HRC/35/37/Add.2, para. 88.
- ⁷ A/HRC/36/37/Add.2, para. 93.
- ⁸ A/HRC/35/37/Add.2, para. 88.
- ⁹ CRC/C/OPAC/USA/CO/3-4, para. 39 and CRC/C/OPSC/USA/CO/3-4, para. 43.
- ¹⁰ A/HRC/33/61/Add.2, para. 112.
- ¹¹ CRC/C/OPAC/USA/CO/3-4, para. 28.
- ¹² A/HRC/35/37/Add.2, para. 88.
- ¹³ CRC/C/OPAC/USA/CO/3-4, para. 28.
- ¹⁴ A/HRC/35/37/Add.2, para. 88 and A/HRC/35/28/Add.2 and Corr.1, para. 87.
- ¹⁵ A/HRC/35/28/Add.2 and Corr.1, para. 87.
- ¹⁶ CRC/C/OPSC/USA/CO/3-4, para. 22.
- ¹⁷ A/HRC/32/44/Add.2, para. 90 and A/HRC/35/37/Add.2, para. 88.
- ¹⁸ OHCHR, “Management and Funding”, in *OHCHR Report 2015*, pp. 61, 66, 88, 94, 99, and 117; in *OHCHR Report 2016*, pp. 78, 83–84, 107, 111, 113–114, 117 and 137; and in *OHCHR Report 2017*, pp. 79, 83, 108, 114 and 138; “Funding”, in *OHCHR Report 2018*, pp. 72, 76, 100–101, 109, 134, 144, 149 and 152; and in *OHCHR Report 2019* (forthcoming).
- ¹⁹ For relevant recommendations, see A/HRC/30/12, paras. 176.75–176.90 and 176.107–176.108.
- ²⁰ A/HRC/32/44/Add.2, para. 38. See also CRC/C/OPAC/USA/CO/3-4, para. 10 and A/HRC/33/61/Add.2, para. 88.
- ²¹ A/HRC/32/44/Add.2, para. 92. See also A/HRC/33/61/Add.2, para. 90 and A/HRC/36/46/Add.1, para. 86.
- ²² For relevant recommendations, see A/HRC/30/12, paras. 176.94, 176.113, 176.118–176.125, 176.130–176.137, 176.139–176.163, 176.194–176.195, 176.219–176.228 and 176.276–176.278.
- ²³ A/HRC/38/33/Add.1, para. 54.

- ²⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21975.
- ²⁵ A/HRC/33/61/Add.2, para. 81. See also para. 43.
- ²⁶ *Ibid.*, para. 11. See also para. 84.
- ²⁷ *Ibid.*, para. 41.
- ²⁸ A/73/18, para. 17, decision 1 (93) on the United States of America. See also A/HRC/33/61/Add.2, para. 41.
- ²⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24875.
- ³⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24045&LangID=E.
- ³¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23941&LangID=E.
- ³² A/HRC/35/28/Add.2 and Corr.1, para. 17.
- ³³ A/HRC/36/37/Add.2, paras. 58–59. See also A/HRC/33/61/Add.2, paras. 20, 24 and 77.
- ³⁴ A/HRC/33/61/Add.2, paras. 29 and 73. See also A/HRC/36/37/Add.2, para. 59.
- ³⁵ A/HRC/33/61/Add.2, para. 39.
- ³⁶ A/HRC/36/37/Add.2, para. 58. See also A/HRC/33/61/Add.2, para. 69.
- ³⁷ A/HRC/36/37/Add.2, para. 93.
- ³⁸ A/HRC/35/28/Add.2 and Corr.1, para. 85. See also A/HRC/36/37/Add.2, para. 93.
- ³⁹ A/HRC/32/44/Add.2, para. 91. See also A/HRC/33/61/Add.2, para. 99.
- ⁴⁰ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3316111:NO.
- ⁴¹ A/HRC/32/44/Add.2, para. 79. See also A/HRC/33/61/Add.2, para. 115.
- ⁴² For relevant recommendations, see A/HRC/30/12, paras. 176.101, 176.103 and 176.343.
