

Human Rights Council

Universal Periodic Review (UPR)

36th Session (May 2020)

Joint Stakeholders' Submission on:

Human Rights in the United States of America

Submitted by:

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(NGOs in Consultative Status with ECOSOC)

Geneva, October 2019

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 United States of America (U.S.) in the following areas: **education, rights of young people, ill treatment and violence against children, health, rights of women, economic and sexual exploitation, and human trafficking**. Each section conveys recommendations to the U.S. Government.
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 U.S. All information concerned the period from January 2015 to September 2019.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children and young people, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, and is present in 42 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, youth and women.

II. GENERAL REMARKS

5. IIMA and VIDES welcome the constructive participation of the United States in the 3rd cycle of the Universal Periodic Review (UPR). The present joint submission represents the follow-up to the UPR recommendations accepted by the United States in 2015, with a special focus on children-related issues such as quality education, adolescent health, and ill treatment of children. The rights of young people, women, and specifically undocumented immigrants and migrants in the U.S. are also addressed in the present report.

III. RIGHT TO EDUCATION

6. This NGO coalition welcomes Recommendation 176.319¹ and notes the continued dedication of the United States in providing free public education. The right to education in the United States is codified by the Constitution.
7. **Access to quality education**. However, IIMA and VIDES are concerned about access to quality education in low income communities. Inequalities in the education system begin in

¹ Recommendation 176.319 Continue to promote the right to education, including ensuring equal access to education for vulnerable groups (Armenia).

preschool, where many communities lack free preschools. Elementary and secondary schools in low income areas are insufficiently funded. In these areas, school resources depend almost exclusively on government funds, whereas in wealthier areas private funding is available.² Moreover, government funds in high-poverty areas are significantly less than in wealthy areas.³

8. **Retention.** These funding disparities result in high drop-out rates in low income areas, and less students go on to college.

9. **Human rights education.** IIMA and VIDES commend the United State's acceptance of Recommendation 176.74 calling to "Strengthen human rights education programmes and training for all civil servants, particularly for law enforcement and immigration officers"⁴. However, we are concerned by the lack of formal human rights curriculum in schools, which prevents the dissemination among students of values, such as no discrimination and acceptance of cultural diversity, as well as peaceful conflict resolution.

10. **We recommend that the Government of the United States to:**

a) **Fully implement Recommendation 176.319⁵, by enhancing the quality of education in low income areas.**

b) **Increase funding in low income areas with the goal of lowering drop-out rates, especially for high school students.**

c) **Outline an implementation plan for the inclusion of Human Rights Education in school curricula.**

d) **In accordance with the Fourth Phase of the Plan of Action for the World Programme on Human Rights Education, outline human rights education programs to empower youth, by fostering knowledge, skills, attitudes, and behaviours to exercise their own rights in daily life and take action to defend and promote human rights in their communities.**

IV. RIGHTS OF YOUNG PEOPLE

² *Access to Education in the United States = Inequality*. Humanium. 7 July 2015. <https://www.humanium.org/en/access-to-education-in-the-united-states-inequality/>

³ Equity of Opportunity. The U.S. Department of Education. <https://www.ed.gov/equity>.

⁴ Recommendation 176.74 Strengthen human rights education programmes and training for all civil servants, particularly for law enforcement and immigration officers, and combat impunity concerning abuses against defenceless persons (Costa Rica).

⁵ Recommendation 176.319 Continue to promote the right to education, including ensuring equal access to education for vulnerable groups (Armenia).

11. Currently, the most vulnerable group of young people in the U.S. are those who take part in “Deferred Action for Childhood Arrivals” (DACA), a government program that gives young people who were brought to the U.S. as children the legal protection to go to school and work, renewable every two years. Because they must reapply every two years, DACA recipients are not ensured that they will receive legal papers in the future. Moreover, the government plans to phase out the DACA program. This plan is currently on hold by the courts, but if allowed to proceed over 669,080 young people will be in danger of deportation to their countries of birth.⁶

12. This coalition of NGOs recommend that the Government of the United States to:

- a) Protect children in the DACA program by updating legislation to ensure that the program is not phased out.**
- b) Simplify reapplication procedures so that young people can plan their futures without concern that they will lose legal protection under DACA.**
- c) Begin accepting new DACA applicants, in addition to renewal applicants, so that all children brought into the US have legal protection.**

V. ILL TREATMENT & VIOLENCE AGAINST CHILDREN

13. IIMA and VIDES commend the acceptance of Recommendation 176.252⁷ from Sweden aiming to “Halt the detention of immigrant families and children, seek alternatives to detention and end use of detention for reason of deterrence”. However, we are deeply concerned by reports of inhumane conditions of detention centers at the US-Mexico border. At some border crossing stations, migrants are held for up to three weeks in an “ice-box”, a very cold holding facility until they are transferred to the U.S. Immigration and Customs Enforcement for investigation.⁸

14. We recommend that the Government of the United States:

- a) Undertake specific measures to improve conditions of detention facilities at border crossings.**

