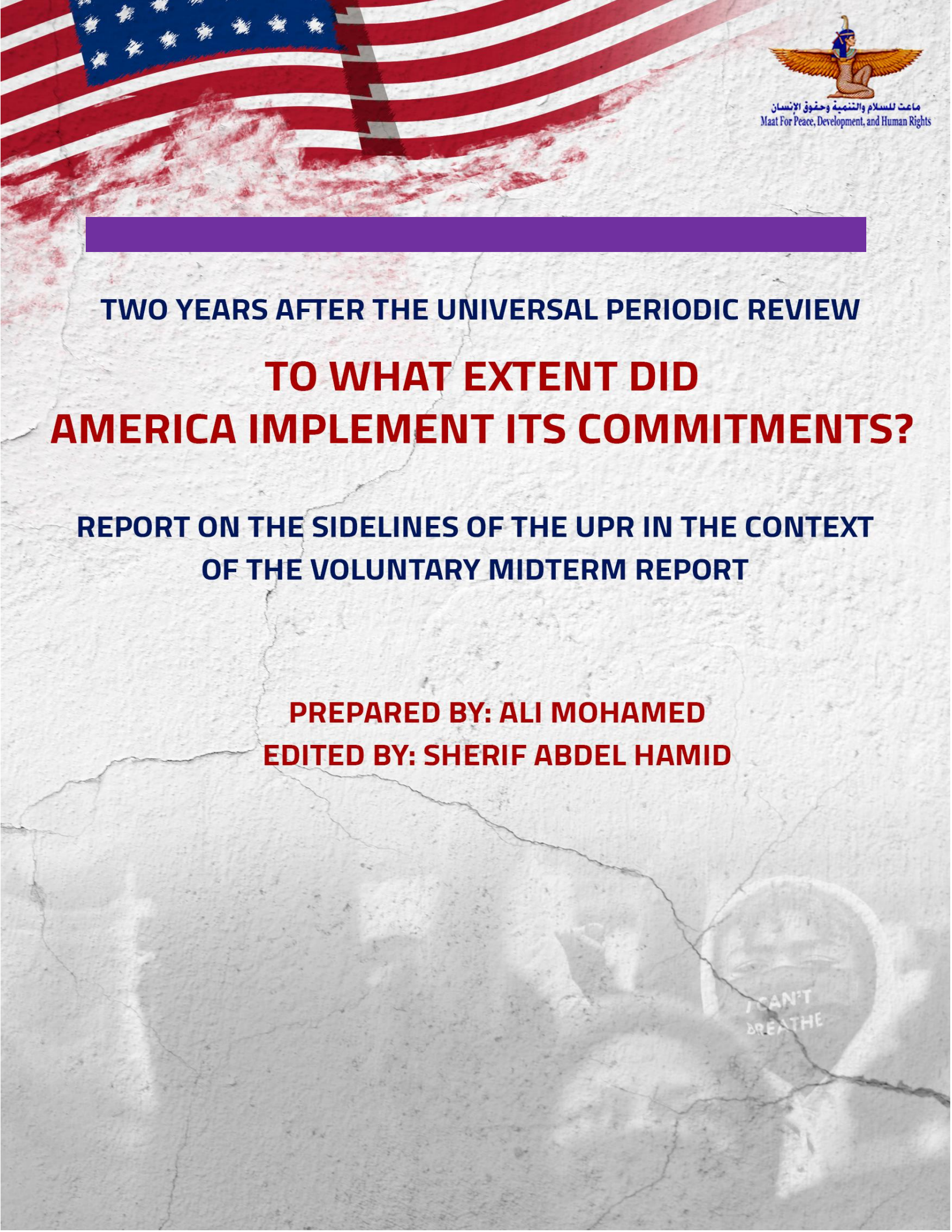




ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights



**TWO YEARS AFTER THE UNIVERSAL PERIODIC REVIEW**

**TO WHAT EXTENT DID**

**AMERICA IMPLEMENT ITS COMMITMENTS?**

**REPORT ON THE SIDELINES OF THE UPR IN THE CONTEXT**

**OF THE VOLUNTARY MIDTERM REPORT**

**PREPARED BY: ALI MOHAMED**

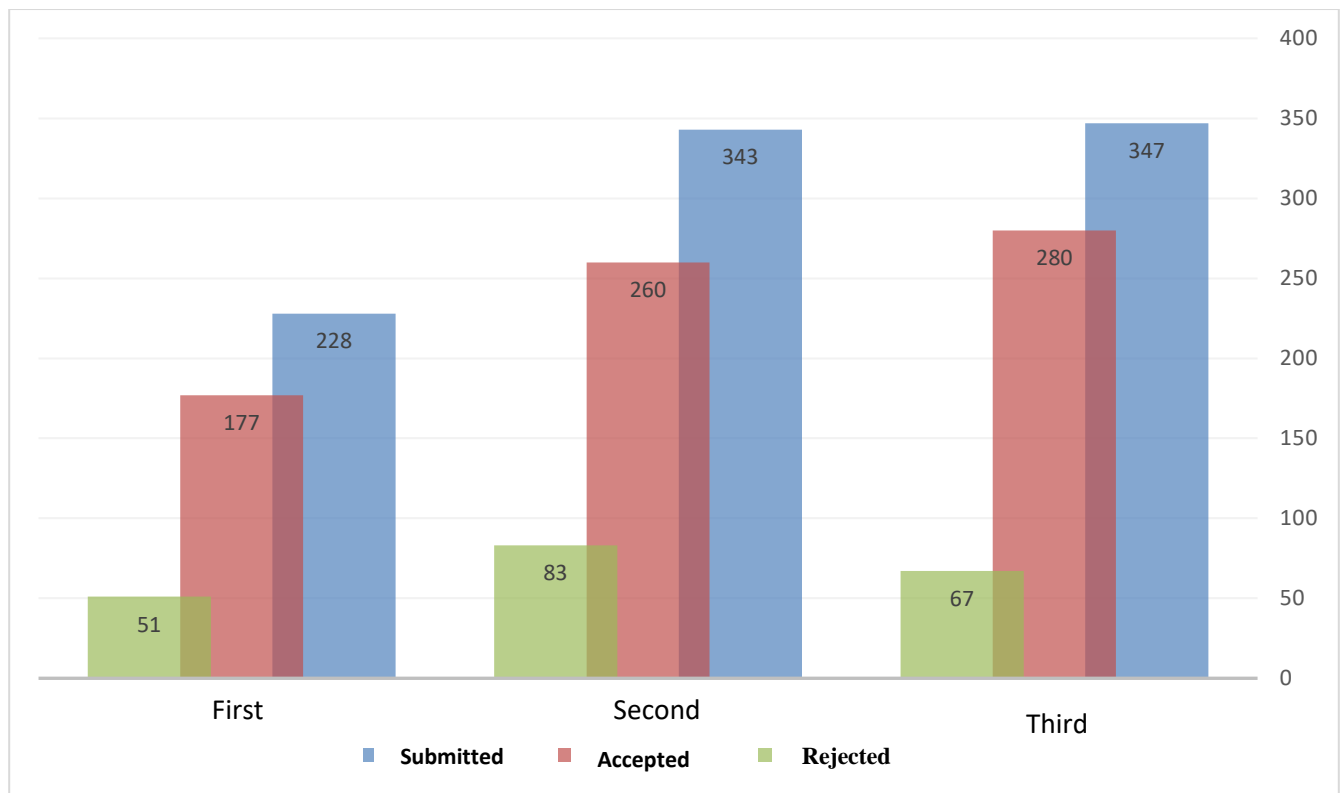
**EDITED BY: SHERIF ABDEL HAMID**

## Preamble

The Universal Periodic Review (UPR) mechanism is one of the most recent mechanisms adopted by the United Nations to assess and improve the human rights situation around the world in all countries without exception. The UPR was established when the Human Rights Council was created on 15 March 2006 by the UN General Assembly in resolution 60/251. The resolution gave the Council the authority to review human rights records in all States Members of the UN every four and a half years. This mechanism provides an opportunity for each State to highlight the measures it adopted to improve its human rights situation, overcome obstacles and challenges to the guarantee of human rights, and exchange views and experiences to achieve more effective practices and policies in promoting respect for human rights in various parts of the world.