- ⁴³ A/HRC/33/61/Add.2, para. 122.
- ⁴⁴ A/HRC/36/46/Add.1, para. 88.
- ⁴⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24566&LangID=E. See also communications USA 15/2019, USA 13/2019, USA 22/2018 and USA 17/2018, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ⁴⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24882.
- ⁴⁷ See communication USA 3/2019. Available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24357>.
- ⁴⁸ For relevant recommendations, see A/HRC/30/12, paras. 176.204–176.206, 176.210–176.212, 176.239–176.250, 176.282, 176.285–176.286, 176.288 and 176.290.
- ⁴⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16935&LangID=E. See also CCPR/C/117/2, pp. 14–15 and CCPR/C/USA/CO/4/Add.1, paras. 2–16.
- ⁵⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22532&LangID=E. See also CCPR/C/117/2, pp. 14–15 and CCPR/C/USA/CO/4/Add.1, paras. 2–16.
- ⁵¹ A/HRC/36/37/Add.2, para. 78.
- ⁵² CCPR/C/117/2, p. 14.
- ⁵³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22532&LangID=E.
- ⁵⁴ A/HRC/36/37/Add.2, para. 95. See also CCPR/C/USA/QPR/5, para. 17, CCPR/C/117/2, p. 16 and CCPR/C/USA/CO/4/Add.1, paras. 22–27 and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16935&LangID=E.
- ⁵⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16935&LangID=E. See also A/HRC/36/37/Add.2, para. 95 and CCPR/C/USA/QPR/5, para. 17, CCPR/C/117/2, p. 16 and CCPR/C/USA/CO/4/Add.1, paras. 22–27.
- ⁵⁶ For relevant recommendations, see A/HRC/30/12, paras. 176.13, 176.165–176.201, 176.203–206, 176.211–176.218, 176.227, 176.230–176.233, 176.283–176.284, 176.287 and 176.290.
- ⁵⁷ CRC/C/OPAC/USA/CO/3-4, para. 17. See also CCPR/C/117/2, pp. 14–15.
- ⁵⁸ A/HRC/33/61/Add.2, para. 78.
- ⁵⁹ See communication USA 20/2015, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=32278>, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20093 and A/HRC/32/44/Add.2, paras. 27 and 77.
- ⁶⁰ CCPR/C/117/2, p. 15. See also CCPR/C/USA/CO/4/Add.1, paras. 17–19.
- ⁶¹ Letter dated 29 August 2016 from the Committee against Torture addressed to the Permanent Mission of the United States of America to the United Nations Office and other international organizations in Geneva. Available at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/USA/INT_CAT_FUL_USA_25028_E.pdf.
- ⁶² See communication USA 6/2016. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ⁶³ A/HRC/36/37/Add.2, para. 89.
- ⁶⁴ *Ibid.*, para. 75.

- ⁶⁵ For relevant recommendations see A/HRC/30/12, paras. 176.236 and 176.239.
- ⁶⁶ A/HRC/36/37/Add.2, para. 51.
- ⁶⁷ A/HRC/38/33/Add.1, para. 49.
- ⁶⁸ A/HRC/33/61/Add.2, para. 107.
- ⁶⁹ A/HRC/36/37/Add.2, para. 93.
- ⁷⁰ *Ibid.*, para. 88. See also para. 50.
- ⁷¹ A/HRC/33/61/Add.2, para. 35.
- ⁷² See communication USA 6/2016. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ⁷³ A/HRC/36/37/Add.2, para. 64. See also A/HRC/33/61/Add.2, para. 37.
- ⁷⁴ For relevant recommendations, see A/HRC/30/12, paras. 176.229 and 176.281.
- ⁷⁵ See communication USA 26/2017. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also CCPR/C/USA/QPR/5, para. 23 and <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33862>.
- ⁷⁶ A/HRC/35/28/Add.2 and Corr.1, paras. 32–33. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21464, communication USA 3/2017 (available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23021>) and www.ohchr.org/Documents/Issues/Opinion/Legislation/USA_Reply_to_SR_freedex_Assembly_2017-05-11_16-41-01.pdf.