⁶Approximate Active DACA Recipients: As of April 30, 2019. US Citizenship and Immigration Services. https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/Approximate_Active_DACA_Recipients_-_Apr_30_2019.pdf

⁷ Recommendation 176.252 Halt the detention of immigrant families and children, seek alternatives to detention and end use of detention for reason of deterrence (Sweden);

⁸ A visit to the 'icebox,' where border detainees wait for a transfer to ICE. The Chicago Tribune, 22 April 2019. <https://www.chicagotribune.com/opinion/commentary/ct-perspec-immigration-ice-detention-centers-border-patrol-durbin-20190418-story.html>

- b) Ensure that migrants and refugees, especially children, are treated humanely when they come into the United States.**

VI. CHILD AND ADOLESCENT HEALTH

15. IIMA and VIDES express concern over the high rate of drug and alcohol use among adolescents. Survey data shows that among high school students 29.8% reported current alcohol use, 19.8% reported current marijuana use, 8.8% of high school students had smoked cigarettes and 13.2% had used an electronic vapor product at least one day out of the 30 days prior to the survey.⁹

16. Suicide and attempted suicide among children and adolescents is a problem in the U.S. According to the 2017 Youth Risk Behaviors Survey, 7.4% of high school students reported that they had made at least one suicide attempt in the past 12 months. Female students attempted almost twice as often as male students (9.3% vs. 5.1%). Black students reported the highest rate of attempted suicide at 9.8%.¹⁰

17. Access to health care for children is not equal. This reality is caused by socioeconomic factors, such as income, education level, and access to healthy food.¹¹ Discrimination and racism are also present in healthcare services.¹²

18. We recommend that the Government of the United States:

- a) Combat drug and alcohol addiction among youth, and specifically raise awareness of the dangers of using electronic vapor products.**
- b) Enhance prevention measures to combat youth suicide, including gender-specific counseling in schools.**
- c) Adopt all necessary measures to improve the quality of health services in low income areas, including the provision of adequate infrastructures and medical personnel.**

⁹ Youth Risk Behavior Surveillance — United States, 2017. Center for Disease Control. https://www.cdc.gov/mmwr/volumes/67/ss/ss6708a1.htm?s_cid=ss6708a1_w

¹⁰ Youth Risk Behavior Surveillance — United States, 2017. Center for Disease Control. https://www.cdc.gov/mmwr/volumes/67/ss/ss6708a1.htm?s_cid=ss6708a1_w

¹¹ Racism and discrimination in health care: Providers and patients. Harvard Health Publishing. 16 January 2017. <https://www.health.harvard.edu/blog/racism-discrimination-health-care-providers-patients-2017011611015>

¹² Racism has devastating effects on children's health, pediatricians warn. The Washington Post, 2 August 2019. https://beta.washingtonpost.com/health/racism-has-devastating-effects-on-childrens-health-pediatricians-warn/2019/08/02/ce5fc96a-b313-11e9-8f6c-7828e68cb15f_story.html

d) Continue to promote healthy nutrition in schools by providing well-balanced meals in school cafeterias and incorporating nutrition education in curriculum.

VII. RIGHTS OF WOMEN

19. IIMA and VIDES commend the United States for its acceptance of Recommendations 176.114¹³ and 176.115¹⁴, pertaining to improving gender equality in the workplace.

20. This NGO coalition notes with concern that when comparing women's earnings to men's over a 15 year period, women earn just 49 cents for every one dollar that a man earns.¹⁵ Progress to close the gender pay gap is extremely slow. At the current rate of change, women will reach pay parity in 2059. For women of color, the rate of change is slower. Hispanic women will have to wait until 2224 and Black women will wait until 2119 for equal pay.¹⁶

21. Women are increasingly penalized in the professional career for taking time off to raise children. For a woman who takes just one year off during a 15 year period, her annual earnings are an average of 39% lower than a woman who takes no time off.¹⁷

22. IIMA and VIDES commend the acceptance of Recommendation 176.255¹⁸ concerning combating violence against women.

23. However, we note with concern that violence against women remains a significant problem in the United States. 1 in 4 women in the U.S. have been victims of severe physical violence (e.g. beating, burning, strangling) by an intimate partner in their lifetime, and 1 in 5 women have been raped.¹⁹

24. Although we welcome the acceptance of Recommendations 176.257²⁰ and 176.256²¹ we stress that violence against indigenous women has reached unprecedented levels.²² American

¹³ Recommendations 176.114 Improve domestic legislation towards a genuine gender equality in the working place (Congo)

¹⁴ Recommendation 176.115 Ensure that women receive equal pay for equal work so as to close the gender pay gap (Serbia)

¹⁵ "Still a Man's Labor Market: The Slowly Narrowing Gender Wage Gap." Stephen J. Rose, Ph.D., Heidi Hartmann, Ph.D. Institute for Women's Policy Research. 26 November 2018.