The United States of America was subjected to three UPR cycles on November 9, 2010; May 22, 2015; and finally November 9, 2020. During the three cycles, the US received 918 recommendations, 717 recommendations were fully and sometimes partially accepted and 201 recommendations were rejected. However, by tracking the implementation of the recommendations accepted by the US, progress on these recommendations has been slowed.

**Figure I: United States' position on recommendations made to it in three cycles of the review mechanism**



From the previous figure, it is noted that during the third UPR cycle, the US received 347 recommendations, out of them 280 were fully or partially accepted, while 67 others were rejected.

### First: Classification of Recommendations Submitted to the US in the 3<sup>rd</sup> Cycle

The United States received 347 recommendations in the third UPR cycle, of which 217, or 87% of these recommendations, related to five key issues: accession to international treaties, preventing discrimination and combating racism, abolition of the death penalty, cooperation with United Nations bodies, and ending violence and excessive force of police forces in the United States. The table below shows the ranking of recommendations the US received in the third cycle of the UPR mechanism.

**Table I: Classification of recommendations received by the United States during the third cycle of review**

Subject	No. of Recommendations
Accession to international treaties	63
Preventing discrimination and combating racism	38
Abolition of the death penalty	35
Cooperation with United Nations bodies	30
Promoting the right to health and adequate housing	26
Ending violence and excessive police force	25
Guaranteeing the rights of refugees, migrants, and asylum-seekers	23
Establishment of a national human rights institution in accordance with the Paris Principles	10
Combating hate speech and protecting minorities	9
Gender equality in the workplace	7
Ending unilateral coercive measures and sanctions	6
Human rights education and training	5
Combating trafficking in human beings	5
Prevention of illicit arms transfers	4
Closure of secret prisons including Guantanamo	4
Universal Suffrage	4
Promoting freedom of religion and belief	4
Right to freedom of peaceful assembly	3
Criminal justice reform	3
Social equality and poverty reduction	3
Ending the occupation of Syrian territory and looting of resources	2
Holding U.S. Politicians and Military Accountable	2

Subject	No. of Recommendations
Ending extrajudicial killings	2
Repeal of extraterritorial laws	2
Stop interfering in internal affairs	2
LGBTI protection	2
Combating climate change	2
Prohibition of torture	2
Stop state terrorism and support militias	2
Promoting freedom of expression	2
Human rights defenders of migrants	2
Prevention of gender-based violence	2
Preventing the risk of business involvement in human rights abuses	1
Cooperation with the International Criminal Court	1
Reducing homelessness	1
Eliminating polarization between rich and poor	1
Working towards the realization of the right to self-determination of peoples	1
Preventing overcrowding in prisons	1
Consultations with indigenous communities	1
Establish a mechanism to provide support to boys and young men	1
Ending the arbitrary detention of Iranians	1
Ending complicity in atrocities against Yemeni people	1
Financing development cooperation	1
Addressing sexual violence in the military	1
Immediate end to the embargo on Cuba	1
Respect for the peoples of the world in strengthening their freedoms	1

## Second: Tracking the US's Implementation of the Recommendations

During the third UPR Cycle, the USA received 347 recommendations, of which 280 were accepted, while 67 others were rejected. In this section of the report, we monitor America's ups and downs in implementing the recommendations. In this section, we selected some of the issues that were the focus of the majority of recommendations and tracked the USA efforts for the implementation of these recommendations or the delay thereof.

## 1. Ratify the Core Human Rights Treaties

The USA received 63 recommendations for ratification of core human rights treaties to which the US is still not a party. This was on November 9, 2020, during the 3<sup>rd</sup> periodic review session.

By reviewing the conventions to which the USA has not yet joined, Maat found that the USA has not yet acceded to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention for the Protection of Migrant Workers and Members of Their Families.