- ⁷⁷ A/HRC/35/28/Add.2 and Corr.1, para. 86. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21464.
- ⁷⁸ A/HRC/35/28/Add.2 and Corr.1, para. 86.
- ⁷⁹ *Ibid.* See also A/HRC/36/46/Add.1, para. 93.
- ⁸⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22657.
- ⁸¹ A/HRC/38/33/Add.1, paras. 19–21. See also A/HRC/33/61/Add.2, paras. 42 and 114, and A/HRC/32/44/Add.2, para. 45.
- ⁸² A/HRC/35/28/Add.2 and Corr.1, para. 76. See also A/HRC/32/44/Add.2, para. 43.
- ⁸³ A/HRC/35/28/Add.2 and Corr.1, para. 87.
- ⁸⁴ For relevant recommendations, see A/HRC/30/12, paras. 176.263 and 176.268–176.273.
- ⁸⁵ A/HRC/35/37/Add.2, paras. 5 and 48.
- ⁸⁶ CRC/C/OPSC/USA/CO/3-4, para. 21.
- ⁸⁷ A/HRC/35/37/Add.2, para. 85.
- ⁸⁸ *Ibid.*, para. 93.
- ⁸⁹ *Ibid.*, para. 92.
- ⁹⁰ For relevant recommendations, see A/HRC/30/12, paras. 176.293–176.299, 176.301–176.305 and 176.307.
- ⁹¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21806&LangID=E. See also A/HRC/37/62, para. 60.
- ⁹² A/HRC/38/33/Add.1, para. 12.
- ⁹³ For relevant recommendations, see A/HRC/30/12, paras. 176.263–176.264.
- ⁹⁴ A/HRC/38/33/Add.1, para. 74.
- ⁹⁵ A/HRC/35/37/Add.2, para. 89.
- ⁹⁶ A/HRC/35/28/Add.2 and Corr.1, para. 87.
- ⁹⁷ For relevant recommendations, see A/HRC/30/12, paras. 176.309–176.312.
- ⁹⁸ A/HRC/38/33/Add.1, paras. 5 and 14. See also paras. 75–76.
- ⁹⁹ A/HRC/32/44/Add.2, para. 56. See also A/HRC/38/33/Add.1, paras. 56–58.
- ¹⁰⁰ A/HRC/38/33/Add.1, paras. 10 and 17.
- ¹⁰¹ *Ibid.*, para. 71.
- ¹⁰² *Ibid.*, para. 44. See also CAT/C/USA/QPR/6, para. 46 and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25016>.
- ¹⁰³ A/HRC/33/61/Add.2, para. 75.
- ¹⁰⁴ *Ibid.*, paras. 50 and 83. See also communication USA 26/2019. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ¹⁰⁵ See communication USA 26/2019.
- ¹⁰⁶ See communication USA 10/2019. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ¹⁰⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19917&LangID=E. See also CCPR/C/USA/QPR/5, para. 15 and communication USA 2/2016 (available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).
- ¹⁰⁸ See communication USA 1/2016. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=33284>.
- ¹⁰⁹ A/HRC/38/33/Add.1, para. 67.
- ¹¹⁰ For relevant recommendations, see A/HRC/30/12, paras. 176.164 and 176.313–176.317.

- ¹¹¹ A/HRC/32/44/Add.2, para. 63.
- ¹¹² A/HRC/38/33/Add.1, para. 65.
- ¹¹³ A/HRC/33/61/Add.2, para. 48. See also A/HRC/38/33/Add.1, para. 78.
- ¹¹⁴ A/HRC/32/44/Add.2, para. 61.
- ¹¹⁵ *Ibid.*, paras. 28 and 68. See also A/HRC/38/33/Add.1, para. 56.
- ¹¹⁶ CCPR/C/USA/QPR/5, para. 12.
- ¹¹⁷ A/HRC/32/44/Add.2, para. 90.
- ¹¹⁸ *Ibid.*, paras. 66 and 95.
- ¹¹⁹ *Ibid.*, paras. 72 and 95.
- ¹²⁰ For relevant recommendations, see A/HRC/30/12, para. 176.319.