¹⁶ Pay Equity and Discrimination. Institute for Women's Policy Research. <https://iwpr.org/issue/employment-education-economic-change/pay-equity-discrimination/>

¹⁷ "Still a Man's Labor Market: The Slowly Narrowing Gender Wage Gap." Stephen J. Rose, Ph.D., Heidi Hartmann, Ph.D. Institute for Women's Policy Research. 26 November 2018.

¹⁸ Recommendation 176.255 Promote actions to eradicate sexual and domestic violence (Israel)

¹⁹ The National Coalition Against Domestic Violence (NCADV). <https://ncadv.org/statistics>

²⁰ Recommendation 176.257 Continue to pay attention to violence against indigenous women by ensuring that all reports of violence, in particular sexual violence and rape against indigenous women, are thoroughly investigated, with a focus on ending impunity and bringing perpetrators before justice (Finland)

²¹ Recommendation 176.256 Guarantee the right to access to justice and effective remedies to all indigenous women who were victims of violence (the Former Yugoslav Republic of Macedonia)

Indians are 3 times more likely to experience sexual violence than any other ethnic group, and are 10 times more likely to die from homicide.²³

25. We recommend that the Government of the United States:

- a) Fully implement Recommendations 176.114²⁴ and 176.115²⁵, by enacting legislation ensuring equal pay for women and men.**
- b) Strengthen its efforts in combating violence against women, bringing perpetrators to justice, and ensuring victims have quality services available to them.**
- c) Take concrete measures to combat violence against indigenous women, specifically by improving the discriminatory system for administering justice in Native communities.**

VIII. ECONOMIC AND SEXUAL EXPLOITATION AND HUMAN TRAFFICKING

26. IIMA and VIDES welcome the acceptance of Recommendation 176.138²⁶ from Algeria, concerning combating discrimination against migrant women.

27. Nevertheless, we remain concerned by the risk posed to migrant women in the labour market. Migrant women have no way to hold their employers accountable for paying them, because if they report their employers to an authority they are at risk of deportation.

28. Migrants often have to work holidays because they do not have the rights of other employees and cannot ask for certain days off. In order to keep their jobs, they must work when told.

29. IIMA and VIDES welcome the acceptance of Recommendations 176.270²⁷, 176.271²⁸ and 176.272²⁹ pertaining to combating human trafficking and strengthening services for victims.

²² Ending Violence Against Native Women. Indian Law Resource Center.
<https://indianlaw.org/issue/ending-violence-against-native-women>

²³ The National Coalition Against Domestic Violence (NCADV). <https://ncadv.org/statistics>

²⁴ Recommendations 176.114 Improve domestic legislation towards a genuine gender equality in the working place (Congo)

²⁵ Recommendation 176.115 Ensure that women receive equal pay for equal work so as to close the gender pay gap (Serbia)

²⁶ Recommendation 176.138 Take necessary measures to combat discriminatory practices against women and migrant workers in the labour market (Algeria)

²⁷ Recommendations 176.270 An increase in resources for nationwide anti-trafficking awareness programmes, including law enforcement training (Portugal)

²⁸ Recommendation 176.271 Implement the strategic action plan on human trafficking as well as to strengthen services for trafficking victims (Sudan)

²⁹ Recommendation 176.272 Establish, where appropriate, specialized services required for children and women who have been trafficked or sold for sexual exploitation (Canada)

We commend the government shut-down of Backpage.com through which private users could sell minors for sex³⁰, and we commend awareness-raising campaigns across the country.

30. However, we note with concern that convictions of perpetrators have only slightly increased in the past 3 years, from 91.3% to 96.4%. Alarming, the number of convictions has dropped, from 410 in 2016 to 346 in 2018.³¹

31. We stress that human trafficking is an underground, growing issue in the United States, enabled by the internet and social media.³²

32. We recommend that the Government of the United States:

- a) Ensure the protection of migrant women in the labour force, by providing safe avenues through which they can report work-related issues without fear of deportation.**
- b) Strengthen efforts to combat human trafficking at the source, by enacting legislation prohibiting websites from posting pictures and information of minors, who become victims.**
- c) Include human trafficking education in high schools, especially in low income areas and areas with high migrant and immigrant populations.**
- d) Train law enforcement officials on recognizing the signs of human trafficking and reporting to relevant authorities.**
- e) Expand efforts to track and identify suspicious financial transactions linked to human trafficking.**

³⁰ “Backpage Website Shut Down, Founder Charged With 93 Counts by FBI in Sealed Indictment” Newsweek. 7 April 2018. <https://www.newsweek.com/sex-ads-website-backpagecom-co-founder-charged-after-fbi-raid-876333>

³¹ The 2018 Federal Human Trafficking Report. The Human Trafficking Institute. <https://www.traffickingmatters.com/wp-content/uploads/2019/04/2018-Federal-Human-Trafficking-Report-Low-Res.pdf>

³² UToledo study details link between social media and sex trafficking. University of Toledo. 8 October 2018. https://www.eurekaalert.org/pub_releases/2018-10/uot-usd100218.php