Second Table: Recommendations received by the USA regarding accession to international treaties

Convention / Treaty <sup>1</sup>	Situation
International Covenant on Political and Civil Rights	●
International Covenant on Economic and Social Rights	●
International Convention for the Protection of All Migrant Workers	●
International Convention for the Protection of All Persons from Enforced Disappearance	●
Convention on the Rights of the Child	●
Convention Against Torture	●
Convention on the Elimination of All Forms of Discrimination against Women	●
Convention on the Elimination of All Forms of Racial Discrimination	●
Convention on the Rights of Persons with Disabilities	●

It is clear from the previous table that USA is still not a party to six basic human rights treaties and conventions, which is 66% of the total of these conventions and treaties. USA has also only acceded to the Optional Protocol to the Convention on the Rights of the Child on Armed Conflict and the Second Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The USA is still not

<sup>1</sup> ● It means to join the treaty means to be able to sign the treaty but not to ratify it or not to sign and ratify together

a party to the Optional Protocols to the Conventions against Torture and the International Covenant on Civil and Political Rights.

## 2. Cooperation with United Nations bodies

The USA received about 30 recommendations related to cooperation with United Nations bodies. Note that repeated recommendations have been merged into the table below:

Second Table: Recommendations made to the US regarding cooperation with UN bodies

Content of the recommendation	Situation
Reconsidering the 2017 decision to withdraw from the Paris Agreement on Climate change	●
Repealing Executive Order 13928 authorizing sanctions against the International Criminal Court	●
Reconsider the withdrawal from the Human Rights Council	●
Consider issuing a standing invitation to the United Nations Special Procedures	●
Establishing a national mechanism to implement the recommendations of the UPR	●

The USA made progress in implementing some recommendations related to cooperation with UN mechanisms and bodies, and upon officially assuming the duties of the President of the United States, US President Joe Biden made an executive decision on January 21, 2021, to return to the Paris Agreement in implementation of a set of recommendations that the United States received in the third round from the review<sup>2</sup>. This decision was followed on February 8, 2021 by a decision to return to the Human Rights Council after withdrawing from the Council during the presidency of former President Donald Trump<sup>3</sup>.

President Biden also issued a decision to direct a permanent invitation to the special procedures of the United Nations. Following this call, the Special Rapporteur on counter-terrorism arrived at Guantánamo prison. Cooperation with international mechanisms also included allowing a visit from April 24 to May 5 for three experts from the United Nations mechanism for the promotion of racial justice and equality in the context of law enforcement. On April 2, 2021, President Biden revoked Executive Order No. 13928, which abolished the

<sup>2</sup> Officially... America rejoins the Paris Climate Agreement, <https://arabic.cnn.com/world/article/2021/02/19/us-officials-rejoins-paris-agreement>

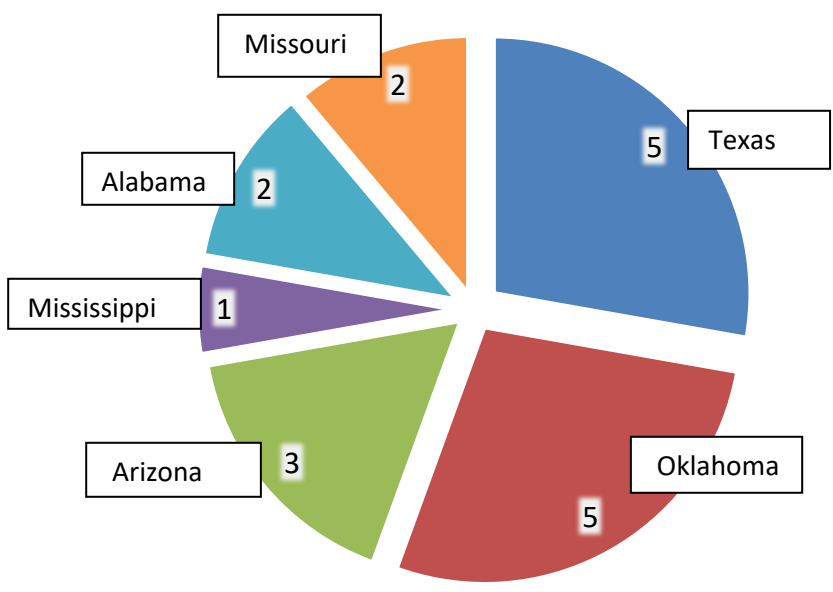
<sup>3</sup> U.S. Decision To Reengage with the UN Human Rights Council, <https://www.state.gov/u-s-decision-to-reengage-with-the-un-human-rights-council/>