- ¹²¹ A/HRC/33/61/Add.2, para. 80. See also para. 44.
- ¹²² *Ibid.*, para. 118. See also A/HRC/32/44/Add.2, para. 95 and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21068&LangID=E.
- ¹²³ A/HRC/32/44/Add.2, para. 95.
- ¹²⁴ For relevant recommendations, see A/HRC/30/12, paras. 176.112, 176.114–117, 176.138, 176.228 and 176.255–176.257.
- ¹²⁵ A/HRC/32/44/Add.2, paras. 75, 90 and 96.
- ¹²⁶ *Ibid.*, para. 93.
- ¹²⁷ *Ibid.*, paras. 47 and 50–52.
- ¹²⁸ *Ibid.*, paras. 90 and 94.
- ¹²⁹ *Ibid.*, paras. 54–55.
- ¹³⁰ *Ibid.*, paras. 90 and 93.
- ¹³¹ For relevant recommendations, see A/HRC/30/12, paras. 176.51, 176.234, 176.261–176.262, 176.266–176.267 and 176.291–176.292.
- ¹³² CRC/C/OPSC/USA/CO/3-4, para. 37.
- ¹³³ *Ibid.*, para. 20. See also A/HRC/35/37/Add.2, para. 92.
- ¹³⁴ A/HRC/33/61/Add.2, paras. 36 and 80. See also A/HRC/36/37/Add.2, para. 67.
- ¹³⁵ A/HRC/36/37/Add.2, paras. 66 and 93.
- ¹³⁶ A/HRC/33/61/Add.2, para. 105.
- ¹³⁷ CRC/C/OPSC/USA/CO/3-4, para. 22.
- ¹³⁸ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298576:NO.
- ¹³⁹ For relevant recommendations, see A/HRC/30/12, paras. 176.321–176.327.
- ¹⁴⁰ A/HRC/38/33/Add.1, paras. 61–62.
- ¹⁴¹ *Ibid.*, para. 64.
- ¹⁴² A/HRC/36/46/Add.1, para. 87.
- ¹⁴³ *Ibid.*, para. 88. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22616&LangID=E, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20868&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20570&LangID=E.
- ¹⁴⁴ A/HRC/36/46/Add.1, para. 94.
- ¹⁴⁵ *Ibid.*, para. 89.
- ¹⁴⁶ *Ibid.*, para. 88.
- ¹⁴⁷ For relevant recommendations, see A/HRC/30/12, paras. 176.229, 176.252–176.254, 176.321 and 176.328–176.339.
- ¹⁴⁸ A/HRC/36/37/Add.2, paras. 24–25.
- ¹⁴⁹ *Ibid.*, para. 41.
- ¹⁵⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24045&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24800&LangID=E.
- ¹⁵¹ A/HRC/36/37/Add.2, para. 87. See also paras. 27 and 29–30, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23941&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E.
- ¹⁵² See communication USA 12/2018, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ¹⁵³ *Ibid.* See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E.
- ¹⁵⁴ See communication USA 12/2018. See also A/HRC/36/37/Add.2, para. 41.
- ¹⁵⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23245&LangID=E.
- ¹⁵⁶ CCPR/C/USA/QPR/5, para. 20. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24045&LangID=E.
- ¹⁵⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24800&LangID=E.
- ¹⁵⁸ See communication USA 4/2019. Available at www.ohchr.org/Documents/Issues/SRMigrants/Comments/OL_USA_4-2019.pdf.

- ¹⁵⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24045&LangID=E. See also A/HRC/35/37/Add.2, para. 90, A/HRC/36/37/Add.2, para. 92 and communication USA 12/2018 (available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).
- ¹⁶⁰ A/HRC/36/37/Add.2, para. 92. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24800&LangID=E, A/HRC/32/44/Add.2, para. 96 and A/HRC/33/61/Add.2, para. 116.
- ¹⁶¹ A/HRC/38/33/Add.1, para. 22.
- ¹⁶² See communication USA 8/2016. Available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.
- ¹⁶³ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21072&LangID=E.
- ¹⁶⁴ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22326&LangID=E.
-