sanctions and restrictions imposed on ICC employees<sup>4</sup>. Nevertheless, the US is still slowing down the implementation of recommendations for establishing a national mechanism to implement all the recommendations contained in the third periodic review of the UPR mechanism, which is considered a delay in implementing the recommendation on this issue.

### 3. Abolition of the death penalty

The USA received 35 recommendations related to the abolition of the death penalty and the provision of legal assistance to persons under the sentence of death. Nevertheless, the death penalty is still in force in the USA. For example, in 2022, 22 people were executed in six states of the USA as in the diagram below.

Second Figure: Number of people executed in the United States in 2022



Also in 2021, 11 executions were carried out, all of which were carried out in six states specifically, which are the states that did not abolish the death penalty as of writing this report<sup>5</sup>.

### 4. Firearms Control

The USA has accepted 5 recommendations related to limiting the spread of firearms in USA. They can be summarized in the table below:

Third Table: Recommendations for arms control

<sup>4</sup> Ending Sanctions and Visa Restrictions against Personnel of the International Criminal Court, <https://bit.ly/3AvMiwD>

<sup>5</sup> Death Penalty 2021: Facts and Figures, <https://bit.ly/3Hprx9F>

Recommendation	Rec. No.
<b>Strengthening regulations regarding background checks for special operations of firearms transfers</b>	212
<b>Addressing the proliferation of firearms and ensuring people's right to life</b>	213
<b>Strengthening federal law to reduce firearms falling into potential wrong hands, and implement regulations to remove the so-called “gun fair loophole.”</b>	214
<b>Taking the necessary measures to reduce armed violence, in light of the alarmingly large number</b>	215

However, the position on implementing the recommendations remains patchy. At first, efforts toward implementing the recommendations included proposing federal legislation that would track arms sales or create a registry of handguns. However, this legislation faced resistance from the arms lobby in the USA. According to estimates from the Small Arms Survey, about 860 million arms are in the possession of civilians in USA. From 2000 to 2020, the annual production of firearms in the USA nearly tripled, to the extent that it is said that the number of weapons outnumbers the number of individuals in the USA and that 46% of civilian ownership of arms in the world is confined to USA<sup>6</sup>.

The proliferation of arms, accordingly, led to successive incidents of violence. Since the USA underwent the third review before the UPR mechanism, 1,339 armed violence operations have been witnessed, including in 2021 about 692 mass shootings that led to the death and injury of 45,000 people<sup>7</sup>. While in 2022, the proliferation witnessed about 647 mass shooting operations, which led to the killing and wounding of 44,000 (Fourth Table). These operations lead to the killing of civilians, which is a violation of the right to life, a right protected under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Fourth Table: Armed violence operations in the USA in two years

<sup>6</sup> There are more guns than people in the United States, according to a new study of global firearm ownership, <https://wapo.st/2N77yI3>

<sup>7</sup> The US had 647 mass shootings in 2022. Here's the full list., <https://www.insider.com/number-of-mass-shootingsin-america-this-year-2022-5>



Deaths & Injuries	Armed violence operations	Year
45010	692	2021
44287	947	2022

## 5. Preventing discrimination and anti-racism

The USA accepted about 38 recommendations related to preventing discrimination and combating racial discrimination in the third round of the UPR in November 2020, and recommitted to implementing these recommendations during the 38<sup>th</sup> session of the Human Rights Council.

President Biden took various measures to implement these recommendations. Once he assumed the presidency of the USA on January 20, 2021, he signed Executive Order No. 13985 related to “Promoting Racial Justice and Supporting Disadvantaged Communities through the Federal Government”; This decision supported the creation of a position of authority for diversity and inclusion officers in the US State Department and similar positions in federal agencies; A candidate was submitted to the United Nations Committee on the Elimination of Racial Discrimination.

This declaration is part of an equal approach to all minorities in the USA, including people of color and other individuals who have historically suffered underserved and marginalized and affected by poverty and inequality<sup>8</sup>. Based on this as well, Executive Order no. 13950 of September 22, 2020 to combat race stereotypes that previously prohibited federal contractors from providing training programs and certain programs related to diversity in the workplace is repealed<sup>9</sup>.

The new executive order included the implementation of a group of basic human rights, especially those related to economic and social rights, as stated in the International Covenant on Economic and Social Rights, as well as the United Nations Declaration on the Right to Development, along with a number of sustainable development goals. The executive order requires the federal government to follow a comprehensive approach to promote equality, civil rights, racial justice, and equal opportunity for all, including individuals of color and others who have historically suffered from a lack of services. The executive order aims to create opportunities to improve communities that have historically suffered from a lack of basic services, in addition to what the order includes requiring federal departments and

<sup>8</sup> Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, The White House, 20 January 2021, <https://bit.ly/3sd7UKF>

<sup>9</sup> Revocation of Executive Order 13950, Office of Federal Contract Compliance Programs, <https://www.dol.gov/agencies/ofccp/executive-order-13950>

executive agencies to work to address inequalities in their policies and programs that act as barriers to equal opportunity.<sup>10</sup>

However, racism is still rampant in the USA. In August 2022, the United Nations Committee on the Elimination of All Forms of Racial Discrimination concluded that the USA had failed to implement international legal standards to combat racism<sup>11</sup>. This means that there are other steps that the USA must take to implement the recommendations it has accepted regarding anti-racism and preventing discrimination, especially with regard to the rights of people from religious minorities, indigenous peoples, migrants, and people with disabilities.

## 6. End Violence and Excessive Police Force

The United States received 30 recommendations related to ending the violence and excessive force of the American police and law enforcement forces. However, the behavior of the American police continued to practice violence and excessive force, especially against people of African descent and people of color. On January 10, photographs examined by Maat showed that the police severely beat a 29-year-old named Tyree Nichols in Memphis, Tennessee, which led to his death. More evidence of police violence is that a city like Detroit, for example, paid from 2010 to 2020 more than \$650,000 to people against whom police forces used excessive force as compensation<sup>12</sup>; that shows the number of cases filed against the police for violence, excessive force, and degrading treatment. It is also estimated that in 2022 only; 400 people were killed by the police on considerations of color and race, as the police kill black people three times more than white people<sup>13</sup>.

## 7. The Rights of Migrants, Refugees, and Asylum Seekers

The United States received 23 recommendations during the third UPR Cycle related to the rights of migrants, refugees, and asylum seekers. The United States is home to 20% of migrants in the world. Immediately upon receiving the verdict, President Joe Biden took a positive measure by annulling the decision of his predecessor, Donald Trump, to deny the entry of citizens from Islamic countries. Nevertheless, the policy of expelling migrants remained the norm. In 2021 and 2022, US migration authorities carried out more than 111,000 deportations of migrants, including more than 7,000 children under four. There is a

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<sup>10</sup> Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, National School Boards Association, <https://bit.ly/3JRH9RV>

<sup>11</sup> Concluding observations, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Countries.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx)

<sup>12</sup> The hidden billion- dollar cost of repeated police misconduct, <https://wapo.st/3AyW4Op>

<sup>13</sup> Mapping Police Violence, <https://mappingpoliceviolence.org/>

policy usually adopted in such circumstances known as chapter or section 42, which are illegal measures whereby migrants are deported for reasons related to public health<sup>14</sup>.

Before deportation, these migrants often face various cases of abuse, especially as unaccompanied children. These children remain in US Customs and Border Protection (CBP) custody, often for up to 136 hours, in contrast to the legal 72-hour period. For example, in 2022, more than 2,000 unaccompanied children were detained for three days, while about 39 were detained for two weeks<sup>15</sup>.

According to Maat's sources, on June 27, 2022, a trailer loaded with illegal migrants was found in the suburbs of San Antonio, Texas. The truck came from the border city of Laredo, Texas, while human trafficking gangs planned to truck illegal migrants through San Antonio to remote areas of the United States; after that, the truck was found on the road after a malfunction occurred, and 100 people were piled into this truck, 53 of whom died due to the high temperature<sup>16</sup>.

## 8. The Right to Health

The USA received 26 recommendations during the third UPR Cycle. Despite the progress that the USA has embarked on in extending the health insurance system to enhance the right to health, there are still challenges facing the implementation of all recommendations received by the United States regarding this right. For example, some insulin allowances were removed from the health insurance bill, placing additional burdens on people suffering from this disease. For example, 25% of diabetics in the United States skip insulin doses or don't buy it because of its high costs<sup>17</sup>. The high price of insulin remains one of the challenges facing the health system in the United States, especially because only three companies have competition for this drug<sup>18</sup>, which means that there is a delay in implementing recommendations related to the right to health in the United States of America.

## 9. Establishing a National Human Rights Institution under the Paris Principles

The United States received ten recommendations related to the establishment of a national human rights institution that complies with the Paris Principles established by General Assembly Resolution No. 134/48; however, according to the Global Alliance of National

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<sup>14</sup> U.S. Detention of Child Migrants, <https://www.cfr.org/backgrounder/us-detention-child-migrants>

<sup>15</sup> The United States' Arbitrary Detention at Home and Abroad: Truth and Facts, <https://bit.ly/3VhFIJ8>

<sup>16</sup> U.S. Human Rights Abuse Against Refugees and Immigrants: Truth and Facts, [https://www.fmprc.gov.cn/eng/wjbxw/202303/t20230330\\_11051572.html](https://www.fmprc.gov.cn/eng/wjbxw/202303/t20230330_11051572.html)

<sup>17</sup> Why Insulin Is So Expensive in the U.S.—And What the Inflation Reduction Act Does About It, <https://time.com/6206569/insulin-prices-inflation-reduction-act/>

<sup>18</sup> Insulin insulated: barriers to competition and affordability in the United States insulin market, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8249113/>

Human Rights Institutions, the United States still has not established a national institution that complies with the Paris Principles regarding the status of national human rights institutions Human.

## 10. Combating Hate Speech and Protecting Minorities

The United States received nine recommendations related to combating hate speech and protecting minorities in the United States during the third round of the review, yet hate speech crimes continued to increase. According to the FBI, for example, the proportion of hate speech increased by 12% compared to such speeches. In 2020, the bureau found that more than 12,400 others were the target of hate speech based on race or national origin<sup>19</sup>. Muslims, migrants from North America, Asians, and blacks continued to be the target of hate speech in the United States of America.

## 11. Unilateral Coercive Penalties

The United States of America has received five recommendations for ending unilateral coercive measures imposed by the United States of America on a group of people in countries considered hostile to America. However, the United States of America continues to impose more unilateral measures on more than 9 thousand people, according to the review of the US Treasury Department at the end of the year 2021<sup>20</sup>.

In addition, the Caesar Civilian Protection Act passed by the US Senate is still in effect, which affects the entry of humanitarian aid, including essential goods such as medicine and food aid, to the Syrian people; the United States blockade Cuba; which still affected by these sanctions. The continuation of these sanctions is inconsistent with the recommendations made to the United States of America and some resolutions of the United Nations General Assembly, such as Resolution A/77/L.5 for an end to the blockade against Cuba<sup>21</sup>.

## 12. Providing everyone with the right to vote

The United States received four recommendations for the right to vote, including for indigenous peoples. In June 2022, the Senate rejected a comprehensive voting rights bill that would give black Americans the right to vote. The bill met with opposition which prevented the bill from being passed<sup>22</sup>. That contradicts Article 25 of the International Covenant on Civil and Political Rights, which grants the right to political participation to all individuals in

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<sup>19</sup> New FBI data show reported hate crimes in the U.S. jumped in 2021, <https://n.pr/3njzAxO>

<sup>20</sup> West vs the rest: World opposes sanctions, only US & Europe support them, <https://bit.ly/3n9o4oV>

<sup>21</sup> Adopting Annual Resolution, Delegates in General Assembly Urge Immediate Repeal of Embargo on Cuba, especially amid Mounting Global Food, Fuel Crises, <https://press.un.org/en/2022/ga12465.doc.htm>

<sup>22</sup> After a day of debate, the voting rights bill is blocked in the Senate, <https://www.nytimes.com/2022/01/19/us/politics/senate-voting-rights-filibuster.html>

the territory of the state. Failure to pass the bill also delays the implementation of recommendations accepted by the United States of America in the third round of the UPR.

### 13. Close Secret Prisons, including Guantanamo Bay

The United States received four recommendations for closing secret prisons, including the Guantanamo prison; President Biden pledged after he was elected President of the United States to close the notorious prison. However, 36 men are still in prison; most were detained for more than twenty years without charge or referral for trial<sup>23</sup>.

### 14. Gender-Based Violence

The United States received two recommendations for ending gender-based violence. Maat believes that the United States has failed to make progress in implementing these recommendations. During the period following the third round of the UPR, indigenous women were subjected to rape and sexual violence at very high rates<sup>24</sup>. Despite the issuance of the Anti-Violence Against Women Act, the law still restricts the ability of tribal governments in the United States to prosecute rapists of non-Indigenous women, knowing that 96% of survivors of sexual violence from indigenous peoples in the United States have been raped by a non-Indigenous person indigenous people, which impedes the provision of effective remedies and access to justice<sup>25</sup>. It also delays the fulfillment of promises made by the United States to reduce gender-based violence, especially against indigenous women.

### 15. Freedom of Peaceful Assembly

The United States received three recommendations for ensuring the right to freedom of peaceful assembly. However, some US states have begun to enact laws to restrict gatherings. In May 2021, the states of Florida and Oklahoma adopted laws aimed at suppressing rallies aimed at achieving racial justice carried out by the Black Lives Matter movement. These laws include vague definitions, according to the Special Rapporteur on the right to peaceful assembly, which give law enforcement officials power to interpret these texts to prevent these protests. Since the killing of George Floyd in May 2020 and the ensuing widespread protests in the United States of America, 93 bills have been submitted to restrict protests in about 35 American states<sup>26</sup>; that threatens to set back the right to freedom of peaceful assembly<sup>27</sup>. These restrictions are inconsistent with Article 20 (1) of the Universal Declaration of Human Rights, as well as the provisions of Article 21 of the International Covenant on Civil and

<sup>23</sup> The Guantánamo Docket, <https://www.nytimes.com/interactive/2021/us/guantanamo-bay-detainees.html>

<sup>24</sup> Violence Against Women in the United States, <https://bit.ly/3p0xzHe>

<sup>25</sup> US Indigenous women face high rates of sexual violence – with little recourse, <https://bit.ly/4262fG5>

<sup>26</sup> الولايات المتحدة: خبير حقوقى يدين سن قوانين في فلوريدا وأوكلاهوما "تفرض قيودا" على أنشطة الاحتجاج، أخبار الأمم المتحدة، <https://news.un.org/ar/story/2021/05/1075652>

<sup>27</sup> أنظر، الإعلان العالمي لحقوق الإنسان، المادة 20(1)، على الرابط التالي: <https://bit.ly/3r4pCfx>

Political Rights, which stipulates the right to peaceful assembly and the inadmissibility of imposing restrictions on this right; Except for those restrictions which are commensurate with the protection of national security and which shall not be imposed by the state except under the law.

## Recommendations

**Maat believes that the United States should consider the following:**

- Initiating the implementation of all the recommendations accepted in the third cycle of the UPR;
- Ratification by the United States of America of all international conventions and treaties has not yet acceded to.
- Establishing a mechanism at the federal and state levels to implement the recommendations of the Universal Periodic Review in the implementation of the recommendations made in the third round of the review.
- Making efforts to cooperate with the United Nations bodies, especially the special procedures of the Human Rights Council.
- Ending the unilateral coercive measures and sanctions imposed by the United States on countries opposing the policy of its international and regional positions.
- Ceasing interference in the internal affairs of countries, especially developing countries.